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federal register

FRIDAY, FEBRUARY 3, 1978

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Monday	Tuesday	Wednesday	Thursday	Friday
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	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

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PROCLAMATION 4549

Save Your Vision Week, 1978

By the President of the United States of America

A Proclamation

Good vision is too important to be left to chance. Most of what we learn and do depends upon how well we can see. As one of our most valuable possessions, sight deserves our care and protection.

By learning the early warning signs of eye disease, practicing eye safety, and having regular eye examinations, we can prevent some of the most common forms of visual impairment and blindness. Many eye disorders can be corrected or alleviated with prompt professional care. By wearing protective eyeglasses or safety goggles in potentially hazardous situations on the job or at home, we can prevent many eye injuries. Regular eye examinations may also detect early signs of other serious health problems, such as diabetes or high blood pressure, long before symptoms appear.

To increase awareness of the importance of good vision and of ways to protect it, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning March 5, 1978, as Save Your Vision Week. I urge all Americans to observe this period by learning what they can do to take care of their eyes and by practicing a few simple precautions to protect their sight. I invite the vision care professionals, the communications media, educators, and all public and private organizations which support sight conservation to participate in activities which will inform all Americans about the importance of eye care and encourage them to take steps to protect their vision.

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

Jimmy Carter

[FR Doc. 78-3206 Filed 2-2-78; 11:04 am]

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 Agriculture; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to Final Rule.

SUMMARY: This document corrects a final rule which appeared in 43 FR 3253, January 24, 1978, under subparagraph 213.3313(a)(42), which showed exception under Schedule C of one position of Assistant Sales Manager in the Office of the Secretary. This subparagraph is amende more clearly identify the organizational location of the position, which is Assistant Sales Manager to the General Sales Manager, Office of the Assistant Secretary for International Affairs and Commodity Programs.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(a)(42) is amended as set out below:

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(42) One Assistant Sales Manager to the General Sales Manager, Office of the Assistant Secretary for International Affairs and Commodity Programs.

• • • • •

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

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

[FR Doc. 78-2938 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One Private Secretary to the Director of Communications is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(14) is added as set out below:

§ 213.3314 Department of Commerce.

(a) *Offof the Secretary.* • • •

(14) One Private Secretary to the Director of Communications,

• • • • •

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

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

[FR Doc. 78-2939 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to compilation of regulations.

SUMMARY: This document corrects the compilation of regulations which appeared in 42 FR 65513, December 30, 1977, which, under § 213.3314 (a)(3), showed that there are one Confidential Assistant and two Private Secretaries to the Under Secretary. This subparagraph should show that there are one Confidential Assistant, one Special Atant, and two Private Secretaries to the Under Secretary because the position of Special Assistant was revoked in error.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(3) is amended as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(3) One Confidential Assistant, one Special Assistant, and two Private Secretaries to the Under Secretary.

• • • • •

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

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

[FR Doc. 78-2940 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: (1) one position of Secretary (Typing) to the Director, Office of Community Investment; and (2) one position of Assistant Congressional Liaison.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3354(p) and (q) are added as set out below:

§ 213.3354 Federal Home Loan Bank Board.

• • • • •

(p) One Secretary (Typing) to the Director, Office of Community Investment.

(q) Assistant Congressional Liaison.

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

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

[FR Doc. 78-2942 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: In its document of December 27, 1978, 42 FR 64636, revoking 176 positions, the Commission revoked § 213.3312(1). On January 17, 1978, 43 FR 2377, the Commission published a correction saying § 213.3312(1) (1) through (4) were revoked in error. This corrects both of these documents.

EFFECTIVE DATE: February 3, 1978.

FOR FER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(1) should read as set out below:

§ 213.3312 Department of the Interior.

* * * * *

(1) *Office of the Director of Territorial Affairs.* (1)-(10) (Reserved).

(11) One Secretary to the High Commissioner of the Trust Territory.

(12) One Staff Assistant to the Director.

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

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

[FR Doc 78-2941 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Small Business Administration; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: In 42 FR 64638, December 27, 1977, the following position was revoked in error: One Special Assistant to the Deputy Administrator of the Small Business Administration.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.33) is amended as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(t) Three Special Assistants to the Deputy 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 78-2943 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

ACTION

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions in the Office of the Assistant Director for Legislative and Governmental Affairs are excepted under Schedule C because they are confidential in nature: Intergovernmental Affairs Officer, Legislative Officer (International Affairs), and Legislative Officer (Domestic Affairs).

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT4

William Bohling, 202-632-4533

Accordingly, 5 CFR 213.3359 (z), (aa), (bb) are added to read as follows:

§ 213.3359 ACTION.

* * * * *

(z) One Intergovernmental Affairs Officer to the Assistant Director for Legislative and Governmental Affairs.

(aa) One Legislative Officer (International Affairs) to the Assistant Director for Legislative and Governmental Affairs.

(bb) One Legislative Officer (Domestic Affairs) to the Assistant Director for Legislative and Governmental 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. 78-2937 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Assistant Administrator for Airports Programs, Federal Aviation Administration, Department of Transportation because the position is confidential in nature.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

On Position Authority Contact, Dean Bollman, Civil Service Commission, 202-632-7676. On Position Authority Content Contact, Thomas M. McKenna, Chief, Executive Staffing Branch, Department of Transportation, 202-426-4122.

Accordingly, 5 CFR 213.3394(h)(10) is added as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(h) *Federal Aviation Administration.*

(10) Assistant Administrator for Airports Programs.

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

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

[FR Doc. 78-2958 Filed 2-2-78; 8:45 am]

[3410-02]

Title 7—Agriculture

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

[Lemon Reg. 131]

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 February 5 to 11, 1978. Such actis needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on January 31, 1978, to consider supply and market

conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is very similar to last week.

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.

§ 910.431 Lemon Regulation 131.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 5, 1978, through February 11, 1978, is established at 200,000 cartons.

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

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

Dated: February 1, 1978.

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

[FR Doc. 70-3139 Filed 2-2-78; 8:45 am]

[3410-02]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of onions grown in designated counties in South Texas to be inspected and meet minimum size and quality requirements. The regulation should pre orderly marketing of such onions by keeping less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) regulate the handling of onions grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

Notice of rulemaking was published in the December 7, 1977, FEDERAL REGISTER (42 FR 61867). Interested persons had until December 22 to file data, views, or comments. Two were received.

One comment was received from Mr. George Eisenberg of the Eisenberg Company, Inc., Omaha, Nebr., requesting that authority be provided for the disposition, diversion or resale of onions shipped to canners or freezers which fail to meet prescribed terms of trade. Authority for appropriate disposition of such onions already is provided under terms of the marketing order and the administrative rules of the committee. Such onions may be discarded or shipped to other bona fide canners or freezers, provided that handlers follow safeguard procedures prescribed by the committee.

The Bemis Company, Inc. of St. Louis, Mo., a bag manufacturer, requested authority for the use of its new bag which it indicated may exceed the maximum 33 inches allowed in the proposed handling regulation for such containers. Container dimensions are regulated under this program to encourage uniformity in containers and thereby improve efficiency in handling throughout market channels. Permitting the use of an additional bag, with dimensions exceeding the maximum proposed by the committee, would be inconsistent with the objective of container standardization.

This regulation is based upon recommendations made by the committee at its public meeting in Laredo, Tex., on October 26, 1977. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1978 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 6, 1978.

The grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus, only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday except for export may be shipped from March 6 through May 13, 1978. Again this season in order to provide more orderly marketing from all districts, the inspection and container requirements are extended through June 10, 1978.

The container requirements prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, they do not preclude the use of containers customarily packed for the retail trade. The prohibition on packaging and loading onions on Sunday is intended principally to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings. Again this season handlers are permitted, with the approval of the committee, to grade, package, and load onions on Sunday for export, provided that they shut down packing and loading operations on the first working day after shipment for the same length of time as they operated on Sunday. This should prevent handlers who ship on Sunday for export from gaining a competitive advantage due to longer packing hours over handlers who do not have export orders.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 110 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The requirements with respect to special purpose shipments allow the shipment of onions for experimental purposes or the use of containers including bulk bins which have been the subject of test shipments during past seasons, and encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity are exempt since no useful purpose would be served by regulating such shipments.

Findings. After consideration of all relevant comments, including the proposal set forth in the notice, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The regulation is as follows:

§ 959.318 Handling regulation.

During the period March 6 through June 10, 1978, no handler may package or load onions on Sunday or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on May 13, 1978.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1

grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Tolerances for size in the U.S. onion standards shall apply except that for "repacker" and "medium" sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply.

(c) *Container requirements.* Excepts as provided in paragraph (f) of this section, only the following containers may be used:

(1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 39½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies or for export.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e) or (f)(3)(ii) of this section, unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document is surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part, each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Handlers shall pay assessments on all assessable onions according to the provisions of section 959.218.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 110 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 110 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b), and (d) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments. Shipments of 2-, 3-, and 5-pound containers and 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report to the committee the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such report, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms, and at such times as it may prescribe. Each handler shall maintain records of such shipments pursuant to § 959.80(c), and the records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* (i) Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 59,440 cubic inches, or similar containers. Each container shall have a new perforated 2-mil polyethylene liner. Also, onions may be shipped in 40-pound cartons, but not to exceed 4,000 cartons. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed 10 percent of a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and this paragraph. The receiver shall furnish the committee with a report on the arrival condition of each shipment.

(ii) Upon approval of the committee, onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52, and 959.60, provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Export shipments.* (i) Upon approval of the committee, the prohibition against packaging or loading onions on any Sunday may be modified or suspended to permit the handling of onions for export, provided such handling complies with the procedures and safeguards specifed by the committee.

(ii) Following approval, if the handler grades, packages, and ships onions for export on any Sunday, such handler shall on the first workday following shipment, cease all grading, packaging, and shipping operations for the same length of time as the handler operated on Sunday. Upon completion of such shipments, the handler shall report thereon as prescribed by the committee.

(iii) Export shipments shall also be exempt from all container requirements of this section.

(5) *Onions for charity, relief, canning, and freezing.* Onions for charity, relief, canning, and freezing shall be exempt from the requirements of paragraphs (a) through (d). Such onions shall be handled according to the provisions of § 959.126(b).

(6) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempt under paragraphs (e) or (f)(4) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1).

(g) *Definitions.* "U.S. onion standards" mean the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195-2851.3209), or the U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (7 CFR 2851.2830-2851.2854), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(h) *Applicability to imports.* Onions imported during the period March 20 through May 13, 1978, will be in most direct competition with onions produced in south Texas and regulated

under marketing order No. 959, as amended. Therefore, under section 8e and section 980.117 "Import Regulations" (7 CFR 980.117) of the act such imported onions shall have not more than 20 percent defects of U.S. No. 1 grade and be at least 1 inch in diameter for white varieties and at least 1¾ inches in diameter for all other varieties. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in the U.S. Grade Standards shall apply to in-grade lots.

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

Dated: January 30, 1978 to become effective March 6, 1978.

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

[FR Doc. 78-2970 Filed 2-2-78; 8:45 am]

[3410-02]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK); DEPARTMENT OF AGRICULTURE

[Milk Order No. 139]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Suspending Certain Provision

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends the provision relating to the number of days that a dairy farmer must deliver milk to a pool supply plant during January and February aintain producer status with such plant during the following March-July period. Suspension of the provision was requested by a cooperative association to help it continue the association of its members' milk with the order. The suspension would apply during the months of March through July 1978.

DATE: Effective February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension—issued January 11, 1978, published January 17, 1978 (43 FR 2404).

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 2404) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through July 1978 the provision §1139.12(b)(5) of the order does not tend to effectuate the declared policy of the Act and is hereby suspended.

STATEMENT OF CONSIDERATION

The suspension makes inoperative for 1978 the requirement that at least 52 days' milk production of a dairy farmer be received at a pool supply plant during January and February if the farmer wishes to deliver milk to the same pool plant in the following March-July period and have it pooled under the order.

The suspension was requested by the Lake Mead Cooperative Association, which operates the only supply plant in the market. The cooperative indicated that without the suspension, a number of its producer-members who are now supplying pool distributing plants on a regular basis cannot be considered as producers during the forthcoming months of March through July if the milk of such members is delivered to the cooperative's supply plant.

The 52-day delivery requirement was intended to prevent the attachment of surplus milk supplies from other markets to the Lake Mead market through a pool supply plant that has automatic pool plant status. The cooperative's supply plant, which customarily qualifies for such status, failed, however, to do so for 1978. It thus must make monthly shipments to the market during March through July if it is to qualify for pooling during this period. Because of this, the 52-day requirement has no useful purpose this year. However, because this provision remains in the order, it may impede the orderly handling of milk at this supply plant under the changed operating situation. Accordingly, it is reasonable that the provision be suspended for the period of March through July 1978.

Views opposing the suspension that were filed by a proprietary handler who operates a pool distributing plant do not provide a sufficient basis for denying the requested suspension. This handler objected to such action on the grounds that the basis for the 1975 decision to adopt the provision in question remains valid. However, as noted, the marketing situation relative to this issue has changed and the suspension is warranted under the changed circumstances.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the fluid market otherwise could be excluded from the pool during the forthcoming months of March through July 1978.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

§1139.12 [Partially suspended]

It is therefore ordered, That the aforesaid provisions of the order (paragraph (b)(5) of §1139.12) are hereby suspended with respect to fluid milk marketings during the months of March through July 1978.

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

Effective date: February 3, 1978.

Signed at Washington, D.C., on: January 31, 1978.

JERRY C. HILL,
Deputy Assistant Secretary.

[FR Doc. 78-3046 Filed 2-2-78; 8:45 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. No. 2]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

Miscellaneous Amendments

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the regulations which set forth the eligibility requirements which approved cooperative marketing ciations must meet to obtain price support on behalf of their members. This amendment will specify 15 days as the period of time in which an approved cooperative, participating in a price support program, must distribute to its members proceeds received through CCC price support loans and purchases. The rule is needed for purposes of clarification. In addition, this rule changes the designation of responsibilities for administering the provisions of the regulations in this Part.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins (ASCS), 202-447-4634, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: On Friday, October 7, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 54566) announcing that the Commodity Credit Corporation was considering amending 7 CFR Part 1425, "Cooperative Marketing Associations, Eligibility Requirements for Price Support" to specify 15 days as the period of time in which an approved cooperative must distribute to its members proceeds received through CCC price support loans and purchases. Comments were solicited on the proposal and interested persons were given thirty (30) days to express their views. In addition, this amendment is changing the designation of offices having the responsibilities for administering the provisions of Part 1425. These changes of responsibility result from a reorganization within the Agricultural Stabilization and Conservation Service and do not require a notice of proposed rulemaking.

DISCUSSION OF COMMENTS

Nine comments were received. Six respondents objected to the proposal: Three indicated an exception should be made when there is an agreement between the cooperative and members providing for a deferred payment and three indicated that a 15-day period was not realistic and would be too restrictive. All comments received have been considered in connection with this final rule. After giving careful consideration to these comments, it has been determined that the arguments opposing the proposal were not valid reasons for not establishing a period of 15 days in which approved cooperatives must distribute to members loan and purchase proceeds received from CCC.

FINAL RULE

Accordingly, 7 CFR Part 1425 is amended as follows:

1. Paragraph (a) of section 1425.2 and paragraphs (a), (e) and (f) of section 1425.3 are amended to change the designation of responsibility resulting from administrative reorganization within ASCS. The amended paragraphs read as follows:

§ 1425.2 Administration

(a) *Responsibility.* The Price Support and Loan Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of this subpart will be administered by the State and county Agriculture Stabilization and Conservation committees, and where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this Part, the term "CCC" means Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

* * * * *

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support on any authorized 1977 and succeeding crop of a commodity shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy of the regulation appearing in this subpart may be obtained from the Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Inquiries relating to such documents should also be addressed to the Director, Price Support and Loan Division. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	*Date*
Barley	June 1.
Corn	Oct. 1.
Cotton	Aug. 1.
Honey	July 1.
Oats	June 1.
Rice	Aug. 1.
Rye	June 1.
Sorghum	Oct. 1.
Soybeans	Sept. 1.
Wheat	June 1.

If price support program regulations for a commodity not listed herein require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations.

* * * * *

(e) *Annual information.* Annually, the Director, Price Support and Loan Division shall request an approved cooperative to furnish: (1) An audit report to include any accompanying notes, schedules, or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative and the total capital interest in the cooperative owned by inactive and nonmembers by each separate category.

(3) The names of any active producer members and member cooperatives who own in excess of 10 percent of the capital of the cooperative and the amount owned by each.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof that was received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(6) The quantity of each commodity tendered to CCC for purchase.

(f) *Current information.* An approved cooperative shall furnish to the Director, Price Support and Loan Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

* * * * *

2. Paragraph (a) of § 1425.14 is amended to establish a period of 15 days in which loan and purchase proceeds received from CCC must be distributed to members. The amended paragraph reads as follows:

§ 1425.14 Distribution of proceeds.

(a) *CCC loans and purchases.* If price support is obtained on any part of the commodity in a pool through CCC loans or purchases, the proceeds

therefrom shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member less any authorized charges for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for price support. Such proceeds shall be distributed within a period of 15 days from the date of receipt from CCC. However, if the cooperative has distributed initial advances to members in the eligible pool at the time it acquires the commodity and which advances equal not less than such proceeds less authorized charges, a further distribution shall not be required.

* * * * * *

Signed at Washington, D.C., on January 27, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-3003 Filed 2-2-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Chaves, Colfax, De Baca, Eddy, Guadalupe, Quay, and Union cies and all of Curry, Lea, and Roosevelt counties in New Mexico because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed by Veterinary Services Laboratories in New Mexico. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested areas.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goats, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Chaves, Colfax, De Baca, Eddy, Guadalupe, Quay, and Union counties and all of Curry, Lea, and Roosevelt counties in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, in paragraph (e) relating to the State of New Mexico new paragraphs (e)(7) and (e)(8) are added to read:

§ 73.1a Notice of quarantine.

* * * * *

(e) * * *

* * * * *

(7) That portion of Colfax and Union counties bounded by a line beginning at the junction of State Highway 72 and U.S. Highway 64-87 at Des Moines; thence, following State Highway 72 in a northwesterly direction approximately 7 miles to State Road 325 at Folsom; thence, following State Road 325 in a northeasterly direction to State Road 551; thence, following State Road 551 in a northerly direction to the New Mexico-Colorado State line; thence, following the New Mexico-Colorado State line in a westerly direction for approximately 17 miles to Meridian Line, R. 26 E. in Colfax county; thence, following Meridian Line, R. 26 E. in a southern direction approximately 15 miles to U.S. Highway 64-87; thence, following U.S. Highway 64-87 in an easterly direction for approximately 20 miles to its junction with State Highway 72 at Des Moines.

(8) That portion of Eddy, Chaves, De Baca, Guadalupe, and Quay counties, and all of Curry, Lea, and Roosevelt counties bounded by a line beginning at the junction of the New Mexico-Texas State line and U.S. Highway 285 in Eddy county; thence, following U.S. Highway 285 in a northwesterly direction approximately 130 miles to State Highway 20 in Chaves county; thence, following State Highway 20 in a northeasterly direction for approximately 46 miles to U.S. Highway 84 in De Baca county; thence, following U.S. Highway 84 in a northwesterly direction approximately 43 miles to Interstate Highway 40 in Guadalupe county; thence, following Interstate Highway 40 in an easterly direction approximately 100 miles to the New Mexico-Texas State line; thence following the New Mexico-Texas State line in a southern then western direction to its junction with U.S. Highway 285 in Eddy county.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 27th day of January 1978.

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

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

[FR Doc. 78-2801 Filed 2-2-78; 8:45 am]

[3410-34]

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service is amending its Brucellosis regulations. These amendments update the Brucellosis regulations by providing the current status of various counties and States which have been designated Certified-cellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas for purposes of interstate movement of cattle and bison from such areas. This action is required because of the change in the Brucellosis status of the areas affected.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veteri-

nary Services, Hyattsville, Md., Room 805, 301-436-8713.

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Yuma County in Colorado; Gem County in Idaho; Crawford and Delaware Counties in Iowa; Deuel County in Nebraska; and Armstrong, Gillespie, Kendall, and Real Counties in Texas.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified brucellosis-free areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States:* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States:*

Alabama. Dale, Geneva.

Arkansas. Baxter, Bradley, Carroll, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Johnson, Marion, Monroe, Montgomery, Newton, Ouachita, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washingon, Weld, Yuma.

Florida. Baker, Bay Citrus, Dixie, Escambia, Franklin, Homes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Santa Rosa, Seminole, St. Johns, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Screven, Stephens, Taylor, Toombs, Treutlen, Twiggs, Upson, Ware, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Clark, Clearwater, Custer, Gem, Idaho, Kootenai, Latah, Lemhi, Lewis, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Valley, Washington.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washinton, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Barber, Brown, Chase, Cheyenne, Clark, Comanche, Decatur, Doniphan, Edwards, Ellsworth, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Johnson, Kearny, Kingman, Kiowa, Lane, Logan, Marion, Marshall, Meade, Ness, Norton, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Republic, Riley, Rooks, Rush, Saline, Scott, Shawnee, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, Wallace, Washington, Wichita.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dunklin, Gasconade, Hickory, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Nebraska. Deuel.

New Mexico. Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Fentress, Grainger, Greene, Hamblen, Hancock, Jefferson, Johnson, Knox, Lake, Lewis, Meigs, Morgan, Perry, Polk, Roane, Robertson, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren.

Texas. Armstrong, Brewster, Childress, Comal, Crane, Culberson, Ector, Gillespie, Glasscock, Gray, Hansford, Hartley, Hemphill, Hudspeth, Hutchinson, Irion, Jeff Davis, Kendall, Kerr, Kimble, Lipscomb, Llano, Loving, Martin, Mason, Menard, Midland, Moore, Newton, Ochiltree, Reagan, Real, Roberts, Schleicher, Sherman, Sterling, Sutton, Terrell, Val Verde, Ward, Winkler, Yoakum.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Vermont. Bennington, Caledonia, Essex, Grand Isle, Lamoille, Orange, Rutland, Washington, Windham, Windsor.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fre-

mont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Hormigueros, Humacao, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Louisiana, Oklahoma.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Benton, Boone, Calhoun, Chicot, Clark, Clay, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Miller, Mississippi, Nevada, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa.

Florida. Alachua, Bradford, Brevard, Broward, Calhoun, Charlotte, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Lucie, Sarasota, Sumter, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Jones, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Schley, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Telfair, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Washington, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Caribou, Cassia, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lincoln, Madison, Oneida, Teton, Twin Falls.

Illinois. Massac.

Iowa. Allamakee, Appanoose, Cerro Gordo, Clayton, Guthrie, Jefferson, Ringgold, Sac, Wayne.

Kansas. Allen, Anderson, Atchison, Barton, Bourbon, Butler, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Douglas, Elk, Ellis, Finney, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Jewell, Labette, Leavenworth, Lincoln, Linn, Lyon, McPherson, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Osage, Osborne, Ottawa, Reno, Rice, Russell, Sedgwick, Seward, Stafford, Stevens, Sumner, Wabaunsee, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Franklin, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Charry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Redwillow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, York.

New Mexico. Bernalillo, Chaves, Curry, De Baca, Eddy, Guadalupe,

Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Pickett, Putnam, Rhea, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Warren, Washington, Wayne, Weakley, White, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McClennan, McMullen, Madison, Marion, Matagorda, Maverick, Medina, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Vermont. Addison, Chittenden, Franklin, Orleans.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Camuy, Carolina, Gurabo, Hatillo, Isabela, Las Piedras, Naguabo, Quebradillas, San Sebastian.

§ 78.22 Noncertified Areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.* Yellowstone National Park.

(b) *Specific Counties Within States.*

Florida. Okeechobee.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 27th day of January 1978.

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

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

[FR Doc. 78-2802 Filed 2-2-78; 8:45 am]

[3410-34]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Transiting of Animal Products and Materials Through the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: This document provides for the transiting of animal products and materials through the United States when such products or materials would otherwise be eligible for entry into the United States as restricted products or materials subject to special handling or processing at an approved establishment. In the absence of specific transiting provisions in the regulations, brokers, importers, exporters, and carriers have experienced many unusual problems and delays in the movement of restricted animal products and materials in foreign commerce when such animal products or materials are aboard transiting vessels or other means of conveyance which enter the United States. The effect of this amendment is to relieve existing barriers to foreign commerce associated with such movements by adding provisions to the regulations under which restricted animal products and materials may transit the United States.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. B. T. Deal, USDA, APHIS, VS, Room 824, Federal Building, Hyattsville, Md. 20782, 301-436-8379.

SUPPLEMENTARY INFORMATION: On June 17, 1977, there was published in the FEDERAL REGISTER (42 FR 30844) a notice of proposed rulemaking which would provide for the transiting of animal products and materials through the United States when such products or materials would otherwise be eligible for entry into the United States as restricted products or materials subject to special handling or processing at an approved establishment. No comments were received in response to publication of this proposal. However, the proposed regulations contained provision for notification to the Deputy Administrator of Veterinary Services prior to the proposed importation. This promulgation has

been altered to provide that notification shall be furnished to the Plant Protection and Quarantine Officer at the port of arrival. This change has been made because such officer will be responsible for the handling of the proposed shipment. Therefore, it appears reasonable to notify such Plant Protection and Quarantine Officer instead of the Deputy Administrator, Veterinary Services. Additionally, because of the aforementioned change, notification must only be made prior to the transiting rather than one day prior to entry. The one day period had been proposed to allow the Deputy Administrator time to contact the PPQ officer at the port of entry. However, since notice is to be furnished directly to the PPQ officer at the port of entry, notification must only be made prior to transiting.

Accordingly, new § 94.15 of the regulations (9 CFR 94.15) is added to read:

§ 94.15 Animal products and materials; movement and handling.

Any animal product or material which would be eligible for entry into the United States, as specified in the regulations in this part, may transit through the United States for immediate export if the following conditions are met:

(a) Notification of the transiting of such animal product or material must be made by the importer to the Plant Protection and Quarantine Officer at the United States port of arrival prior to such transiting, and

(b) The animal product or material transited shall be contained in a sealed, leakproof carrier or container which shall remain sealed while aboard the transporting carrier or other means of conveyance, or if the container or carrier in which such animal product or material is transported is offloaded in the United States for reshipment, it shall remain sealed at all times.

(Sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended (19 U.S.C. 1306; 21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141.)

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of disease, and in order to avoid unnecessary interference with foreign commerce it should be made effective immediately to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1978.

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

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-2925 Filed 2-2-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 78-36]

PART 162—INSPECTION, SEARCH, AND SEIZURE

Filing of Petitions for Relief

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule expands a district director's authority to grant an extension of time for filing a petition for relief from a fine, penalty, or forfeiture arising under the Customs or navigation laws. The regulations prescribe a 60-day period for ng a petition, with limited authority for a district director to extend the period if the person who is liable for a fine or penalty, or who has an interest in the property subject to forfeiture, is abroad or was abroad for 30 days or more of the filing period. By permitting the district director to extend the filing period for other good reasons of which he is aware, this rule continues the Customs policy of delegating decisionmaking authority to the level at which it can be most effectively exercised.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Marilyn Morrison, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5746.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In pertinent part, section 162.32(a) of the Customs Regulations (19 CFR 162.32(a)) requires a person who is liable for a fine or penalty, or who has an interest in property subject to forfeiture, for any violation of the Customs or navigation laws to file a petition for relief within 60 days from the date that the notice of penalty is mailed. However, a district director may grant an extension of time for filing the petition if the person is outside the United States or was outside the United States for 30 days or more during the filing period. If a petition is not filed within the 60-day period, the district director must refer the case to the United States attorney for the start of collection proceedings unless the Commissioner of Customs authorizes other action.

Because of the present limitations on a district director's authority to grant an extension of time for filing a petition, a request for such an extension usually must be referred to the Commissioner of Customs for decision, even though the district director is often in the best position to determine whether an extension of time is justified. Accordingly, section 162.32(a) of the Customs Regulations is being amended to increase the authority of a district director with respect to extensions of the filing period for petitions for relief. This amendment, which specifies additional situations in which a district director may act on a request for an extension of the filing period, does not affect the present authority of the Commissioner to grant an extension or to take any other action on a case.

DRAFTING INFORMATION

The principal author of the document is William G. Rosoff, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

AMENDMENT TO THE REGULATIONS

This amendment is considered to be exempt from the notice requirements of 5 U.S.C. 553 because it solely concerns agency procedure.

Accordingly, section 162.32(a) of the Customs Regulations (19 CFR 162.32(a)) is amended to read as follows:

§ 162.32 Where petition for relief not filed.

(a) *Fines, penalties, and forfeitures.* If the person who is liable for a fine or penalty, or who has an interest in property subject to forfeiture, for any violation of the Customs or navigation laws fails to petition for relief in accordance with Part 171 of this chapter, or to pay or to arrange to pay the fine or penalty within 60 days from the date of mailing of the notice of violation as provided in section 162.31, the district director shall immediately refer the case to the U.S. attorney for judicial action unless the Commissioner of Customs expressly authorizes other action with respect to the case. However, if there is at least 1 year before the statute of limitations may be asserted as a defense, a district director may extend the time for filing a petition, upon the request of the person who is liable for a fine or penalty, or who has an interest in property subject to forfeiture, in the following situations:

1. The person is seriously ill or is otherwise incapacitated and is unable to prepare or to assist in the preparation of a petition.

2. The person is absent from the United States or was absent from the United States for 30 days or more during the 60-day filing period.

3. Necessary evidence or a necessary witness is not available through no fault of the person.

4. The case involves a complex legal or factual problem other than a classification, appraisement, or similar issue. Examples of the type of problem intended to be covered by this category are the need to examine voluminous records to learn the facts on which to base a petition or the need to determine legal responsibilities in a case involving numerous parties or numerous violations.

5. The existence of unusual circumstances, such as a fire or other disaster, affecting the business of the person which requires the full attention of that person in order to overcome the effects of the unusual circumstances.

6. Any other situation in which the district director determines that an extension of time for filing a petition is justified.

* * * * *

(R.S. 251, as amended; sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: January 18, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-3013 Filed 2-2-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 76N-0366]

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Commissioner of Food and Drugs is postponing the closing date for the provisi listing of lead acetate. The new closing date is February 28, 1978.

EFFECTIVE DATE: January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street, SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: The current closing date of January 31, 1978 for the provisional listing of lead acetate was established by regulation published in the FEDERAL REGISTER of November 4, 1977 (42 FR 57686). In the FEDERAL REGISTER of December 13, 1977 (42 FR 62497), the Commissioner proposed to postpone the closing date for lead acetate until April 30, 1979 to allow time for the petitioner for listing of the color additive to develop additional data on the likelihood of lead acetate being absorbed through the skin. On January 20, 1978, a comment was received on that proposal from the Environmental Defense Fund (EDF) which opposed the proposal. On January 27, 1978, a response to the EDF comment was received from Combe, Inc., a manufacturer of hair coloring preparations containing lead acetate.

The closing date for the provisional listing of lead acetate is being postponed to permit time to evaluate fully the EDF comment, Combe's response, and other pertinent scientific material. The Commissioner will issue a notice in the FEDERAL REGISTER on or before February 28, 1978, which will contain his conclusions about continued provisional listing for lead acetate.

The Commissioner concludes that notice and public procedure on this regulation are impracticable and contrary to the public interest and that good cause exists for issuing this postponement as a final order. This regulation, to be effective on January 31, 1978, will permit the uninterrupted use of the affected color additive until further action is taken. Therefore, in accordance with 5 U.S.C. 553(b) and (d) (1) and (3), this postponement is issued as a final regulation and is being made effective on January 31, 1978.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 81 is amended in § 81.1 Provisional lists of color additives, by revising the entry for the closing date for the color additive lead acetate listed in paragraph (g) to read "February 28, 1978."

Effective date: January 31, 1978.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. note).)

Dated: January 31, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-3103 Filed 2-1-78; 11:15 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0500]

PART 135—FROZEN DESSERTS

Standards of Identity for Frozen Desserts; Confirmation of Effective Date of One Provision, and Revocation of Certain Stayed Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule and revocation of stayed regulations.

SUMMARY: This document confirms thevision for reduction in milk fat and nonfat milk solids when bulky flavors are added to ice milk and revokes revised standards for use of certain safe and suitable milk-derived ingredients and establishment of minimum milk protein requirements. These actions are taken in response to objections to the revised standards for frozen desserts.

EFFECTIVE DATES: Provisions confirmed—July 1, 1979; provisions revoked February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration issued in the FEDERAL REGISTER of April 12, 1977 (42 FR 19127) a final regulation amending the identity standards for frozen desserts, primarily to: (1) Provide for full ingredient declaration of all the frozen desserts; (2) provide for the use of safe and suitable ingredients; and (3) provide for replacing the long-standing use of a nonfat milk solids minimum with a milk protein minimum. The regulation revised and reissued former 21 CFR 135.10, 135.20, 135.40, 135.65, 135.70, and 135.90 as 21 CFR 135.3, 135.110, 135.120, 135.140, and 135.160. Written objections and requests for a hearing were received. As a result of these objections, the Commissioner issued in the FEDERAL REGISTER of July 8, 1977 (42 FR 35152) a document confirming the effective date for the standard of identity for water ices and certain portions of the standards of identity for ice cream, frozen custard, ice milk, and sherbet. He stayed other portions of the ice cream, frozen custard, ice milk, and

sherbet standards pending the receipt and review of information he considered essential to make a final decision on the merits of granting requests for a hearing. He also provided an opportunity for all interested parties to submit more definitive data and information on the issues to which certain objections had been raised. With these data and information available, he stated that he would determine whether to grant or deny the requested hearing.

Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), the Commissioner has considered the objections and requests for a hearing, the supplemental information and data received in response to his July 8, 1977 regulation and other information that has become available. All the information and data considered are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. The Commissioner's conclusions follow:

Objections and Request for a Hearing

1. The effectiveness of the provision in the revised standard for reduction in milk solids when bulky flavors are added to ice milk (21 CFR 135.120(a)(2), redesignated 135.120(a)(4) below) is confirmed.

The basis for the objection to this provision was that the standard before revision did not provide for a decrease in the milk solids content of ice milk when various amounts and kinds of bulky flavors are used to characterize ice milk. One comment urged that no allowance be made for bulky flavors in ice milk in order to prevent ice milk from being fraudulently sold as ice cream. No data or information to support this objection were submitted in response to the final regulation or to the Commissioner's July 8, 1977 document.

The Commissioner agrees that the former standard did not provide for the reduction objected to, but no supporting information has been forwarded to support the maintenance of a policy difference between ice milk and ice cream as it concerns bulky flavors. Ice cream manufacturing already makes allowance for bulky flavors, and the submissions provided no bases to support the assertion that the failure to make a similar allowance for bulky flavors in ice milk would help prevent fraud. Furthermore, the sale of ice milk as ice cream or some other different food would violate the act and would be subject to enforcement action. Therefore, the Commissioner concludes that this objection has not presented an issue of fact supported by data and information that warrants a hearing.

2. The provisions in the revised standards for the use of safe and suitable milk-derived ingredients and establishment of minimum milk protein requirements (as cited below) are revoked.

The agency has evaluated the information and data received in response to the July 8, 1977 request for information and has conducted its own studies, which have indicated that the revised standard could result in a reduction in nutrient levels in some frozen desserts. When it issued these standards, FDA did not expect that there would be measurable nutritional differences between ice cream made under the new standard and that made under the present one. But the agency's studies determined that under the new standard some ice cream formulations could have lesser amounts of some nutrients than under the current standard. For this reason, the Commissioner is revoking § 135.110(a)(1) (21 CFR 135.110(a)(1)) to the extent that it permits the use of safe and suitable milk-derived ingredients not specifically listed as permitted in former § 135.30 (c) and (e) (21 CFR 135.30 (c) and (e)). Therefore, former § 135.30 (c) and (e) are incorporated into § 135.110 as new paragraphs (b) and (c). Further, he is revoking § 135.110(a) (2) and (3) to the extent that they establish minimum milk protein requirements, and he is revoking § 135.110(b) (2) and (3), which specify the method of analysis for milk protein and PER. Therefore, from the former § 135.30 the nonfat milk solids requirements of paragraph (a), the whey limitation requirements of paragraph (c) and the caseinate limitation requirement of paragraph (e) are incorporated into § 135.110(a) (2) and (3), (b), and (c), respectively.

The Commissioner is revoking § 135.120(a)(2) (21 CFR 135.120(a)(2)) to the extent that it establishes minimum milk protein requirements. Therefore, the specific requirements of former § 135.40(b) with respect to total milk solids requirements and § 135.40(c) with respect to the caseinate limitation requirements are incorporated into § 135.120(a) (2) and (3), respectively.

The Commissioner also is revoking § 135.140(a)(1) (21 CFR 135.140(a)(1)) to the extent that it permits the use of safe and suitable milk-derived ingredients not specifically listed as permitted in former §§ 135.20 (c) and (e)(7) and 135.65 (c) and (e)(7). Therefore, former §§ 135.20 (c) and (e)(7) and 135.65 (c) and (e)(7) are incorporated into § 135.140 as new paragraphs (b) and (c). Further, he is revoking § 135.140(a)(2) with respect to the provisions for "nonfat milk-derived solids" and "milk-derived solids." Therefore, the requirements of former § 135.20(a) and § 135.65(a) with respect to "nonfat milk solids" are incorporated into § 135.140(a)(2).

Other Matters

It is important to emphasize that the section requiring ingredient labeling is not being revoked and, as confirmed in the Commissioner's July 8, 1977 document, all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

The regulation will permit the use of safe and suitable ingredients, but only if the present requirements with respect to milkfat, nonfat milk solids, and source of dairy ingredients are satisfied, as sought in the objections. The Commissioner advises that vegetable proteins and other nondairy proteins would not be considered suitable ingredients and could not be used in ice cream because in ice cream the protein ingredients come from dairy sources.

The agency intends to examine further the larger issues raised by the ice cream standard debate, such as the concept that manufacturers can use "sale and suitable" ingredients instead of a strict recipe approach. The agency plans to hold hearings before the Commissioner as provided for in 21 CFR Part 15 later this year to gather public comment on this and related food-labeling issues. The information will help FDA decide on a new course of action, if needed, for the frozen dessert standard, particularly on the need to propose minimum nutrient requirements to assure that the use of "safe and suitable" ingredients will not reduce the nutrient levels of ice cream and related products. Any future changes in the frozen dessert standard will be made through a new rulemaking proceeding, after public notice, comments, and opportunity to file objections and request a hearing.

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 no objections raising substantial issues of fact requiring a hearing under section 701(e) of the act were received regarding § 135.120(a)(2) (21 CFR 135.120(a)(2)). Accordingly, the requests for a hearing on the objections regarding a reduction of milk solids when bulky flavors are added are denied. Further, certain provisions of Part 135 are revoked or amended as discussed in this preamble and reflected in the amendments below, thereby making a formal evidentiary public hearing, as provided for in 21 CFR Part 12, on these provisions unnecessary.

Part 135 is amended:

1. By revising § 135.110 to read as follows:

§ 135.110 Ice cream and frozen custard.

(a) *Description.* (1) Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Ice cream is sweetened with nutritive carbohydrate sweeteners and may or may not be characterized by the addition of flavoring ingredients.

(2) Ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 10 percent milkfat, nor less than 10 percent nonfat milk solids, except that when it contains milkfat at 1 percent increments above the 10 percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent milkfat	*Minimum percent nonfat milk solids*
10	10
11	9
12	8
13	7
14	6

Except that when one or more bulky flavors are used, the weights of milkfat and total milk solids are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of the bulky flavors from the weight of the finished food; but in no case is the weight of milkfat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished food. Except in the case of frozen custard, ice cream contains less than 1.4 percent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. Frozen custard shall contain 1.4 percent egg yolk solids by weight of the finished food: *Provided, however,* That when bulky flavors are added the egg yolk solids content of frozen custard may be reduced in proportion to the amount by weight of the bulky flavors added, but in no case is the content of egg yolk solids in the finished food less than 1.12 percent. A product containing egg yolk solids in excess of 1.4 percent, the maximum set forth in this paragraph for ice cream, may be marketed if labeled as specified by paragraph (e)(1) of this section.

(3) When calculating the minimum amount of milkfat and nonfat milk solids required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modifed by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any concentrated cheese whey and dried cheese whey used contribute not more than 25 percent by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1*N* HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1*N* HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of 9 percent is substantially free of lactic acid as determined by titration with 0.1*N* NaOH, and it has a pH value in the range of 8.0 to 8.3.

(c) *Optional caseinates.* The optional caseinates referred to in paragraph (a) of this section that may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinate may be added in liquid or dry form, but must be free of excess alkali.

(d) *Methods of analysis.* Fat content shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1]

(1) Fat content shall be determined by the method: "Fat; Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) [Reserved]

(e) *Nomenclature.* (1) The name of the food is "ice cream"; except that when the egg yolk solids content of the food is in excess of that specified for ice cream by paragraph (a) of this section, the name of the food is "frozen custard" or "french ice cream" or "french custard ice cream".

(2) (i) If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than one-half the height of the letters used in the words "ice cream".

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream", followed by the word "flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "Vanilla flavored", or "Peach flavored", or "Vanilla flavored and Strawberry flavored".

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream", preceded by "artificial" or "artificially flavored", in letters not less than one-half the

[1] Copies may be obtained from: Association of Official Analytical Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

height of the letters in the name of the characterizing flavor, e.g., "artificial Vanilla", or "artifically flavored Strawberry" or "artificially flavored Vanilla and artificially flavored Strawberry".

(3)(i) If the food is subject to the requirements of paragraph (e)(2)(ii) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial ——— flavor added", the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over: *Provided, however,* That where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor: *And provided further,* That if the finished product contains more than one flavor of ice cream subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "Vanilla flavored, Chocolate, and Strawberry flavored, artificial flavors added".

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor".

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 169.3(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (e)(5) (ii) or (iii) of this section. For example, if a combination ice cream contains less than 5 percent of bananas and less than 1 percent of almonds it would be "artificially flavored banana-almond ice cream". However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "banana-almond flavored ice cream".

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(f) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in § 101.4(b) (3), (4), (8), and (9) of this chapter are used or alternatively as permitted in § 101.4 of this chapter. Pursuant to section 402(k) of the Federal Food, Drug, and Cosmetic Act artificial color need not be declared in ice cream. Voluntary declaration of such color in ice cream is recommended.

2. By revising § 135.120 to read as follows:

§ 135.120 Ice milk.

(a) *Description.* Ice milk is the food prepared from the same ingredients and in the same manner prescribed in § 135.110 for ice cream and complies with all the provisions of § 135.110 (including the requirements for label statement of optional ingredients), except that:

(1) Its content of milkfat is more than 2 percent but not more than 7 percent.

(2) Its content of total milk solids is not less than 11 percent.

(3) Caseinates may be added when the content of total milk solids is not less than 11 percent.

(4) The provision for reduction in milkfat and nonfat milk solids content from the addition of bulky flavors in § 135.110(a) applies, except that in no case will the milkfat content be less than 2 percent, nor the nonfat milk solids content be less than 7 percent. When the milkfat content increases in increments of 1 percent above the 2 percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent milkfat	*Minimum percent nonfat milk solids*
2	9
3	8
4	7
5	6
6	5
7	4

(5) The quantity of food solids per gallon is not less than 1.3 pounds.

(6) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored", "artificial coloring added", "with added artificial color", or "———, an artificial color added", the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "——— artificially colored".

(7) If both artificial color and artificial flavoring are used, the label statements may be combined.

(b) *Nomenclature.* The name of the food is "ice milk".

3. By revising § 135.140 to read as follows:

§ 135.140 Sherbet.

(a) *Description.* (1) Sherbet is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are added in small amounts to accomplish specific functions or are natural components of flavoring ingredients used. Sherbet is sweetened with nutritive carbohydrate sweeteners and is char-

acterized by the addition of one or more of the characterizing fruit ingredients specified in paragraph (b) of this section or one or more of the nonfruit-characterizing ingredients specified in paragraph (c) of this section.

(2) Sherbet weighs not less than 6 pounds to the gallon. The milkfat content is not less than 1 percent nor more than 2 percent, the nonfat milk-derived solids content not less than 1 percent, and the total milk or milk-derived solids content is not less than 2 percent nor more than 5 percent by weight of the finished food. Sherbet that is characterized by a fruit ingredient shall have a titratable acidity, calculated as lactic acid, of not less than 0.35 percent.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1*N* HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1*N* HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid.

(c) *Optional caseinates.* The optional caseinates referred to in paragraph (a) of this section which may be added to sherbet mix are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali, Such caseinates are not considered to be milk solids.

(d) *Optional fruit-characterizing ingredients.* The optional fruit-characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other optional ingredients. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purpose of this section, tomatoes and rhubarb are considered as kinds of fruit.

(e) *Optional nonfruit characterizing ingredients.* The optional nonfruit characterizing ingredients referred to in paragraph (a) of this section include but are not limited to the following:

(1) Ground spice or infusion of coffee or tea.

(2) Chocolate or cocoa, including sirup.

(3) Confectionery.

(4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.

(5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).

(f) *Nomenclature.* (1) The name of each sherbet is as follows:

(i) The name of each fruit sherbet is "——— sherbet", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(ii) The name of each nonfruit sherbet is "——— sherbet", the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint", except that if the characterizing flavor used is vanilla, the name of the food is "——— sherbet", the blank being filled in as specified by § 135.110(e) (2) and (5)(i).

(2) When the optional ingredients, artificial flavoring, or artificial coloring are used in sherbet, they shall be named on the label as follows:

(i) If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored".

(ii) If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added".

(iii) The label shall designate artificial coloring by the statement "artificially colored", "artificial coloring added", "with added artificial coloring", or "———, an artificial color added", the blank being filled in with the name of the artificial coloring used.

(g) *Characterizing flavor(s).* Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by paragraph (f)(2) (i) and (ii) of this section, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "sherbet" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.

(h) *Display of statements required by paragraph (f)(2).* Except as specified in paragraph (g) of this section, the statements required by paragraph (f)(2) of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(i) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

Effective date: Compliance with the confirmed provision of this regulation, including any required labeling changes, may have begun on June 13, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply. As to the provisions hereby revoked, the effective date is February 3, 1978.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: January 30, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-2967 Filed 2-2-78; 8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

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

Diethylcarbamazine Citrate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval for a new animal drug application (NADA) providing for use of an antintic tablet as an aid in treatment of ascarids in dogs and cats and prevention of heartworm disease in dogs. The application was filed by Philips Roxane, Inc.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., St. Joseph, Mo. 64502, filed an NADA (108-487V) providing for use of diethylcarbamazine citrate tablets as an aid in treatment of ascarids (*T. canis* and *T. leonina*) in dogs and cats and prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

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 the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summery is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 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), Part 520 is amended in § 520.622a by revising paragraph (a) to read as follows:

§ 520.622a Diethylcarbamazine citrate tablets.

(a) (1) *Specifications.* Each tablet contains 50, 200, or 400 milligrams of diethylcarbamizine citrate.

(2) *Sponsors.* See Nos. 000010 and 010042 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Amount.* (*a*) 25 to 50 milligrams per pound of body weight as an aid in treatment of ascarid infections.

(*b*) 3 milligrams per pound of body weight daily for prevention of heartworm disease.

(ii) *Indications for use.* As an aid in treatment of ascarid (*Toxocara canis* and *Toxascaris leonina*) infections in dogs and cats; for prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

(iii) *Limitations.* Tablets are administered orally or pulverized and given in the feed or water. For treatment of ascarids, a repeat dose should be given in 10 to 20 days to remove immature worms that may enter the intestine from the lungs after the first dose. Dogs with established heartworm infections should not receive the drug until they have been converted to a negative status by the use of adulticidal and microfilaricidal drugs. Inadvertent administration to heartworm infected dogs may cause adverse reactions due to pulmonary occlusion. Overdosage may cause emesis. For prevention of heartworm disease in heartworm endemic areas, administration of the drug should start at the beginning of mosquito activitly and be continued daily throughout the mosquito season and for approximately a month thereafter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Effective date: February 3, 1978.

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

Dated: January 24, 1978.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 78-2826 Filed 2-2-78; 8:45 am]

[4110-03]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Amoxicillin Trihydrate Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Beecham Laboratories providing for orse of an amoxicillin suspension for treatment of porcine colibacillosis in baby pigs.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620, filed an NADA (55-080V) providing for use of amoxicillin trihydrate oral suspension in treating porcine colibacillosis in pigs under 4 weeks of age.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, Monday through Friday, from 9 a.m. to 4 p.m., 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), Part 540 is amended by adding new § 540.103c to read as follows:

§ 540.103c Amoxicillin trihydrate oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate oral suspension is composed of amoxicillin trihydrate with a suitable and harmless preservative and gelling agent suspended in soybean oil base. The drug is packaged in a multiple-dose container incorporating a suitable dosing pump. Each 0.8-milliter dose contains amoxicillin trihydrate equivalent to 40 milligrams of amoxicillin. Its potency is satisfactory if it is not less than 90 percent and not more

than 120 percent of the labeled amount of amoxicillin. Its moisture content is not more than 2 percent. It passes the identity test for amoxicillin. The amoxicillin trihydrate used conforms to the standards prescribed by § 440.3(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter. In addition, it shall be labeled "amoxicillin oral suspension."

(3) *Request for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The amoxicillin trihydrate used in making the batch: 12 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of eight immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using the dosing pump, deliver one dose of the sample into a high-speed glass blender jar containing 1 milliliter of polysorbate 80 and sufficient 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3) to give a final volume of 500 milliliters. Blend for 3 to 5 minutes. Further dilute an aliquot of this stock solution with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place an accurately measured aliquot (5 pump doses are suggested) of the suspension into a separatory funnel containing 100 milliliters of petroleum ether and shake vigorously until homogeneous. Add 140 milliliters of distilled water and shake for 5 minutes. Allow the layers to separate, and drain the lower aqueous layer into a 250-milliliter volumetric flask. Repeat the extraction twice with 50-milliliter portions of distilled water, combining the second and third extractives with the first and diluting to volume with distilled water.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Amoxicillin identity.* Proceed as directed in § 436.311 of this chapter preparing the sample solution as follows: Place 1.0 milliliter of the well shaken sample into a 50-milliliter volumetric flask. Bring to volume with a 4:1 solution of acetone and 0.1 *N* hydrochloric acid.

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the requirements of paragraph (a) of this section.

(2) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.510 of this chapter.

(4) *Conditions of use in swine*—(i) *Amount.* 40 milligrams once or twice a day orally using a dosing pump, not to exceed 5 days.

(ii) *Indications for use.* For treatment of pigs under 4 weeks of age for porcine colibacillosis caused by *Escherichia coli* susceptible to amoxicillin.

(iii) *Limitations.* Do not slaughter animals during treatment or for 15 days after latest treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: February 3, 1978

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

Dated: January 24, 1978.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 78-2722 Filed 2-2-78; 8:45 am]

[4110-03]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Sterile Ampicillin Trihydrate Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA), filed by Beecham Laboratories, providing for the use of sterile ampicillin trihydrate suspension for treating dogs for certain bacterial infections.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMA CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620, filed an NADA (55-079V) providing for the use of sterile ampicillin trihydrate suspension for treating dogs for bacterial infections of the respiratory tract and soft tissues when caused by susceptible organisms.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended in § 540.207a by revising paragraphs (a) (1) and (c) to read as follows:

§ 540.207a Sterile ampicillin trihydrate suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile ampicillin trihydrate suspension is ampicillin trihydrate in a suitable and harmless oil base. It may contain one or more suitable and harmless preservatives, antioxidants, and complexing or suspending agents. It contains, in each milliliter, an amount of ampicillin trihydrate equivalent to 150 or 200 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. Its moisture content is not more than 4.0 percent. The ampicillin trihydrate used conforms to the requirements of § 440.7a(a)(1) of this chapter.

* * * * *

(c) *Conditions of marketing*—(1) *Specifications.* Sterile ampicillin suspension contains 200 milligrams of ampicillin (as ampicillin trihydrate) per milliliter of nonaqueous vehicle and conforms to the requirements of paragraph (a) of this section.

(i) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(ii) *Related tolerances.* See § 556.40 of this chapter.

(iii) *Conditions of use*—(a) *In calves.* (*1*) Administer intramuscularly for the treatment of bacterial enteritis caused by *E. coli* susceptible to ampicillin.

(*2*) Administer at a dose of 3 milligrams per pound of body weight, once or twice daily, for up to 3 days.

(*3*) It is not for use in other animals raised for food production.

(*4*) Treated animals must not be slaughtered for food use during treatment or for 9 days after the last treatment.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b) *In dogs.* (1) Administer intramuscularly for the treatment of respiratory tract infections due to *E. coli, Pseudomonas spp., Proteus spp., Staphylococcus spp.,* and *Streptococcus spp.;* tonsillitis due to *E. coli, Pseudomonas spp., Streptococcus spp.,* and *Staphylococcus spp.;* generalized infections (septicemia) associated with abscesses, lacerations, and wounds due to *Staphylococcus spp.* and *Streptococcus spp.*

(2) Administer at a dose of 3 to 6 milligrams per pound of body weight once or twice daily until at least 48 hours after the animal's temperature has returned to normal and other signs of infection have subsided. Usual treatment is 3 to 5 days.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(c) *In cats.* (1) Administer intramuscularly or subcutaneously for the treatment of generalized infections (septicemia) associated with abscesses, lacerations, and wounds due to *Staphylococcus spp., Streptococcus spp.,* and *Pasturella spp.*

(2) Administer at a dose of 5 to 10 milligrams per pound of body weight once or twice daily until at least 48 hours after the animal's temperature has returned to normal and other signs of infection have subsided. Usual treatment is 3 to 5 days.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *In swine.* (1) Administer intramuscularly for the treatment of bacterial enteritis (colibacillosis) caused by *E. coli* and bacterial pneumonia caused by *Pasteurella spp.* susceptible to ampicillin.

(2) Administer at a dose of 3 milligrams per pound of body weight, once or twice daily, for up to 3 days.

(3) Treated animals must not be slaughtered for food use during treatment or for 15 days after the last treatment.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Specifications.* The drug contains 150 milligrams of ampicillin (as ampicillin trihydrate) per milliliter of nonaqueous vehicle and conforms to the requirements of paragraph (a) of this section.

(i) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(ii) *Related tolerances.* See § 556.40 of this chapter.

(iii) *Conditions of use—(a) In dogs.* Administer at a dose of 3 to 5 milligrams of ampicillin per pound of body weight, once a day for up to 4 days.

(1) *Indications for use.* It is used in the treatment of bacterial infections of the upper respiratory tract (tonsillitis) due to *Streptococcus spp., Staphylococcus spp., E.—— coli, Proteus spp.,* and *Pasteurella spp.,* and soft tissue infections (abscesses, lacerations, and wounds) due to *Staphylococcus spp., Streptococcus spp.,* and *Escherichia coli,* when caused by susceptible organisms.

(2) *Limitations.* Administer intramuscularly. If continued treatment is indicated, oral dosage is recommended. As with all antibiotics, appropriate in vitro culturing and susceptibility tests of samples taken before treatment are recommended. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b) [Reserved]

Effective date. This regulation is effective February 3, 1978.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)).)

Dated: January 24, 1978.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 78-2724 Filed 2-2-78; 8:45 am]

[1505-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7528]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Controlled Corporations

Correction

In FR Doc. 78-36813, appearing at page 64690 in the issue of Wednesday, December 28, 1977, make the following changes:

1. On page 64692, the period at the end of the second line of § 1.1561-2(b)(3)(ii) should be deleted and a hyphen should be inserted between the words "[par-]ent" and "subsidiary" in the 20th line of Example (2) in paragraph (e).

2. On page 64693, first column, the first and second entries under "Corporation Y" should read, "1974 184/365 of $24,900" and "1975 181/365 of $20,700".

3. On page 64694, first column, the second line of the second amendment under paragraph 10 (in small print) should read, "leting '§ 1.151-2' in the last sentence and in-".

4. On page 64694, second column, the section heading designated "§ 1.801-2" should be designated "§ 1.804-2".

5. On page 64697, the next to last word in the eleventh line of § 1.1561-3(b) should read, "the".

6. On page 64700, first column, the comma in the ninth line of Example 1 in § 1.1561-2A(a)(4) should be a period and the eleventh line of Example 2 should read, "is an amount equal to $12,500 ($25,000÷2)."

7. On page 64701, first column, the 23rd and 24th lines of § 1.1561-3A(a) should read, "required to consent to the plan under paragraph (b)(1) of this section files the".

8. On page 64701, first column, the 32nd and 33rd lines of § 1.1561-3A(a) should read, "with paragraph (a)(1)(i) of § 1.1561-2A. (If a valid apportionment plan is adopted".

[4830-01]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7491]

PART 54—PENSION, ETC., EXCISE TAXES

Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans

AGENCY: Internal Revenue Service, Treasury.

AN: Correction.

SUMMARY: This document contains a nonsubstantive correction to Treasury Decision 7491, published June 24, 1977.

EFFECTIVE DATE: The correction is effective for taxable years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

David A. Rood of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 24, 1977, the FEDERAL REGISTER published a Treasury decision (42 FR 32384) containing Pension, Etc., Excise Tax Regulations (26 CFR Part 54) under section 4975 of the Internal Revenue Code of 1954. The full text of the regulations as adopted by the Treasury decision appears at 42 FR 32384. The text contains a "6" that should have been a "9". This document corrects that error.

DRAFTING INFORMATION

The author of this correction was David A. Rood of the Legislation and

Regulations Division of the Office of Chief Counsel, Internal Revenue Service.

CORRECTION OF TREASURY DECISION

Accordingly, FR Doc. 77-17894 (42 FR 32384) is amended on page 32386 by inserting "§ 54.4975-9 (c)(1)(ii)(B)" in place of "§ 54.4975-6 (c)(1)(ii)(B)" in Example 4 of § 54.4975-6 (a)(6).

Dated: January 30, 1978.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc. 78-3044 Filed 2-2-78; 8:45 am]

[7600-01]

Title 29—Labor

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2200—RULES OF PROCEDURE

Amendments to Procedural Rules

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule.

SUMMARY: This notice is to advise of amendments to the procedural rules of the Occupational Safety and Health Review Commission, which are intended to simplify and clarify the review process of the Commission. The amendments are designed to assist employers employees appearing without the assistance of counsel.

The amendments also have as their purpose expediting cases, both at the hearing level, and review before the Commission, which involve challenges to periods of abatement under subsections 10 (b) or (c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659 (b) and (c)). Included are those cases where an employee or a representative of employees files a notice alleging the period of time fixed in a citation for the abatement of violations is unreasonable under section 10(c).

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas B. Flynn, Counsel for Appellate and Administrative Legal Services, Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, D.C. 20006, 202-634-7971.

SUPPLEMENTARY INFORMATION: The Commission has become aware of some difficulties encountered by parties appearing without attorneys, and as a consequence is herein making adjustment to those procedural rules in areas where difficulty has been encountered. Particularly, the rules will now advise the public that an aggrieved party must exhaust its administrative remedies by appeal to the Commission before seeking judicial review in court of an Administrative Law Judge's decision, and, in lieu of requiring precise citations to the record, the Commission rule is changed to observe that citations to the record would facilitate prompt review of the petition. This change is designed to relieve a possible burden on some employers and affected employees or their unions, if any, that in some cases might be considered oppressive, but at the same time to indicate clearly that precise citations would facilitate action on the petition.

Further changes are amendments to rules concerning petitions for modification of periods of abatement. The intent with respect to this amendment is to require that all petitions for modification of abatement periods or challenges to abatement periods by employees or representatives of employees will be expedited, both at the hearing level and on review by the full Commission, in order to avoid, whenever practicable, a lapse of the period of abatement before the matter is decided by the Commission.

Inasmuch as these are procedural rules, opportunity for public comment is unnecessary under 5 U.S.C. § 553. Also, since the changes should facilitate practice before the Commission, good cause is found to waive the 30-day delayed effective date otherwise required under 5 U.S.C. § 553.

Therefore, under the authority of section 12(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661(f)), 29 CFR Part 2200 is amended as follows:

1. In § 2200.34, paragraph (d)(2) is revised to read as follows:

§ 2200.34 Petitions for modification of abatement.

* * * * *

(d) * * *

(2) The Commission shall docket and process such petitions as expedited proceedings as provided for in § 2200.101 of this Part.

* * * * *

2. In § 2200.35, a new paragraph (c) is added to read as follows:

§ 2200.35 Employee contests.

* * * * *

(c) All contests under this section shall be handled as expedited proceedings as provided for in § 2200.101 of this Part.

3. In § 2200.101, paragraph (a) is revised to read as follows:

§ 2200.101 Expedited proceeding.

(a) Upon application of any party or intervenor or upon his own motion, any Commissioner may order an expedited proceeding. Contests arising under §§ 2200.34 and 2200.35 shall be placed on a special docket and treated as expedited proceedings before Administrative Law Judges. Cases arising under these sections which are directed for review before the Commission shall also be placed on a special docket for review, and shall be treated as expedited proceedings under this section.

* * * * *

4. In § 2200.91, paragraphs (a) and (b) are revised and a new paragraph (f) is added to read as follows:

§ 2200.91 Discretionary review; petitions for; statements in opposition.

(a) A party aggrieved by the decision of a judge may submit a petition for discretionary review. An aggrieved party that fails to file a petition for such review by the Commission may be foreclosed from court review of any objection to the judge's decision. *Keystone Roofing Co., Inc.* v. *Dunlop*, 539 F. 2d 960 (3rd Cir. 1976).

(b) * * *

(c) A petition should contain a concise statement of each portion of the decision and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The inclusion of precise citations to the record or legal authorities, as the case may be, will facilitate prompt review of the petition.

(d) * * *

(e) * * *

(f) An original and three copies of any petition or statement shall be filed with the Commission.

5. Section 2200.91a is revised to read as follows:

§ 2200.91a Review by the Commission.

(a) Review is a matter of sound discretion of a member of the Commission.

(b) In exercising discretion, a Commission member will consider assertions of the following:

(1) A finding of material fact is not supported by a preponderance of the evidence.

(2) The decision is contrary to law or to the duly promulgated rules or decisions of the Commission.

(3) A substantial question of law, abuse of discretion, or policy is involved.

(4) A prejudicial error of procedure was committed.

(c) When a petition for discretionary review is granted, review shall be limited to the issues specified in the petition, unless the order for review expressly provides differently.

(d) At any time within 30 days after the filing of a decision of a judge, a case may also be directed for review by a member upon his own motion upon

any ground that could be raised by a party, but the issues would normally be limited to novel questions of law or policy or questions involving conflict in Administrative Law Judges' decisions. Any direction for review shall state the issues with particularity. Except in extraordinary circumstances, the Commission's power to review is limited to issues of law or fact raised by the parties in the proceedings below. (Sec. 12(g) Public Law 91-596, 84 Stat. 1603-1605 (29 U.S.C. 661(f).)

Dated: January 30, 1978.

For the Commission.

RAY H. DARLING, Jr.,
Executive Secretary.

[FR Doc. 78-2945 Filed 2-2-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888g—ORGANIZATIONAL AND REPRESENTATIONAL ACTIVITIES OF MILITARY PERSONNEL

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a rule which establishes policies and guidelines for dealing with individuals and organizations whose objective is to organize or represent active duty mili personnel, members of Reserve components on inactive duty training, civilian employees, individuals and groups, for the purpose of negotiation or collective bargaining over terms or conditions of military service. This rule is needed to provide uniform direction and guidance to officials in the Department of the Air Force and to insure fair, consistent treatment of members of the Air Force and individuals, groups, organizations and associations seeking to represent members of the Air Force for such negotiating or bargaining.

EFFECTIVE DATE: November 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Quentin W. Korte, Chief, Personnel Systems Plans Branch, Directorate of Personnel Plans, The Pentagon, Washington, D.C. 20330, 202-697-9821.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense published a final rule (DOD Directive 1354.1) in the FEDERAL REGISTER on October 14, 1977 (42 FR 55209) after asking for public comment by publishing the proposed rule in the FEDERAL REGISTER on August 16, 1977 (42 FR 41306). By adding this new part 888g to Subchapter I, Chapter VII, of Title 32 in the CFR, the Department of the Air Force is implementing the DOD Directive and therefore has determined it unnecessary to invite public comment on this rule.

This rule is issued under the authority of sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Accordingly, the new part will read as follows:

Sec.
888g.1 Purpose.
888g.2 Applicability.
888g.3 Policy on unionization of military personnel.
888g.4 Explanation of terms.
888g.5 Activities prohibited in the Air Force.
888g.6 Permissible activities.
888g.7 Responsibilities.
888g.8 Situational guidance.
888g.9 Military union incident, RCS HAF-DPX(AR) 7701.
888g.10 Guidelines for making determinations.
888g.11 Air Force installations where provisions of this part have been invoked by the Secretary of the Air Force.
888g.12 Organizations determined by the Secretary of the Air Force to present a clear danger to Air Force discipline, loyalty or obedience to lawful orders.
888g.13 Reporting format.
888g.14 Situational guidance for commanders.

AUTHORITY: Sec. 8012, 70A Stat. 488 (10 U.S.C. 8012).

§ 888g.1 Purpose.

This part establishes policies and guidelines for dealing with individuals and organizations whose objective is to organize or represent military members of the Air Force for the purpose of negotiation or collective bargaining over terms or conditions of military service, prohibits Air Force commanders and supervisors from engaging in negotiation or collective bargaining, and prohibits military personnel from engaging in strikes and other concerted activities, on-base recruitment, and active membership in organizations which would engage in such activities.

§ 888g.2 Applicability.

(a) This part does not modify or diminish the existing authority of commanders to control access to, or maintain good order and discipline on, military installations; nor does it change or lessen the obligations of commanders and supervisors pursuant to Executive Order 11491 with respect to organizations representing Department of the Air Force civilian employees.

(b) This part applies to all active duty military personnel, members of Reserve components on inactive duty training, civilian employees, and to individuals and groups entering, using or seeking to enter or use Air Force installations. Violations of the specific prohibitions of this part by military members of the Air Force may result in prosecution under the UCMJ or administrative action.

(c) This part implements DOD Directive 1354.1, Relationships With Organizations Which Seek to Represent Members of the Armed Forces in Negotiation or Collective Bargaining, October 6, 1977.

§ 888g.3 Policy on unionization of military personnel.

(a) The mission of the Air Force is to safeguard the security of the United States. The Air Force must be ready to execute its responsibilities in supporting that role with absolute reliability and immediate responsiveness. Essential to maintaining this state of readiness are the military requirements of control, discipline, and prompt obedience to lawful orders of command. The chain of command must remain unencumbered by outside influence or obstruction of authority.

(b) The Air Force recognizes the important contributions which organized labor has made to the social and economic development of our nation. Civilian labor unions are an integral part of everyday Air Force activities. However, the traditional union functions of collective or concerted actions would impair the control of Air Force commanders over military personnel so as to threaten the security of the United States. Air Force commanders could not maintain readiness, be responsive to contingency plans or accomplish their missions if required to bargain over their orders, consult over decisions, or be subject to collective actions of any sort.

(c) Any individual or organization which seeks to intrude on the relationship between commanders and military members of the Air Force in matters relating to mission accomplishment or terms or conditions of military service, presents a clear danger to discipline, loyalty, and obedience to lawful orders of command and such interference will not be permitted.

§ 888g.4 Explanation of terms.

(a) "Aid and abet" means to be present during the commission of any act prohibited by this regulation and to assist, command, counsel or otherwise encourage such an act.

(b) "Air Force installation" includes bases, stations, sites, aircraft and other facilities where Air Force personnel are assigned.

(c) "Civilian employee" includes Executive Schedule, Scientific and Technical, General Schedule, Wage Board, and Nonappropriated Fund employees of the Air Force.

(d) "Collective job-related action" means any activity by two or more persons that is intended to and does

obstruct or interfere with the performance of a military duty assignment.

(e) "Conspire" means to join or agree with one or more persons to commit any act prohibited by this part.

(f) "Installation commander" means the senior host wing or equivalent commander. Major commanders may designate the commander of a higher level organization to enforce the provisions of this part when two or more organizations of the host command are located at the same installation.

(g) "Military member" includes Air Force personnel on active duty or inactive duty training and members of the Air National Guard of the United States and United States Air Force Reserve while serving in a military capacity.

(h) "Negotiation or collective bargaining" is a process whereby a commander or supervisor, military or civilian, acting on behalf of the United States, engages in discussions with a military member or members of the Air Force (purporting to represent such members), or with an individual group, organization, or association purporting to represent such members, for the purpose of resolving bilaterally, terms or conditions of military service.

(i) "Solicit" means to use words or any other means to request, urge, advise, counsel, tempt or command another to commit any act prohibited by this part.

(j) "Terms or conditions of military service" means terms or conditions of military compensation or duty including but not limited to wages, rates of pay, duty hours, assignments, grievances, or disputes.

§ 888g.5 Activities prohibited in the Air Force.

(a) *Negotiation or Collective Bargaining.* Air Force commanders and supervisors will not engage in negotiation or collective bargaining.

(b) *Strikes and Other Concerted Activities.* Military members of the Air Force will not:

(1) Engage in any strike, slowdown, work stoppage, or other collective job-related action with respect to terms or conditions of military service, or

(2) Picket for the purpose of causing or coercing other military members of the Air Force to engage in a strike, slowdown, work stoppage, or other collective job-related action related to terms or conditions of military service.

(c) *Recruitment Efforts:*

(1) No person will conduct or attempt to conduct a demonstration, meeting, protest, march, or engage in or attempt to engage in speechmaking, picketing, leafleting, or other similar activity on an Air Force installation for the purpose of forming, recruiting military members for, or soliciting money or services for any organization that:

(i) Engages or is substantially likely to engage in any activity prohibited by this part; or

(ii) Proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of military members of the Air Force; or

(iii) Proposes or holds itself out as proposing to represent military members of the Air Force to the military chain of command with respect to the terms or conditions of military service when such representation would interfere with the military chain of command; or

(iv) Solicits or aids and abets a violation of this regulation by a military member of the Air Force.

(2) No person will engage in any activity, including but not limited to individual contacts or the posting for public display of any poster, handbill or other writing, on any part of an Air Force installation if the activity or the material displayed constitutes or includes an invitation to collectively engage in an activity prohibited by this part.

(d) *Membership in Certain Organizations.* Military members of the Air Force will not become or remain members of an organization under the following conditions:

(1) After the Secretary of the Air Force determines in accordance with § 888g.10 that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders; and

(2) The military members know the Secretary has made such determination, and

(3) The military members intend to promote the conduct upon which the determination is based, and

(4) The military members actively participate in activities of the organization.

(e) *General Prohibitions.* Military members of the Air Force will not attempt to engage in, or solicit the commission of, or conspire with, or aid and abet any person or organization in the commission of any act prohibited in this part.

§ 888g.6 Permissible activities.

This part does not prevent:

(a) Military members from presenting complaints or grievances over terms or conditions of military service through established military channels.

(b) Commanders or supervisors from giving due consideration to the views of military members presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees, or organizations for the purpose of improving conditions or communications at the Air Force installation involved.

(c) Military members from petitioning Congress or communicating with any member of Congress.

(d) Military members from being represented by qualified counsel, whether or not retained by an organization on his or her behalf, in any judicial or administrative proceeding with respect to which there is a right to counsel of choice.

(e) Military members from joining or being a member of any organization which engages in representational activities with respect to terms or conditions of off-duty employment.

(f) Civilian employees from joining or being a member of any organization that engages in representational activities with respect to terms or conditions of civilian employment.

§ 888g.7 Responsibilities.

(a) The Secretary of the Air Force is responsible for making determinations as required by § 888g.5 (c)(2) and § 888g.5 (d) (1), and for the selective application of such determinations to particular Air Force installations on a case-by-case basis. Guidelines for making these determinations are contained in § 888g.10. Section 888g.11 lists those Air Force installations where selective application has been invoked by the Secretary of the Air Force. § 888g.12 lists those organizations which have been determined to present a clear danger to discipline, loyalty, or obedience to lawful orders of command.

(b) Installation commanders:

(1) Are responsible for enforcement of § 888g.5 (a), (b), (c)(1), and (e), which automatically apply to all personnel and § 888g.5 (c)(2) and (d)(1) after a determination is made by the Secretary of the Air Force.

(2) Will gather the facts and data needed by the Secretary of the Air Force to make determinations required by this part. The limitations on obtaining information on persons or organizations not affiliated with the Department of Defense imposed by Part 954 of this chapter will be strictly complied with.

(3) Will report through intermediate commanders to their major commander, with information to HQ USAF/DPXX/JACM, Pentagon, Washington, D.C., all incidents concerning requests for permission or attempts to engage in activities prohibited by this part. The checklist/form at § 888g.13 will be utilized for submitting these reports.

(4) Will post notices of the determinations made by the Secretary of the Air Force affecting their installation which clearly state:

(i) That the identified organization poses a clear danger to discipline, loyalty, or obedience to lawful orders, including the reason upon which the determination is based, and

(ii) That knowing, active membership in that organization by a military member with the intent to promote such prohibited conduct is not permitted.

(c) Intermediate commanders will resolve incidents or provide guidance to installation commanders as appropriate, or request assistance or additional guidance from HQ USAF/DPXX/JACM. HQ USAF/DPXX/JACM will be an information addressee on all correspondence and messages concerning activities addressed by this part and reports of guidance and action taken.

(d) HQ USAF/DPXX/JACM is the Air Staff focal point for activities related to this part, and will provide staff support to the Secretary of the Air Force in making determinations required by this part.

(e) Air Force officers and noncommissioned officers, especially unit commanders, senior enlisted advisors and first sergeants, are responsible for insuring that Air Force personnel are aware of the policies, rights and responsibilities expressed herein, and all personnel are responsible for assisting installation commanders in identifying incidents and/or conduct prohibited by this part.

§ 888g.8 Situational guidance.

To assist installation and intermediate commanders in dealing with activities prohibited by this part, guidance for typical situations is provided in § 888g.14. This guidance is for example only and is not intended to override the judgment of individual commanders or the advice of their staff judge advocates.

§ 888g.9 Military union incident, RCS HAF-DPX(AR) 7701.

The reports specified in § 888g.7(b)(3) will be furnished as required to HQ USAF/DPXX/JACM. The reports will be submitted by electrical message in the format of § 888g.13. During periods when MINIMIZE is imposed, commanders will consider the severity of the activity in approving electrical transmission.

§ 888g.10 Guidelines for making determinations.

This part requires that certain determinations be made on the basis of facts that exist at particular installations. The guidelines for making these determinations are:

(a) A person or organization poses a clear danger to the discipline, loyalty, or obedience to lawful orders when the person or organization, or any person on behalf of the organization, engages in, solicits, or aids and abets any act prohibited by this part, or violates or conspires to violate 18 U.S.C. 1382, or solicits or aids and abets a violation of Articles 82, 85, 86, 87, 89, 90, 91, 92, 94, 108, 109, 115, 116, 117 or 128 of the Uniform Code of Military Justice. In making this determination, the history and operations of the organization (including the constitution and bylaws, if any) or person in question may be evaluated along with evidence with respect to the conduct constituting a prohibited act. In addition, there must be sufficient evidence to support a conclusion that the person or organization is substantially likely to engage in a prohibited act.

(b) In determining whether commission of a prohibited act by individual members of an organization can be attributed to that organization, examples of factors which should be considered include: the frequency of such act; the position in the organization of persons committing such act; whether the commission of such act was known by the leadership of the organization; and whether the commission of such act was condemned or disavowed by the leadership of the organization.

(c) In determining whether individual contact or posting for public display of any poster, handbill, or other writing constitutes or includes an invitation to collectively engage in an act prohibited by this regulation, specific language of the conversation or written material will be considered. In the case of individual conversations, determinations will be sensitive to protection of First Amendment rights of free speech.

(d) In making the decision that a military member of the Air Force is an "active" member of the organization in question, membership must be more than merely nominal or passive. Normally a person can be considered an active member if he or she engages in certain kinds of conduct for the organization. This conduct includes solicitation or collection of dues, membership recruitment, distribution of literature, service as an officer of the organization, or frequent attendance at meetings or activities of the organization.

(e) In deciding that a military member knows about the prohibited conduct engaged in by the organization, such knowledge may be inferred if the notice specified in § 888g.7(b)(4) has been properly posted.

(f) In deciding that a military member intends to promote the prohibited conduct engaged in by the organization, his or her conduct and/or participation in the organizational activities which constitute active membership will be considered.

§ 888g.11 Air Force installations where provisions of this part have been invoked by the Secretary of the Air Force. [Reserved]

§ 888g.12 Organizations determined by the Secretary of the Air Force to present a clear danger to Air Force discipline, loyalty or obedience to lawful orders. [Reserved]

§ 888g.13 Reporting format.

Priority Message

To: Intermediate Commanders and Majcom.
Info: HQ USAF/DPXX/JACM.
Subject: Military Union Incident, RCS HAF-DPX(AR) 7701.

A. Name of installation.

B. Type of incident (request or attempt for negotiation or collective bargaining, strike or other concerted action, solicitation or request for recruitment, distribution of literature, active membership, or other prohibited activity).

C. Name(s) of individual(s) or organization.

D. Narrative statement of incident.

E. Brief summary of constitution, bylaws, statement of purpose submitted by the individual or organization, or other information and the source to provide sufficient data for SECAF determination.

F. Summary of commander's action.

Note 1: Information and data gathered on persons or organizations not affiliated with the Department of Defense will be in accordance with AFR 124-13.

Note 2: During periods when minimize is imposed, commanders will consider the severity of the activity before approving electrical transmission.

§ 888g.14 Situational guidance for commanders.

RULE	A	B	C	D
	If the incident concerns	and	then the installation commander	and
1	an individual or organization that claims to represent military members of the Air Force	the purpose is for negotiation or collective bargaining over terms or conditions of military service	advises the individual or organization that he or she is prohibited from negotiating or collectively bargaining over terms or conditions of military service	reports the incident IAW §888g.13.
2	an individual or organization that requests permission to negotiate or collectively bargain on behalf of military members of the Air Force			denies the request and reports the incident IAW §888g.13.
3	an individual or organization that attempts to negotiate or collectively bargain on behalf of military members of the Air Force			reports the incident IAW §888g.13.
4	an organization that claims to represent military members of the Air Force threatens a strike, slowdown, work stoppage or other collective job-related action, or picket		advises the organization and all military personnel that they are prohibited from engaging in strikes, slowdowns, work stoppages, or other collective job-related actions, or picketing	
5	an organization that claims to represent military members of the Air Force engages in a strike, slowdown, work stoppage or other collective job-related action, or picket	the organization and military members have been advised that such activity by military personnel is prohibited	takes necessary action to return to normal operation	takes disciplinary action, when appropriate, against military members of the Air Force who engaged in prohibited activity, and reports incident IAW §888g.13.
6	an individual or organization that pickets for the purpose of causing or coercing military members of the Air Force to engage in a strike, slowdown, work stoppage or other collective job related action		takes necessary action to stop such activity on base	
7	an individual or organization that requests permission to conduct a demonstration, meeting or protest, or engage in speechmaking, picketing or leafleting, or other such activity	the purpose is to solicit military members of the Air Force to join an organization that participates, or is substantially likely to participate, in negotiation or collective bargaining, strikes or other concerted actions	denies the individual or organization access to the base and/or denies permission to conduct such activities	reports the incident IAW §888g.13.
8		the organization proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of military members of the Air Force		

RULE	A	B	C	D
	If the incident concerns	and	then the installation commander	and
9	an individual or organization that attempts to recruit military members of the Air Force on base for any organization	permission has not been requested	directs individuals or organizations to cease and desist and removes violators from the base	reports the incident IAW §§88g.13.
10		permission was previously requested but denied		takes disciplinary action, when appropriate, and reports incident IAW §§88g.13.
11	an individual or organization that conducts recruiting of military personnel for any organization and the method is by such techniques as individual contacts or posting of any poster, handbill or other writing for public display	such contact or posting constitutes or includes an invitation to engage in negotiation or collective bargaining, or a strike or other concerted action	denies access to the base or removes violators and prohibits further contact, posting or distribution of such material pending determination by SECAF (see note)	reports the incident IAW §88g.13.
12		SECAF makes determination that the organization poses a clear danger to discipline, loyalty, or obedience to lawful orders	posts the notice required by paragraph 5b(4).	
13	an individual or organization that attempts on-base distribution of literature	permission has not been requested	halts distribution and reviews the literature to determine whether it constitutes a clear danger to discipline, loyalty or morale IAW AFR 35-15.	
14		the commander decides the material does not constitute a clear danger to discipline, loyalty or morale	permits distribution.	
15		the commander decides the material does constitute a clear danger to discipline, loyalty or morale	prohibits further distribution and advises distributor to cease and desist	reports the incident IAW §88g.13.
16		permission to distribute was previously denied	halts further distribution, confiscates available literature, and removes violators from the base	
17	an individual or organization that distributes literature soliciting membership or promoting an organization which purports or proposes to represent military members in negotiation or collective bargaining	distribution is through the US Mail	takes no action	

LINE	A	B	C	D
	[illegible]	[illegible]	then the installation commander	and
18	a military member who asks about the legality of joining a union or other organization		advises member active membership is prohibited in organizations that violate AFR 30-24 when the member knows the organization engages in prohibited conduct and the member intends to promote such conduct	further advises member that it is permissible to belong to an organization which engages in representational activities with respect to terms or conditions of off-duty employment.
19	a military member who joins a labor organization for representation not related to off-duty employment	SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders	gathers information on subject organization IAW AFR 124-13	reports the information IAW §888g.13 (see Note).
20		SECAF has made determination that the organization poses a clear danger and enters it on atch 3	posts notice IAW §888g.7(b)(4).	
21		SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities	takes disciplinary or administrative action, when appropriate,	reports the incident IAW §888g.13.
22	a military member who already belongs to a labor organization for representation not related to off-duty employment	SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders	gathers information on subject organization IAW AFR 124-13	reports the information IAW §888g.13 (see Note).
23		SECAF has made determination that the organization poses a clear danger and enters it on atch 3	posts notice IAW §888g.7(b)(4).	
24		SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities	takes disciplinary or administrative action, when appropriate	reports the incident IAW §888g.13.

NOTE: SECAF will make determination whether such individual or organization presents a clear danger to discipline, loyalty, or obedience to lawful orders of the Air Force. When SECAF makes affirmative determination and enters it on §888g.12., installation commander posts notice IAW §888g.7(b)(4).

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 70-2868 Filed 2-2-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce the approval, with exceptions, of a revision to the Ohio State Implementation Plan which was submitted by the Governor of Ohio pursuant to section 110 of the Clean Air Act. The revision prov an enforceable strategy for the control of open burning.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION, CONTACT:

John A. Chicca, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2205.

SUPPLEMENTARY INFORMATION: On May 30, 1974, the Governor of Ohio submitted a set of regulations EP-12 -01 through -06, inclusive, to the Regional Administrator of the Environmental Protection Agency (EPA) for approval as revisions to the Ohio State Implementation Plan (SIP). These regulations were adopted by the State following public hearing in accordance with 40 CFR 51.4. The 1974 regulations rescinded the originally approved regulation AP-3-08 (39 FR 13539) which prohibited open burning for refuse disposal and salvage operations. These regulations were not acted on. On August 10, 1976, the Governor of Ohio submitted revised regulations EP-12 -01, -03, and -04, and specifically rescinded EP-12-06, to the Regional Administrator for approval as revisions to the Ohio SIP. These revised regulations were adopted by the State following public hearing in accordance with 40 CFR 51.4. These regulations were proposed in the FEDERAL REGISTER, Vol. 42, No. 88 on May 6, 1977. Any public comments submitted on or before June 6, 1977, were considered. Since the regulations became effective on June 21, 1976, in Ohio, an immediate effective date is appropriate.

In response to the May 6, 1977, FEDERAL REGISTER notice, EPA received only one comment. This was from Ohio EPA in response to our request for further clarification of EP-12-03(D)(1) and EP-12-04(D)(1) which allows open burning of hazardous or toxic materials where Ohio EPA determines that there is no practical alternate method of disposal. Upon review, it was determined that this section of the proposed revision be disapproved as part of the State Implementation Plan, particularly since Subtitle C, section 3004 of the "Resource Conservation and Recovery Act of 1976" calls for the U.S. Environmental Protection Agency to promulgate specific regulations by April 21, 1978, which will establish standards of performance for incinerators which will handle the treatment, storage and disposal of hazardous wastes. However, the remaining portion of the submitted regulations broadens the scope of the previous regulations and increases the stringency in restricted areas.

After review of all relevant materials, the Administrator has determined that the proposed revision, with the above stated exceptions, is consistent with current EPA policies and goals set forth in the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act, as amended by the 1977 Amendments, and EPA regulations in 40 CFR Part 51 in that the proposed revision will not interfere with any applicable ambient air quality standards. Therefore, the Administrator is approving this proposed Ohio revision with the noted exceptions.

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

Subpart kk—Ohio

1. Section 52.1870 is amended by adding a new paragraph (c)(12):

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(12) The Governor of Ohio submitted on May 30, 1974 and August 10, 1976, revisions to the Ohio Implementation for the control of open burning.

2. Section 52.1880 is amended by adding a new paragraph (b) as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(b) Ohio Regulation EP-12 (open burning) is disapproved insofar as EP-12-03(D)(1) and EP-12-04(D)(1) allow open burning of hazardous or toxic materials.

Dated: January 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-2944 Filed 2-2-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20337; RM-2296]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Baxley, Sandersville and Sparta, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action herein assigns a class C FM channel to Baxley, Ga., as that community's first local full-time aural broadcast service. The channel would also furnish first and second FM as well as first and second nighttime aural service to By and the surrounding area.

EFFECTIVE DATE: March 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 30, 1978.

Released: February 2, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Baxley, Sandersville and Sparta, Ga.), Docket No. 20337, RM-2296.

(1) The Commission has before it (1) a Memorandum Opinion and Order and Further Notice of Proposed Rule Making[1] denying a proposal by WHAB Radio, Inc. ("WHAB") to assign class C Channel 233 to Baxley, Ga., and proposing in its stead to assign Channel 240A, and (2) a Memorandum Opinion and Order and Order to Show Cause[2] reversing the Commission's denial of the assignment of Channel 233 to Baxley, and reinstating WHAB's original class C proposal. In the latter document, Station WSNT-FM (Channel 232A), Sandersville, Ga., was ordered to show cause why it should not operate on Channel 228A in lieu of Channel 232A in the event Channel 233 was assigned to Baxley. Assignment of Channel 233 to Baxley also requires the substitution of Channel 244A for the unoccupied Channel 228A at Sparta, Ga.[3]

[1] 42 FR 25342, adopted May 10, 1977.
[2] 42 FR 47568, adopted September 7, 1977.
[3] The transmitter site for Channel 244A at Sparta would have to be located approximately 1.9 kilometers (1.2 miles) northeast of the community.

(2) Although the Commission agreed in the initial stages of this proceeding to explore the possibility of making a class C assignment, it pointed out that such a proposal was contrary to the Commission's usual policy of assigning a class A rather than a class C channel to a small community like Baxley. Consequently, the first Notice of Proposed Rule Making[4] requested additional information from WHAB to justify a class C assignment. In response, WHAB contended that since no class A channels were available to assign to Baxley, a first local radio service could only be provided through the use of a class C channel. However, as a result of changes in the assignments made in other communities in another rulemaking proceeding, a class A channel became available. With this in mind, WHAB's request for Channel 233 was denied, and the Further Notice proposed the assignment of Channel 240A instead.

(3) WHAB then requested in its comments that its original proposal of assigning Channel 233 to Baxley be reinstated on the grounds that special circumstances did exist which would make a class C channel a preferable assignment. WHAB submitted a *Roanoke Rapids-Anamosa*[5] study which showed that a class C station would provide a first FM service and first aural service at night to 2,507 persons in an area of 430 square kilometers (165 square miles), and second such services to 23,843 persons in an area of 1,300 square kilometers (490 square miles), which a class A station would not provide. The preclusionary effect of the proposed assignment would not be an impediment since there are no communities with a population greater than 1,000 in the precluded areas. On the basis of this information, the Commission believed that the matter warranted further consideration. It therefore reversed its earlier decision and reinstated the original proposal of assigning Channel 233 to Baxley. In addition, an Order to Show Cause was issued to Station WSNT-FM for modification of its license in the event that, after consideration, the Channel 233 alternative was adopted for Baxley. To accommodate the Channel 233 proposal, the Sandersville station would have to move to Channel 228A.

(4) Radio Station WSNT, Inc. ("WSNT"), licensee of Station WSNT-FM (Channel 232A), Sandersville, Ga., filed comments in response to the Order to Show Cause. It stated that it would not request a hearing on the proposed modification of its license provided the following conditions were met:

(a) That subsequent to the construction of the class C facility and prior to obtaining operating authority, the permittee will reimburse WSNT for its expenses incurred in the modification of its license;

(b) That if additional engineering reports must be filed with the Commission in connection with the modification of its license, this expense (legal and engineering) will be borne by the class C permittee; and

(c) That WSNT would not be required to change its station's facilities prior to construction of the class C facility and the modification of WSNT's license would not be made effective until the class C station in Baxley is prepared to go on the air.

(5) It is the Commission's policy to allow and provide for reimbursement for the reasonable costs involved in the change of a station's channel assignment from the ultimately benefitting party. The equitable consideration dictates that WSNT should be reimbursed for such costs by WHAB, or other party, who may be granted a construction permit for the new Baxley FM assignment. WSNT has submitted a list of estimated expenses (engineering, advertising, printing and miscellaneous) for which it seeks reimbursement. Generally, the items mentioned (including (b) above) appear appropriate for reimbursement, though not necessarily in the amounts claimed. As we have regularly noted, this is a matter for negotiation between the parties involved. Assisted by the guidelines furnished in other similar cases, such as *Circleville, Ohio,* 8 FCC 2d 159 (1967), the appropriate costs making up the "reasonable" reimbursement figure are generally left to the good faith judgment of the parties eventually involved, subject to Commission approval in the event of a disagreement.

(6) WSNT also has requested that, if it is required to change over to operation on Channel 228A, the modification of its license be withheld until the class C station in Baxley is prepared to go on the air. The change in the assignment adopted herein will be made effective on the date specified below and the license of Station WSNT-FM will be modified accordingly. However, the station may continue to operate under its presently outstanding authorization on Channel 232A until the Baxley permittee is ready to operate on Channel 233, or it may effect the change at any time prior thereto if it should so desire.

(7) In view of the showing made by WHAB that first and second FM service as well as first and second nighttime aural service would be provided by a class C FM assignment as well as providing for a first full-time local broadcast service in Baxley, the Commission believes it would be in the public interest to modify the license of the Sandersville station so that Channel 233 can be assigned to Baxley, Ga., and we make that assignment here.[6]

(8) Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That effective March 17, 1978, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended with respect to the following communities:

City	*Channel No.*
Baxley, Ga.	233
Sandersville, Ga.	228A
Sparta, Ga.	244A

(9) *It is further ordered,* That effective March 17, 1978, pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license held by Radio Station WSNT, Inc., for Station WSNT-FM, Sandersville, Ga., is modified to specify operation on Channel 228A in lieu of Channel 232A subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than the effective date herein of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 17, 1978, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WSNT-FM on Channel 228A at Sandersville, Ga.

(c) The Commission will notify the licensee when a construction permit has been granted for the use of Channel 233 at Baxley, Ga. The licensee may continue to operate on Channel 232A under its outstanding authorization until the Baxley permittee is ready to operate on Channel 233 or it may effect the change to Channel 228A at any time prior thereto if it should so desire. Ten days prior to commencing operation on Channel 228A, the licensee shall submit the measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 228A until the Commission specifically authorizes it to do so.

(10) *It is further ordered,* That the Secretary of the Commission shall send a copy of this Report and Order by certified mail, return receipt requested, to Radio Station WSNT, Inc., Box 150 Sandersville, Ga. 31082, licensee of Station WSNT-FM, Sandersville, Ga.

(11) *It is further ordered,* That this proceeding is terminated.

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[4] 40 FR 4939, adopted January 21, 1975.

[5] *Roanoke Rapids, N.C.,* 9 FCC 2d 672 (1967), and *Anamosa, Iowa.* 46 FCC 2d 520 (1974).

[6] As noted, the vacant assignment at Sparta, Ga., also must be changed.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3019 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21460; RM-2913]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Burlington, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a class C FM channel to Burlington, Colo., as that community's first FM channel. The assignment would provide for a station which could furnish a first local full-time broadcast service to the community in addition to providingvice to people residing in sparsely populated areas.

EFFECTIVE DATE: March 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 30, 1978.

Released: January 31, 1978.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Burlington, Colo.), Docket No. 21460, RM-2913.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted November 1, 1977, 42 FR 58187, in the above-captioned proceeding, instituted in response to a petition filed by KNAB, Inc. (petitioner), licensee of daytime-only Station KNAB, Burlington, Colo. The petition proposed the assignment of class C FM Channel 281 to Burlington, Colo. No oppositions were filed to the petition. Supporting comments were filed by petitioner in which it reaffirmed its intention to file an application for a construction permit to build a station, if the channel is assigned.

2. Burlington (pop. 2,828), seat of Kit Carson County (pop. 7,530),[1] is located approximately 240 kilometers (150 miles) east of Denver, Colo. Burlington is presently served by daytime-only AM Station KNAB, which is licensed to petitioner.

[1]Population figures are taken from the 1970 U.S. Census.

3. Petitioner states that Burlington's population has increased 35 percent during the period between 1960-70. It notes that the community is the principal economic center of Kit Carson county. In support of its proposal, petitioner submitted information with respect to the need for a class C FM assignment in Burlington, to serve the large rural area a class A station could not reach.

4. Channel 281 can be assigned to Burlington, Colo., in conformity with the minimum distance separation requirements. The effect would be to preclude some otherwise possible assignments in 30 communities with populations greater than 1,000, 20[2] of which have no FM assignments or FM stations. However, petitioner has shown that class A channels are available for assignment to these communities.

5. Petitioner submitted a Roanoke Rapids, N.C., 9 FCC 2d 672 (1967), and Anamosa-Iowa City, Iowa, 46 FCC 2d 520 (1974), showing which indicates that a class C station operating with 27 kilowatts and antenna height of 197 meters (350 feet) a.a.t., would provide a first FM service to 2,331 people in an area of 2,450 square kilometers (945 square miles), a second FM service to 5,178 persons in a 2,850 square kilometer (1,098 square miles) area. A second nighttime aural service would be provided to 2,331 persons in an area of 2,450 square kilometers (945 square miles).

6. Ordinarily, a class A channel would be assigned to a community the size of Burlington. However, Channel 281 would provide for an FM station which could render significant first and second FM service as well as second nighttime aural service to sparsely populated areas. In light of this and since Burlington and Kit Carson county would receive its first full-time local aural broadcast service, we believe the public interest would be served by assigning Channel 281 to Burlington, Colo.

7. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. In light of the foregoing: *It is ordered,* That effective March 17, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the community listed below:

City and Channel No.

Burlington, Colo., 281.

9. *It is further ordered,* That this proceeding is terminated.

[2]Colorado: Wray (pop. 1,953); Limon (1,814); Akron (1,775); Brush (3,377); Las Animas (3,148); Holyoke (1,640); Kansas: St. Francis (1,725); Tribune (1,013); Sharon Springs (1,012); Atwood (1,653); Oakley (2,327); Syracuse (1,720); Leoti (1,916); Nebraska: Benkelman (1,349); Imperial (1,589); Cambridge (1,145); Cozad (4,219); Gothenburg (3,154); Curtis (1,166); Grant (1,099). Brush, Colo., and Cozad, Nebr., have AM stations.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3022 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21458; RM-2951]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Falls City, Nebr.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first FM channel to Falls City, Nebr. The channel would provide for a first FM service and a second local aural broadcast outlet in Falls City.

EFFECTIVE DATE: March 17, 1978.

ADDRESS: Federal Communicationmmission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 30, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falls City, Nebr.): Docket No. 21458, RM-2951.

1. On November 1, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 58188, proposing the assignment of Channel 237A to Falls City, Nebr., as that community's first FM assignment, at the request of Southeast Nebraska Broadcasting Company, Inc. (petitioner). Petitioner filed supporting comments reaffirming its intention to apply for a construction permit for a station to operate on Channel 237A, if assigned. No oppositions to the proposal were received.

2. Falls City (pop. 5,861), seat of Richardson County (pop. 12,277)[1] is

[1]Population figures are taken from the 1970 U.S. Census.

located approximately 137 kilometers (85 miles) south of Omaha, Nebr. Falls City presently receives local broadcast service from full-time AM station KTNC.

3. Petitioner states that Falls City's economic base is agriculture and industry, with several major manufacturing companies in or near Falls City producing such products as horse trailers, grain drying equipment, steel bins, etc. It asserts that industrial and other business development has and will continue to spur a growth in population. Petitioner has submitted sufficient information regarding social, governmental and economic factors which demonstrate Falls City's need for an FM channel assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 237A to Falls City, Nebr. A demand has been shown for its use and it would provide the community with a first FM assignment in addition to a second local nighttime aural service. An FM station here would provide nighttime broadcast service to a larger area around Falls City which the local class IV AM station is unable to serve.

5. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. In light of the foregoing: *It is ordered,* That effective March 17, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the community listed below:

City and Channel No.

Falls City, Nebr., 237A.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3024 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21428; RM-2883]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Kearney, Nebr.; Changes made in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a class C FM channel to Kearney, Nebr., as a second class C assignment, and deletes an unoccupied and unapplied for class A assignment. The class C channel would provide for a station which could render substantial first and secondvice.

EFFECTIVE DATE: March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 25, 1978.

Release: January 30, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Kearney, Nebr.), Docket No. 21428, RM-2883.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted October 26, 1977, 42 FR 57976, proposing the assignment of class C FM Channel 290 to Kearney, Nebr., and the deletion of Channel 272A. The Notice was issued in response to a request filed on behalf of Central Nebraska Broadcasting, Inc. (petitioner), licensee of AM Station KGFW (class IV), Kearney, Nebr. There were no oppositions filed to the proposal. Supporting comments were filed by petitioner in which it reaffirmed its intention to file an application for the channel, if assigned.

2. Kearney (pop. 19,181), seat of Buffalo county (pop. 31,222),[1] is located in south central Nebraska, approximately 64 kilometers (40 miles) southwest of Grand Island, Nebr. It is served by daytime-only AM Station KRNY, full-time AM Station KGFW (licensed to petitioner), and Station KRNY-FM (Channel 255).

3. Petitioner states that Kearney has had a rapid growth in the last 10-20 years with its population increasing 21 percent between 1960-1970. It notes that although Kearney is basically an agricultural community, it has attracted substantial industry over the years, and that the county's work force now numbers 16,020 persons. Petitioner has furnished sufficient information regarding social, governmental and economic factors which indicate its need for a second class C channel.

4. Channel 290 can be assigned to Kearney, Nebr., in conformity with the minimum distance separation requirements. Although 15 communities,[2] which have populations greater than 2,000 and no local aural broadcast service, would be precluded as a result of the proposed assignment, alternate channels are available for assignment to these communities should the need arise. Petitioner's engineering analysis, using Roanoke Rapids, N.C., 9 FCC 2d 672 (1967), and Anamosa-Iowa City, Iowa, 46 FCC 2d 520 (1974), criteria, indicates that, if Channel 290 were assigned, an FM station operating with 100 kilowatts at 305 meters (1,000 feet) HAAT would provide a first FM service to 8,585 persons in an area of 1,549 square kilometers (597 square miles) and a second FM service to 33,646 persons in an area of 4,033 square kilometers (1,550 square miles). It would also provide a first nighttime aural service to 6,181 persons in a 1,055 square kilometers (400 square miles) area and a second nighttime aural service to 11,100 persons in a 3,471 square kilometers (1,350 square miles) area.

5. The proposed Channel 290 assignment would provide for an FM Station which could render significant first and second FM as well as first and second nighttime aural service to substantial areas and populations. It would also provide a growing community an opportunity to develop a second local FM broadcast service. In light of this and since it has been shown that there are alternate channels available for assignment to the communities without local aural broadcast service located in the precluded area, we believe the public interest would be served by the proposed assignment. Since there appears to be no interest in the existing class A assignment, we will delete it, thus ending the intermixture of channels in Kearney, a step which would allow the channel to be utilized elsewhere.

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. In view of the foregoing, *It is ordered,* That effective March 16, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Kearney, Nebr., is amended as follows:

City and Channel Nos.

Kearney, Nebr., 255, 290.

8. *It is further ordered,* That this proceeding is terminated.

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[1] Population figures are taken from the 1970 U.S. Census.

[2] *Nebraska:* Orleans (pop. 2,439); Red Cloud (2,195); St. Paul (2,026); Minden (2,669); Gothenburg (3,154); Central City (2,813); *Kansas:* Hill City (2,071); Ellis (2,137); Wakeeney (2,334); Ellsworth (2,080); Smith Center (2,389); Oberlin (2,291); Horton (3,677); Plainville (2,667); Beloit (4,121).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3023 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21461; RM-2950]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Warsaw, Mo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first class A FM channel to Warsaw, Mo. The channel would provide for a station that could render a first full-time aural broadcast service to the community.

EFFECTIVE DATE: March 16, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 25, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Warsaw, Mo.), Docket No. 21461, RM-2950.

1. On November 1, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 58768, proposing the assignment of Channel 249A to Warsaw, Mo., as its first FM assignment, at the request of Valkyrie Broadcasting, Inc. (petitioner). Petitioner filed supporting comments reaffirming its intention to file promptly for a construction permit, if the channel is assigned. No oppositions to the proposal were received.

2. Warsaw (pop. 1,423), seat of Benton county (pop. 9,695).[1] is located approximately 53 kilometers (33 miles) south of Sedalia, Mo. There is no local aural broadcast service in Warsaw.

3. Petitioner states that there has been a 25.9 percent increase in the population of Warsaw between 1960-1970, and that Benton county's population has increased 11 percent during the same period. We are told that Benton county has a combination of industry, agriculture and other businesses. Petitioner has submitted information with respect to Warsaw and its need for a first FM channel assignment.

4. Upon careful consideration of the proposal, the Commission believes it would be in the public interest to assign FM Channel 249A to Warsaw, Mo. An interest has been shown for its use, and the assignment would provide for an FM station which could render first local aural broadcast service to the community. The assignment can be made in conformity with the minimum distance separation requirements.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. In view of the foregoing, *It is ordered,* That effective March 16, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Warsaw, Mo., is amended as follows:

City and Channel No.

Warsaw, Mo., 249A.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3025 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21425; RM-2942]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Chatom, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action herein assigns a class A FM channel to Chatom, Ala., as that community's first FM assignment. The channel will provide for a station which can render a first local aural broadcast service to Chatom.

EFFECTIVE DATE: March 16, 1978.

ADDRESS:eral Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 25, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Chatom, Ala.), Docket No. 21425, RM-2942.

1. The Commission has under consideration a Notice of Proposed Rule Making, adopted October 25, 1977, 42 FR 57975, proposing the assignment of Channel 276A to Chatom, Ala., as a first FM assignment to that community. The Notice was issued in response to a petition filed by Washington County Broadcasters (petitioner). Petitioner filed supporting comments reaffirming its continuing interest and stating it will immediately apply for the channel, if assigned. No oppositions to the proposal were filed.

2. Chatom (pop. 1,059), seat of Washington county (pop. 16,241)[1], is located approximately 84 kilometers (52 miles) north of Mobile, Ala. There is no local aural broadcast service in Chatom.

3. In support of its proposal, petitioner has submitted sufficient information with respect to Chatom and its need for a first FM channel assignment. Therefore, the Commission believes it would be in the public interest to assign Channel 276A to Chatom, Ala. A demand has been shown for its use, and it would provide the community with a first local aural braodcast service. It can be made without affecting any existing assignments and would be consistent with the applicable minimum spacing requirements, provided the transmitter site is located 3.2 kilometers (2 miles) east of the community.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307 (b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. In view of the foregoing, *It is ordered,* That effective March 16, 1978, § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, is amended with respect to the city listed below:

City and Channel No.

Chatom, Ala., 276A.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3026 Filed 2-2-78; 8:45 am]

[1] Population figures are taken from the 1970 U.S. Census.

[1] Population figures are taken from the 1970 U.S. Census.

[6712-01]

[Docket No. 21429; RM-2940]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Berlin, Md.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first class A FM channel to Berlin, Md. The channel assignment would provide for a station which will furnish a first full-time local aural broadcast servto that community.

EFFECTIVE DATE: March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 25, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Berlin, Md.), Docket No. 21429, RM-2940.

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted October 26, 1977, 42 FR 57696, inviting comments on a proposal to assign channel 280A to Berlin, Md., as a first FM assignment to that community. Supporting comments were filed by petitioner, Musicradio, Inc. No oppositions were received.

2. Berlin (pop. 1,942), in Worcester County (pop. 24, 442),[1] is located on Maryland's Eastern Shore, approximately 13 kilometers (8 miles) west of Ocean City, Md. Berlin has no local aural broadcast service. The proposed assignment can be made in conformance with the minimum distance separation requirements. Petitioner states that, if channel 280A is assigned to Berlin, it intends to apply for its use.

3. In support of its proposal, petitioner submitted information with respect to Berlin, and its need for a first local aural broadcast service. Petitioner asserts that Berlin has no local newspaper and is therefore in need of an outlet for local expression.

4. We believe that the public interest would be served by the assignment of channel 280A to Berlin, Md. A demand has been shown for its use and such an assignment would provide the community with a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. *Accordingly, it is ordered,* That effective March 16, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City and Channel No.
Berlin, Md., 280A.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3029 Filed 2-2-78; 8:45 am]

[1] Population figures are taken from the 1970 U.S. Census.

[6712-01]

PART 78—CABLE TELEVISION RELAY SERVICE

Relaxing Certain Operating Requirements in the Cable Relay Service (CARS)

AGENCY: Federal Communications Commission.

ACTION: Editorial amendment.

SUMMARY: Mobile Cable Television Relay Service (CARS) stations are presently required to always have a first- or second-class radiotelephone operator on duty at the transmitter location. Under the revised rules, such mobile stations may be operated unattended provided certain requirements artisfied. Also, in other situations, mobile stations may be operated by any person the licensee may designate.

DATES: Effective: February 13, 1978.

ADDRESS: Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stephen Yelverton, Chief, Microwave Branch, Cable Television Bureau, Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554, 202-254-3420.

Adopted: January 26, 1978.

Released: January 26, 1978.

Order. In the matter of: editorial amendment of Part 78 of the Commission's rules to Relax Certain Operating Requirements in the Cable Television Relay Service (CARS).

1. A review of the Cable Television Relay Service (CARS) Rules, as contained in Part 78 of the Commission's Rules and Regulations, has disclosed that certain operating requirements for mobile CARS stations can be properly relaxed.

2. Sections 78.53 and 78.61 of the Commission's Rules require that a first-class or second-class radiotelephone operator be on duty at the location of all mobile CARS stations. Upon review, it appears that these requirements can now be relaxed. In the last several years there have been significant advances in both microwave technology and in the uses of mobile microwave stations. We believe that it is now appropriate to relax our operating requirements so that the public may more fully benefit from these advances. Furthermore, these changes will allow a licensee to utilize its technical personnel more productively and will leave unchanged the licensee's ultimate responsibility for the proper operation of its equipment.

3. Section 78.53 is being amended to permit unattended operation of mobile CARS stations. While generally mobile CARS stations will be operated by a qualified operator, there are situations where an operator does not appear to be necessary. This requirement seems particularly burdensome when a mobile station is used for several consecutive days at one location. Under the amended rules, for example, once the microwave link is established back to the cable television system, the station may be operated unattended provided the requirements for unattended operation are satisfied.

4. Section 78.61 is being amended to permit any person the licensee may designate to operate mobile CARS stations in certain circumstances. Specifically, we are relaxing the operator requirements for low-powered mobile CARS stations and for mobile stations which are, for all practical purposes, operated in response to directions from a person at the receiving end of the microwave circuit. As amended, the rule will more closely align itself with the operator requirements for Television Auxiliary Broadcast Service stations, which are assigned channels in the same frequency band as CARS stations.

5. Authority for the attached amendments is contained in 47 U.S.C. 151, 152, 301, and 307; and in § 0.231(d) of the Commission's rules. Inasmuch as the amendments ordered are nonsubstantive editorial revisions of the Commission's rules and regulations, impose no new requirements, and are intended only to relax or clarify existing requirements, compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, would serve no useful purpose and is unnecessary.

6. *Accordingly, it is ordered,* That effective February 13, 1978, Part 78 of the Commission's rules and regulations is amended as set forth below.

(Secs. 1, 2, 301, 307, 48 Stat., as amended, 1064, 1081, 1083; (47 U.S.C. 151, 152, 301, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 78 of Chapter I Title 47 of the Code of Federal Regulations is amended in the following manner:

1. In § 78.53, the introductory language of paragraph (a) is amended to read as follows:

§ 78.53 Unattended operation.

(a) A CARS station may be operated unattended: *Provided,* That such operation is conducted in accordance with the conditions listed below: *And provided further,* That the Commission, in Washington, D.C., is notified at least 10 days prior to the beginning of unattended operation if such operation is not indicated on the station authorization.

* * * * *

2. In § 78.61, paragraph (a) is revised and paragraphs (e) and (f) are added.

§ 78.61 Operator requirements.

(a) Except in cases where a CARS station is operated unattended in accordance with § 78.53 or except as provided in other paragraphs of this section, a person holding a valid first- or second-class radiotelephone operator license shall be on duty at the place where the transmitting apparatus is located, in plain view and in actual charge of its operation or at a remote control point established pursuant to the provision of § 78.51, at all times when the station is in operation. Control and monitoring equipment at a remote control point shall be readily accessible and clearly visible to the operator at that position.

* * * * *

(e) CARS stations operating with nominal transmitter power of 250 milliwatts or less may be operated by any person whom the licensee shall designate. Pursuant to this provision, the designated person shall perform as the licensee's agent and proper operation of the station shall remain the licensee's responsibility.

(f) Mobile CARS stations operating with nominal transmitter power in excess of 250 milliwatts may be operated by any person whom the licensee shall designate: *Provided,* That a person holding a valid first- or second-class radiotelephone license is on duty at the receiving end of the circuit to supervise operation and to immediately institute measures sufficient to assure prompt correction of any condition of improper operation that may be observed.

[FR Doc. 78-3020 Filed 2-2-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 3 to Service Order No. 1247]

PART 1033—CAR SERVICE

Bath and Hammondsport Railroad Co. Authorized To Operate Over Tracks of Consolidated Rail Corporation

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 3 to Service Order No. 1247).

SUMMARY: As the designated operator for the State of New York the Bath and HammondspRailroad operates the Wayland Branch of the former Erie-Lackawanna Railroad between Kanona, N.Y., and Wayland, N.Y. This line is separated from the Bath and Hammondsport's own line by 3 miles of Consolidated Rail Corporation trackage. Service Order No. 1247 authorizes the Bath and Hammondsport to operate over this Consolidated Rail Corporation trackage in order to transfer locomotives, cars, and crews between its own line and the Wayland Branch. Amendment No. 3 extends Service Order No. 1247 for 6 months.

DATES: Effective 11:59 p.m., January 31; 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Service date: January 31, 1978.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of January, 1978.

Upon further consideration of Service Order No. 1247 (41 FR 29819; 42 FR 6370 and 39389), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1247 is amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1247 Car Service Order 1247.

(a) Bath and Hammondsport Railroad Co. authorized to operate over tracks of Consolidated Rail Corporation.

* * * * *

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

Effective date: This amendment shall become effective at 11:59 p.m., January 31, 1978.

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

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

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

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

[FR Doc. 78-3047 Filed 2-2-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS

PART 1249—REPORTS OF MOTOR CARRIERS

PART 1250—REPORTS OF WATER CARRIERS

PART 1251—REPORTS OF FREIGHT FORWARDERS

[No. 36141]

Corporate Disclosure Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has clarified its corporate disclosure regulations. The clarifications were made in response to commenrom carriers, and are intended to simplify application of the regulations.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates, or Harvey Gobetz,

Assistant Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION: In the first report in this proceeding, 354 ICC 27, 62-64, the Commission adopted corporate disclosure regulations, published at 42 FR p. 35853, July 7, 1977. The regulations require regulated carriers to disclose certain information in the annual reports which are filed with the Interstate Commerce Commission. Certain carrier interests filed petitions for reconsideration, and the Commission clarified the regulations in response to those petitions. The first clarification relates to part IA(4), which will not be interpreted as requiring respondent carriers to submit individual balance sheets and income statements for non-transportation subsidiaries of respondents or for nontransportation organizations controlled by joint ventures involved in by respondents.

The second clarification concerns part II D, which has been amended to read as follows:

A list of contracts, agreements, or other business arrangements aggregating $50,000 entered into during the reporting period (other than compensation related to position with respondents) between the respondent and each officer and director listed in subparagraph A. Identify the parties, amounts, dates and product or service involved. In addition, provide the same information with respect to professional services for each firm, partnership, or organization with which the officer or director is affiliated.

This amendment is intended to reduce respondents' reporting burden.

Finally, part III was clarified to require that restrictive covenants only be filed once, with subsequent, annual statements to the effect that the restrictive covenants are unchanged. Should a restrictive covenant be amended, copies of the complete document incorporating the changes must be filed.

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

[FR Doc. 78-3045 Filed 2-2-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Listing of the Mona Boa and Mona Ground Iguana as Threatened Species with Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Mona boa (*Epicrates monensis monensis*) and Mona ground iguana (*Cyclura stejnegeri*) to be Threatened species. Thition is being taken because of the threats of habitat modification and the effects of feral mammals on populations of these species, and provides Federal protection for the species and their habitat. The Mona boa and Mona ground iguana are known only from Mona Island, Commonwealth of Puerto Rico.

DATES: This rule becomes effective on March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director-Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 26, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 27003-27007) advising that sufficient evidence was on file to support a determination that the Mona boa, Mona ground iguana, and Mona blind snake were Threatened species pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531 et seq. That proposal summarized the factors thought to be contributing to the likelihood that these reptiles could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to Governor Romero of the Commonwealth of Puerto Rico on June 1, 1977, notifying him of the proposed rulemaking for the Mona Island reptiles. On June 9, 1977, a memorandum was sent to the Service-Directorate and affected Regional personnel, and letters were sent to other interested parties notifying them of the proposal and soliciting their comments and suggestions.

Official comments were received from Dr. Fred V. Soltero Harrington, Secretary of the Department of Natural Resources, representing the Commonwealth of Puerto Rico. Dr. Soltero emphasized that the estimated numbers of individuals of the proposed species are small and that classifying them as Threatened is a needed step for their survival. However, he indicated that their current status is probably the result of natural predators, rather than man's activities. This is especially true of the iguanas, whose eggs are eaten by wild pigs, wild cats, and rats, according to Dr. Soltero. Dr. Soltero further indicated that by declaring Mona and Monito Islands as Critical habitat, and thus preventing all human activity, the extinction of the proposed species might be hastened instead of avoided. Dr. Soltero then briefly reviewed the draft management plan for Mona which had been submitted to the Atlanta Regional Office of the Fish and Wildlife Service. Although he felt that the three species were in need of protection, the Secretary indicated that designation of Mona would prevent implementation of the Department of Natural Resources' management plan. Finally, Dr. Soltero pointed out that plans for a super port for oil tankers on Mona have now been abandoned so that Mona may be preserved as a natural area.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In the May 26, 1977, FEDERAL REGISTER proposed rulemaking (42 FR 27003-27007) and associated June 6, 1977, Press Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period May 26, 1977, to October 27, 1977, were considered.

In addition to the comments received from Secretary Soltero, comments were received from nine individuals and representatives of various organizations.

Thomas A. Wiewandt (Cornell University) submitted a series of comments in response to the proposed rulemaking.

(1) Dr. Wiewandt stated that Mona is no longer under consideration as an oil super port. However, he pointed out that any development alternatives, including public recreation and tourism, could prove similarly devastating to the future of the reptiles if not accompanied by a carefully managed and planned management program. He further stated that unintentional human interference with iguana nesting is now a problem in some areas and can be expected to intensify:

(2) The presence of feral goats is a most important factor in the present or threatened destruction, modification, or curtailment of habitat or range. Goats are uncontrolled on

Mona and have been implicated as a main cause of habitat destruction on many islands in addition to Mona. If uncontrolled, little of Mona's native wildlife will pass unscathed.

(3) Rats are not interacting negatively with and snakes on Mona, although they are quite a problem on Monito. Feral pigs and cats are a threat to both species.

(4) While there are written regulations protecting Mona iguanas, no apparent system for their enforcement exists.

(5) Dr. Wiewandt agreed that the entire island should be designated as Critical Habitat for the three species proposed.

Finally, Dr. Wiewandt enclosed a copy of the conservation and management section of his recently completed doctoral dissertation on the Mona iguana which explores in detail the past and present threats to the habitat and iguana.

John Yntema (Frederiksted, St. Croix) responded to the proposal based on information contained in the Endangered Species Technical Bulletin. Mr. Yntema commented on the taxonomy and distribution of *Epicrates monensis* and supported a Threatened designation for the entire species, "Mona" boas having been also collected historically from St. Thomas and Tortola in the Virgin Islands. Apparently, *Epicrates monensis* has been collected in the Virgin Islands within the last 10 years. Mr. Yntema states that a determination of Critical Habitat on St. Thomas would be difficult since no one knows enough about the localities where boas occur on the island to make such a determination.

Mr. Yntema also commented on the taxonomic status of the Mona ground iguana, noting that some authors prefer to treat the *Cyclura* on Mona as a subspecies of the ground iguana on Hispaniola, *C. cornuta*. He supported a Threatened listing.

Finally, Mr. Yntema commented on the secretive nature of the Mona blind snake and stated that it might qualify as an Endangered species instead of a Threatened species.

F. Wayne King (New York Zoological Society) supported the proposed listing and Critical Habitat for the species on Mona. Dr. King indicated that such a listing would protect the habitat of the species on Mona, but that a program of feral animal control should also be undertaken to guarantee the survival of the boa and iguana.

Juan A. Rivero (University of Puerto Rico-Mayaguez) commented that unless considerable destruction or modification of the habitat occurred or is contemplated, the Mona ground iguana should not be considered Endangered. However, he did support protection locally by the Department of Natural Resources against unscrupulous hunters.

Dr. Rivero also noted the scarcity of the Mona blind snake but doubted that it needed protection. Its secretive habits make it hard to find. Finally, Dr. Rivero noted that the Mona boa is very scarce and may be considered Endangered. He referred to Dr. Wiewandt as being an authority on the Mona species and indicated that he would be able to give a clear picture of the status of Mona animals. Dr. Rivero included the last several pages of his forthcoming book "Amphibians and Reptiles of Puerto Rico" which deals with the status of amphibians and reptiles on Puerto Rico.

Richard Thomas (University of Puerto Rico-Rio Piedras) commented extensively on the blind snake on Mona, its biology, difficulty of capture, and recent specimen acquisitions. He concluded that, short of paving the island, the species should probably not be considered a Threatened species.

Dr. Thomas also noted the taxonomic questions previously mentioned by John Yntema. He indicated that there is evidence the the Mona ground iguana is Threatened. However, he felt that no one really has a clear idea of the populations of boas on Mona and that its status is unknown.

In summary, Dr. Thomas regarded *Typhlops* as not Threatened, the Mona ground iguana as Threatened, and the Mona boa as of unknown status but probably not Threatened.

William A. Butler (Environmental Defense Fund) supported the listing of the three species as Threatened and questioned, in light of impending development, whether an Endangered status might be more appropriate. He supported the proposed Critical Habitat.

Herbert A. Raffaele (San Juan, Puerto Rico) strongly supported the proposed listing of the three Mona reptiles as did James Lazell, Jr. (Massachusetts Audubon Society); neither added any new information.

Finally, T. D. Nicholson (Director, American Museum of Natural History) commented on the status and habits of the Mona blind snake. He suggested that the blind snake not be included in a final rulemaking because, in his opinion, it would make it increasingly difficult, if not impossible, for researchers to study it. No comments were made on the boa or ground iguana.

Conclusion

There is a difference of opinion among herpetologists with regard to the taxonomic status of both the boa and iguana. *Epicrates monensis monensis* is clearly the form specified in the proposed rulemaking. As such, this final rulemaking will use the trinomial to designate the Mona boa. Should information be received by the Service which indicates that the boa occurring in the Virgin Islands, *Epicrates monensis granti*, requires Federal protection, then that information will be assessed and if warranted, a proposed rulemaking to list the subspecies as either Endangered or Threatened will be prepared. At this time, nothing is known about the status of *E. m. granti*. *Cyclura stejnegeri* will be retained to designate the Mona ground iguana based on comments by Dr. Wiewandt. Should scientific acceptance be eventually placed on the trinomial, *Cyclura cornuta stejnegeri*, then the prohibitions contained in this final rulemaking would apply to the form found only on Mona Island.

When the proposal to list the Mona reptiles as Threatened was drafted, there were current plans which called for the development of the island as a super port for oil tankers. As such, rather extensive modification of the island, including much paving, was anticipated. Since the proposal appeared in the Federal Register, the plans for the super port have been dropped, and Mona is being developed as a natural area by the Department of Natural Resources of the Commonwealth of Puerto Rico. As such, there no longer appears to be a threat to the Mona blind snake, since the proposed development will not involve much modification of the subsurface habitat where blind snakes live and increased recreational activity on Mona should have little effect on them. Consequently, the Mona blind snake, *Typhlops monensis*, will not be considered for a final Threatened status.

Although the extensive development expected as a result of super port construction will not now occur, the increased use of the island as a result of its being developed for recreation could have deleterious effects on some of Mona's fauna, especially with regard to nesting activity of the iguanas. Also, feral goats, cats, and pigs still pose serious threats to the Mona ground iguana and Mona boa.

Although some individuals may believe an Endangered status is more befitting the boa, others think it deserves no protection. Also, the status of the ground iguana is questioned as being either Endangered or not Threatened. Although the threats to the boa and iguana are serious, especially from feral animals and the potential impacts from visitor use, they are not serious enough to place these species in danger of becoming extinct in the foreseeable future (i.e., Endangered). By the same token, unless feral mammal control is undertaken and visitor use controlled, especially during nesting season, these species could become Endangered. Therefore, the Service feels justified in retaining a Threatened status for both iguana and boa.

Recent activities by the Department of Natural Resources, such as the sta-

tioning of uniformed officers with law enforcement powers on Mona, should provide a positive step toward the protection of the iguana, already prescribed by law in Puerto Rico. The management plan currently under study by the Department of Natural Resources should go a long way toward the protection and preservation of Mona's unique fauna and flora.

After a thorough review and consideration of all the information available, the Director has determined that the Mona ground iguana and Mona boa are threatened with becoming Endangered throughout all or a significant portion of their range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors and are described as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.*—Although plans for an extensive super port have now been dropped, Mona is still being considered for recreational development. Unless tightly controlled in terms of areas and times of use, recreation could seriously alter the habitat vital to the Mona boa and Mona ground iguana. This is especially true with regard to the iguana, which nests primarily in areas desirable for their recreation potential and which is extremely sensitive to disturbance while nesting.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.*—This is probably not a major threat to the Mona reptiles. However, Mona boas and Mona ground iguanas are occasionally shot by hunters who come to the island to hunt the many species of introduced mammals. Protection as Threatened would serve to discourage such activity.

(3) *Disease or predation.*—Predation on the eggs, young, and adults of Mona reptiles by introduced mammals, primarily cats and pigs, have contributed to the scarcity of many species of native Mona animals, including the two species which are the subject of this final rulemaking.

(4) *The inadequacy of existing regulatory mechanisms.*—There are a few existing regulatory measures to protect the Mona ground iguana. No iguanas or their eggs may be killed or collected without a special permit from the Puerto Rico Department of Natural Resources, and public hunting is not allowed during iguana nesting season. There are no specific regulatory measures regarding the Mona boa.

(5) *Other natural or manmade factors affecting its continued existence.*—The presence of goats on Mona is a serious threat to the Mona iguana since they are known to compete with the iguana in choice of foods, both being vegetarian. In addition, goats, pigs, and man are known to collapse iguana nests thus resulting in destruction of the egg clutch. This can be a serious problem in areas of concentrated nesting.

Critical Habitat

The Director has considered all comments and data submitted in response to the proposed determination of Critical Habitat for the Mona boa and Mona ground iguana (42 FR 27003-27007).

Based on this reivew, the Critical Habitat for the Mona boa (*Epicrates monensis monensis*) and Mona ground iguana (*Cyclura stejnegeri*) is determined to include the following area (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species): (1) Mona Island, Commonwealth of Puerto Rico—entire island.

Effect of the Rulemaking

Section 7 of the Act provides:

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

The Director has prepared, in consultation with an ad hoc interagency committee, guidelines for Federal agencies for the application of Section 7 of the Act. In addition, proposed provisions for interagency cooperation were published on January 26, 1977, in the Federal Register (42 FR 4868-4875) to assist Federal agencies in complying with Section 7.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered and Threatened species, are found at §§ 17.21 and 17.31 of Title 50 and are summarized below.

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

Regulations published in the Federal Register of September 26, 1975 (40 FR 44412), codified in 50 CFR Part 17, provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the Mona boa and Mona ground iguana to determine whether they should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether they should be considered under other, appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the Mona boa and Mona ground iguana. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, 202-343-7814.

Authority

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

Regulations Promulgation

Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the Mona boa and

Mona ground iguana to the list, alphabetically, under "Reptiles" as indicated below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion	Status	When listed	Special rules
Reptiles							
Boa, Mona	*Epicrates monensis monensis.*	NA	U.S.A. (Puerto Rico: Mona Island).	Entire...	T	33	NA
Iguana, Mona ground...	*Cyclura stejnegeri.*	NA	do	do...	T	33	NA

§ 17.95 [Amended]

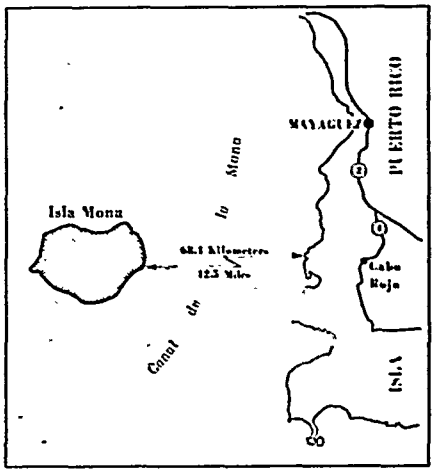
2. The Service amends § 17.95(c) by adding Critical Habitat of the Mona ground iguana after that of the giant anole as follows:

(c) *Reptiles.*

* * * * *

MONA GROUND IGUANA (*Cyclura stejnegeri*)

Commonwealth of Puerto Rico. Mona Island—entire island.



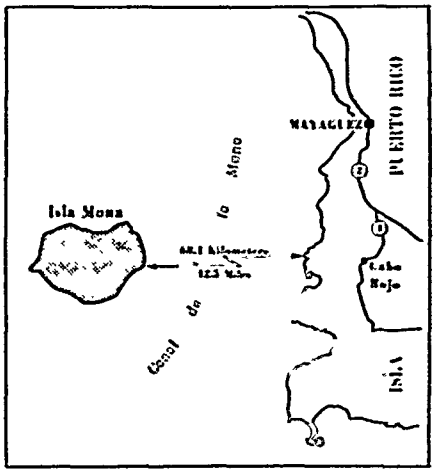
3. The Service also amends § 17.95(c) by adding Critical Habitat of the Mona boa after that of the Mona ground iguana as follows:

(c) *Reptiles.*

* * * * *

MONA BOA (*Epicrates monensis monensis*)

Commonwealth of Puerto Rico. Mona Island—entire island.



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

Dated: January 25, 1978.

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

[FR Doc 78-2844 Filed 2-2-78; 8:45 am]

proposed rules

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

[3410-30]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 225]

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department is issuing these proposed regulations for the Summer Food Service Program for Children as required in section 13 of the National School Lunch Act, as amended. These proposed regulations deal with the areas of sponsor approval procedures, requirements for participation, food service requirements, food service management companies, and the free meal policy. They supplement interim program regulations issued by the Department effective on February 1, 1978. Together, these proposed regulations and the interim regulations form the basis for the implementation of the Program for the upcoming summer.

DATE: To be assured of consideration, comments must be received on or before February 24, 1978.

ADDRESS: Written comments should be sent to Mr. Henry S. Rodriguez, Acting Director, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of all written comments received will be available for inspection by the public during normal business hours in room 3300B Auditor's Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Mr. John M. Heslin, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-447-9072.

SUPPLEMENTARY INFORMATION: The Summer Food Service Program for Children was created by an amendment of section 13 of the National School Lunch Act on October 7, 1975 (Pub. L. 94-105). That amendment provided for a Program of a two-year duration, to operate through the end of fiscal year 1977. With the enactment of Pub. L. 95-166, approved November 10, 1977, the Program has been extended for an additional three years. The current legislation contains new provisions which provide for stronger administrative controls. Many of these provisions were contained in the Program regulations in effect last summer (42 FR 11811, March 1, 1977); others deal with issues not previously considered in Program legislation or regulations.

Effective February 1, 1978, the Department issued interim regulations covering several specific areas of Program administration and operations (43 FR 4038, January 31, 1978). As stated in the preamble to those regulations, the Department deemed it necessary to address a number of issues in interim rather than proposed regulations, since the actions required therein demand the immediate attention of the Department and States agencies. Because of this fact, it will be noted that, in order to fully evaluate these proposed regulations, it is necessary to examine them in conjunction with the interim regulations (e.g., the definition of terms used in the proposed regulations will be found in the interim).

The following prescribes the proposed changes in Program regulations not previously addressed in interim regulations:

General Purpose and Scope

Previous Program regulations have encouraged the selection of sponsors which are established organizations, experienced in the administration of public service programs, based in the area which they serve and able to provide children with a cultural or recreational activity in addition to a food service. The Department continues to feel that this is an appropriate position since the addition of such organizational characteristics and activities should contribute to the stability of the sponsor's operation and help ensure that children are attracted to and remain with the sponsor's program. Based on the fact that the current law does not stipulate or even allude to these additional sponsor requirements, the Department is removing its reference to them from this section. While the Department still supports the idea of using this type of sponsor in the Program, and encourages State agencies to seek them out, it believes that State agencies may not deny an otherwise eligible sponsor because its program is limited to a food service.

Administration

As provided for in sections 13(l) and 13(n) of the Act, all State agencies must indicate to the Department their intentions either to administer or not to administer the Program by January 1 of each year. Under § 225.18(b), the Department is proposing a notification procedure it will follow any time it finds it necessary to assume the administration of the Program in any State. As proposed, the notification would state the reasons for such action and the State would have 30 days in which to respond. If the State chooses to respond, a final determination and notification would be sent to the State within 30 days of the State's response.

Procedures for Approval of Sponsors and Sites

Section 13(a)(4) of the Act sets out a priority system to be used when more than one sponsor proposes to serve children in the same area. The system differs from that found in last year's regulations primarily in that local schools with a history of successful food service operations and former, successful sponsors are to be given prime consideration on an equal basis and, for the first time, specific consideration is to be given to sponsors which integrate the Program with Federal, State, or local employment and training programs. Otherwise eligible applicant sponsors which do not provide a year-round service to the community will still be allowed to participate under the conditions previously established for such sponsors (i.e. when a failure to do so would deny the Program to an eligible area or would result in a significant number of needy children not having reasonable access to the Program). The Department is proposing that these sponsors be limited to 50 sites since they frequently have limited administrative capacity and their participation should be used to "fill the gaps" rather than as a primary source for delivery of food services.

Responsibilities of State Agencies

Additional mandatory provisions of the contract between sponsors and food service management companies have been proposed. The new provisions include a requirement for food service management companies to have periodic inspections of their preparation facilities, inclusion of food

specifications and a proposed acknowledgement by food service management companies of their awareness that meals delivered to nonapproved sites or delivered to approved sites outside of the delivery period or which do not meet requirements and specifications would not be paid for.

The interim regulations published January 31, 1978, contain standard audit provisions (§ 225.5(r)). The Department would like comments on amendment of that section in the final regulations which would allow State agencies to use statistical sampling procedures in the performance of audits and the settlement of claims.

Requirements for Participation

The basic sponsor eligibility criteria would be the same as in prior years. For the first time, the Act (section 13(a)(3)) specifically addresses this area, requiring Program sponsors to be those which are demonstrably capable, have not been deficient in prior years, operate a regularly scheduled food service for children or qualify as camps, and provide a year-round service to the community (under the conditions described above). Any sponsor which will earn more than $50,000 in Program payments would be obliged to provide State agencies with copies of the management letter from its auditor or accountant. Formerly, sponsors were required to submit only letters of engagement with those individuals or firms. The Department believes that State agencies should have the opportunity to see the management letter in order to increase their awareness of the conditions under which the sponsor is operating and should take appropriate action when it appears that a sponsor requires assistance. Required provisions for the agreement between the State agency and sponsors would be increased. The ageement would allow camps to charge children for non-Program meals but the camps would have to serve identical meals to eligible and ineligible children. This would avoid the identification of children eligible for free meals.

Another provision would require each sponsor to issue a free meal policy statement which will be addressed further on. Audits of sponsors earning more than $50,000 in Program payments could now be conducted by independent State and local government accountants or auditors, as well as by certified public accountants.

Food Service Requirements

Under Program regulations in effect in prior years, sponsors were allowed to serve supplemental food consisting of: (1) one-half pint of milk or 8 fluid ounces of full-strength fruit or vegetable juice or 1 cup of fruit or vegetable or an equivalent quantity of any combination thereof, and (2) one slice of whole-grain or enriched bread or an equivalent quantity of other bread or cereal products. The proposed regulations would allow for a choice of two of four components which include: (1) one-half pint of fluid milk, (2) one ounce of meat or meat alternate, (3) eight fluid ounces of full-strength fruit or vegetable jucie or one cup of fruit or vegetable, and (4) one slice of bread or an equivalent serving of a bread alternate. The Department feels that this proposed pattern is more beneficial in that it allows for more variety and, with the meat or meat alternate, could enhance the nutrient level of the supplement.

The meal components contained in the proposed regulations are, except for the proposed change above, similar to those found in previous Program regulations and in regulations governing the National School Lunch Program (7 CFR Part 210). The Department has recently proposed (42 FR 45328, September 9, 1977) that the meal pattern for lunches under the National School Lunch Program be revised to reflect the fact that allowable meat alternates, such as one egg and one-half cup of cooked dry beans or peas, are equal to one-half of two ounces of cooked lean meat on a nutritional equivalency basis. The National School Lunch proposal would allow such alternates to meet only one-half of the meat or meat alternate requirement. Because of the relationship between the meal patterns in both this Program and the National School Lunch Program, the Department would like comments on the use in this Program of the School Lunch Program meat alternate proposal.

Food Service Management Companies

Additional requirements have been proposed in the administration of this phase of Program operations. As provided for in interim regulations, food service management companies must register with each State in which they wish to operate under the Program. Food service management companies would not be allowed to subcontract for the total meal or for the assembly of the meal (section 13(1)(5) of the Act). State agencies would establish a standard form of contract. Public sponsors, sponsors contracting separately for the management of the Program and those which will earn less than $10,000 in Program payments could use their existing or usual forms of contract if they get prior State agency approval of the form of contract they intend to use. This provision is proposed to provide for adequate administrative control and, at the same time, give consideration to unique circumstances, e.g., public sponsors frequently have well established, quite specific procurement practices and instruments; small sponsors might be unnecessarily burdened by a long, complex contract; and the usual contract for food service management companies does not deal with managing a food service as a separate function. As provided for in the Act (section 13(1)(5)), bids for food service for less than $75,000 would not have to be accompanied by a bid bond and successful bidders whose bid does not exceed $75,000 would not have to obtain a performance bond. This provisions is intended to assist and encourage otherwise capable small businesses which have been or would be adversely affected by bonding requirements. The referenced section of the Act allows the Department to go as high as $100,000 in setting this limit. The Department believes that the intent of the provision is best served by using the lower limit in that it would be more closely and more exclusively tied to the capabilities of small and minority-owned businesses. Participation by this type of business has been relatively limited in the past and therefore the Department welcomes any comment which would shed additional light in this area. Bid and performance bonds could be obtained from only those listed companies in the Department of the Treasury Circular 570.

Procurement Provisions

The proposed procurement provisions are similar to those used last year. These provisions are consistent with those prescribed in the Office of Management and Budget Circulars A-102 and A-110.

Free Meal Policy

The Department feels it is proper to establish a procedure for ensuring that sponsors develop a free meal policy statement. Sponsors which are eligible for reimbursement for all meals served to children would have to develop a policy statement advising that their meals will be served to all children without charge on a nondiscriminatory basis. Sponsors which qualify as camps, which are reimbursed only for meals served to children eligible for free or reduced price school meals and which charge separately for meals, must develop a more detailed statement covering eligibility criteria, collecting from paying children, conducting fair hearings, and avoiding identification of free meal recipients.

Comment Period

As noted above, the Department is requiring that comments must be received prior to February 24, 1978, to be assured of consideration. This is a relatively short period of time but the Department believes that it is necessary since the enactment of the law

and the issuance of this proposed regulation occurred later than expected. The Department believes that it is essential to have final regulations and Program materials available as soon as possible in order for State agencies and sponsors to properly prepare for the upcoming summer.

Accordingly, the Department is proposing to adopt the provisions set forth below. "Reserved" sections are those already issued in the interim regulations. Upon expiration of the comment period, final regulations based upon both the interim and the proposed regulations will be published.

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Subpart A—General

Sec.
225.1 General purpose and scope.
225.2 [Reserved]
225.3 Administration.

Subpart B—State Agency Provisions

225.4 Procedures for approval of sponsors and sites.
225.5 Responsibilities of State agencies.
225.6-225.8 [Reserved]

Subpart C—Sponsor Provisions

225.9 Requirements for participation.
225.10 Food service requirements.
225.11 Food service management companies.
225.12 Program payments.
225.13 Program payment procedures.
225.14 Claims against sponsors.

Subpart D—Miscellaneous Provisions

225.15 Procurement provisions.
225.16 Prohibitions.
225.17 Free meal policy.
225.18 Other provisions.
225.19 Program information.

AUTHORITY: Sec. 2, Pub. L. 95-166, 91 Stat. 1325 (42 U.S.C. 1761); sec. 7, Pub. L. 91-248, 84 Stat. 211 (42 U.S.C. 1759a).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and prescribes the regulations under which the Secretary will carry out a Summer Food Service Program for Children to assist States through grants-in-aid to initiate, maintain and expand nonprofit food service programs for children during the summer months and at other approved times. The food service to be provided under the Program is similar to that provided under the National School Lunch and School Breakfast Programs and is intended to serve as a substitute for those programs for children who are on school vacation, except that it is primarily directed toward children from needy areas.

§ 225.2 [Reserved]

§ 225.3 Administration.

(b) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CCSPD shall be responsible for Program administration.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable to disburse Federal funds paid to it under the Program to any sponsor in the State. Each State agency shall notify the Department by each January 1 as to whether or not it intends to administer the Program.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall cover the operation of the Program during the period specified therein and may be extended by consent of both parties.

(d) When the Secretary determines that the State is not operating the Program in accordance with the provisions of this part, he shall, through FNSRO, assume the administration of the Program in the State as provided for in § 225.18(b).

(e) FNSRO shall, in the States in which it administers the Program, assume all responsibilities of State agencies set forth in this part.

Subpart B—State Agency Provisions

§ 225.4 Procedures for approval of sponsors and sites.

(a) The State agency shall determine the eligibility of applicant sponsors applying for participation in the Program in accordance with the applicant sponsor eligibility criteria outlined in § 225.9(a).

(b) The State agency shall not approve the application of any applicant sponsor, identifiable through its corporate or other organization or otherwise, as a sponsor which participated in the Program during any previous fiscal year and which was seriously deficient in its Program operations. In the event an applicant sponsor's application is denied, the State agency shall inform such applicant sponsor of the procedure to request a review of the denial. The official making the determination of denial must notify the applicant sponsor in writing stating all of the grounds on which the State agency based the denial. Serious deficiencies, which are grounds for nonapproval include, but are not limited to, any of the following:

(1) Noncompliance with the applicable bid procedures and contract requirements of Program regulations;

(2) The submission of false information to the State agency;

(3) Failure to return to the State agency any start-up or advance payments which exceeded the amount earned for serving eligible meals, or failure to submit all Claims for Reimbursement in any prior year;

(4) Program violations at a significant proportion of the sites which include, but are not limited to, the following:

(i) Noncompliance with the between meal time requirements;

(ii) Failure to maintain adequate records;

(iii) Failure to adjust meal orders to conform to variations in the number of participating children;

(iv) The simultaneous service of more than one meal to each child;

(v) The claiming of Program payments for meals not served to participating children;

(vi) Service of a significant number of meals which did not include required quantities of all meal components;

(vii) Excessive instances of off-site meal consumption; and

(viii) Continued use of food service management companies that are in violation of health codes.

(c) Pending the outcome of a review of a denial of an application for Program participation, the State agency shall proceed to approve other applicants in accordance with its responsibilities under paragraph (h) of this section, without regard to the application under review.

(d) The State agency shall not approve the application of any applicant sponsor which submits fraudulent information of documentation when applying for Program participation or knowingly withholds information which may lead to the disapproval of its application. Complete information regarding the disapproval of an applicant sponsor on the basis of fraudulent submission of information shall be submitted by the State agency to OIG.

(e) The State agency shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, a site information sheet, on which applicant sponsors shall provide, for each site, information to demonstrate or describe:

(1) An organized and supervised system for serving meals to attending children;

(2) The type or types of meals to be served and the times of service;

(3) Arrangements, within acceptable standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and if there are excess meals, arrangements for storing them until they are served;

(4) Arrangements for food service during periods of inclement weather;

(5) Access to a means of communication for making adjustments as needed

in the number of meals delivered in accordance with the number of children attending daily at each site;

(6) The geographic area to be served by the site;

(7) The percentage of children served by the site who are eligible for free or reduced price school meals;

(f) The State agency shall when evaluating proposed sites ensure that:

(1) If not a camp, the proposed site serves an area in which poor economic conditions exist;

(2) The number of meals, by type, proposed to be served to children at the site does not exceed the number of children residing in the area to be served, or if applicable, the number enrolled; and

(3) The area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the area and that the total number of meals, by type, served to children at all sites does not exceed the number of children residing in the area.

(g) The State agency shall not approve any applicant sponsor to operate more than 200 sites or to serve an average daily attendance of more than 50,000 children unless it can demonstrate to the satisfaction of the State agency that it has the capability of managing a program of that size. Applicant sponsors which qualify as camps shall be approved for reimbursement only for meals served free to children enrolled and eligible for free and reduced price school meals.

(h) The State agency shall use the following order of priority in approving sponsors to operate sites which propose to serve the same area or the same enrolled children:

(1) Applicant sponsors which are public or nonprofit private schools which have demonstrated a successful food service and other applicant sponsors which have demonstrated successful Program performance in a prior year;

(2) Applicant sponsors which propose to prepare meals at their own facilities or which operate only one site;

(3) Applicant sponsors which propose to utilize local school food facilities for the preparation of meals, ability for successful Program operations; and

(4) Applicant sponsors which plan to integrate the Program with Federal, State, or local employment or training programs.

(i) State agencies may approve the application of an otherwise eligible applicant sponsor which does not provide a year-round service to the community which it proposes to serve under the Program only if it is a residential camp, or a sponsor which provides a food service for the children of migrant workers, or when a failure to do so would deny the Program to an area in which poor economic conditions exist, or if a significant number of needy children will not have reasonable access to the Program: *Provided, however,* That such an applicant sponsor shall not be approved to operate more than 50 sites. State agencies, when approving the applications of such applicant sponsors, shall take particular care to ensure that such applicant sponsors are timely in their Program planning and thoroughly prepared to assume and carry out all Program responsibilities.

§ 225.5 Responsibilities of State agencies.

(a)-(c) [Reserved]

(d) Accounting procedures for sponsors. Each State agency shall establish accounting procedures under which sponsors shall maintain and report the information required in this part. The system shall be such as to permit determination of the operating balances available to sponsors.

(e) *Payment of claims.* A State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement from a sponsor, but shall first make any necessary adjustments in payments.

(f) *Sponsor and food service management company contract.* Each State agency shall develop a standard form of contract for use by sponsors with food service management companies. The contract shall expressly and without exception provide that:

(1) The sponsor shall provide the food service management company with a list of State agency approved food service sites and shall notify the food service management company of all sites which have been approved or cancelled subsequent to the submission of the initial approved site list. Such notification shall be provided within the time limits mutually agreed upon in the contract;

(2) The food service management company shall maintain such records (supported by invoices, receipts or other evidence) as the sponsor will need to meet its responsibilities under this part, and shall report to the sponsor promptly at the end of each month, at a minimum;

(3) The food service management company shall have State or local health certification for the facility in which it proposes to prepare meals for use in the Program and it shall ensure that health and sanitation requirements are met at all times. In addition, the food service management company shall provide for meals which it prepares to be periodically inspected by the local health department or an independent agency to determine bacteria levels in the meals being served. Such levels shall conform to the standards which are applied by the local health authority with respect to the level of bacteria which may be present in meals served by other establishments in the locality. Results of such inspections shall be submitted to the sponsor and to the State agency;

(4) The meals served under the contract shall conform to the cycle menus and meal quality standards and food specifications approved by the State agency and upon which the bid was based;

(5) The books and records of the food service management company pertaining to the sponsor's food service operation shall be available for inspection and audit by representatives of the State agency, of the Department, and of the United States General Accounting Office at any reasonable time and place, for a period of 3 years from the date of receipt of final payment under the contract;

(6) The food service management company shall operate in accordance with current Program regulations;

(7) The food service management company shall not be paid for meals which are delivered to non-approved sites or for meals which are delivered to approved sites outside of the agreed upon delivery time, are spoiled or unwholesome at the time of delivery, or do not otherwise meet the meal requirements and meal quality standards and food specifications contained in the contract;

(8) Unitized meals shall be delivered in accordance with a delivery schedule prescribed in the contract;

(9) Increases and decreases in the number of meal orders may be made by the sponsor, as needed, within a prior notice period mutually agreed upon;

(10) All meals served under the Program shall meet the requirements of § 225.10; and

(11) Nonperformance shall subject the food service management company to specified sanctions.

(g) *Advance and start-up payment procedures.* Each State agency shall inform sponsors of the procedure whereby they may apply for advance net Program payments and advance administrative costs payments as provided for in § 225.9(d) and, where applicable, each State agency shall inform sponsors of the procedure whereby they may apply for start-up payments provided for in § 225.9(d).

(h)-(j) [Reserved]

(k) *Plentiful foods.* State agencies shall provide sponsors with information on foods available in plentiful supply, including those so designated by the Department.

(l) *Records and reports.* (1) Each State agency shall maintain current accounting records of its Program operations which will adequately identify funds authorizations, obligations,

unobligated balances, assets, liabilities, income, and expenditures for administrative costs and net Program costs. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of any issues raised by the audit. (2) No later than September 30 of each year, the State agency shall provide the Department with information on the scope of Program operations within the State. (3) Each State agency shall report information on the use of Program funds and on Program operations to FNS on forms provided by FNS, as instructed by FNS.

(m) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file all evidence relating to such investigations and actions. The Department may make investigations at the request of the State agency, or where the Department determines investigations are appropriate.

(n) *Commodity distribution information.* A list of sponsors which are to receive food commodities, with accompanying information on the average daily number of eligible meals to be served by such sponsors, shall be prepared not later than June 1 of each year by the State agency. Such a list shall contain only the names of sponsors which will prepare the meals to be served at their sites and the names of sponsors which have entered into an agreement with a school or school district for the preparation of meals to be served under the Program. If the State agency is other than the agency of the State which handles the distribution of food commodities donated by the Department, this information shall be forwarded to the agency of the State which handles the distribution of donated commodities. The State Agency shall be responsible for promptly revising the information to reflect additions or deletions of sponsors and for providing such adjustments in participation data as are determined necessary by the State agency. Availability of commodities for use by sponsors shall be summarized and announced by the State agency at an early date prior to the development of menu cycles.

(o) [Reserved]

(p) *Program materials.* Each State agency shall develop and make available in a timely manner all necessary Program materials so that applicant sponsors have sufficient time to adequately prepare for their participation in the Program.

(q) *Procurement provisions.* State agencies shall require sponsors to adhere to the procurement provisions set forth in § 225.15 in addition to any other procurement provisions contained in this part.

(r)–(u) [Reserved]

(v) *Bid opening monitoring.* Each State agency shall have a representative present at all procurement bid openings of sponsors which expect to receive more than $100,000 in Program payments.

(w) *Sponsor certifications.* Each State agency shall require applicant sponsors submitting Program applications, site information sheets, Program agreements or Claims for Reimbursement, and sponsors requesting advance payments, to certify that the information submitted on these forms is true and correct and that the sponsor is aware that deliberate misrepresentation or withholding of information may result in prosecution under applicable State and Federal statutes.

(x) [Reserved]

(y) *Advance payment estimates.* Each State agency shall, when determining the amount of advance net Program payments to be made to each sponsor under § 225.13(d) (in the interim regulations), make the best possible estimate based on the amount requested by the sponsor and any other data available to the State agency.

(z) *Sponsor's budget approval process.* Each State agency shall, when approving an applicant sponsor's administrative budget, take into consideration the number of sites and children to be served as well as any other factors determined by the State agency and set forth in guidance provided by the Department, in order to assess the amount of administrative monies needed by a sponsor to effectively and efficiently operate under the Program.

§§ 225.6–225.8 [Reserved]

Subpart C—Sponsor Provisions

§ 225.9 Requirements for participation.

(a) No applicant sponsor shall be eligible to participate in the Program unless it:

(1) Demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total program operations at all sites at which it proposes to conduct a food service;

(2) Has not been seriously deficient in operating the Program in prior years;

(3) Will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist or qualifies as a camp;

(4) Has adequate supervisory and operational personnel for overall monitoring and management of each site including adequate personnel to visit all sites at least once in the first week of operation under the Program and to promptly take such actions as are necessary to correct deficiencies found at the time of the initial visit, and to review food service operations at every site at least once during the first four weeks of Program operations, and thereafter to maintain a reasonable level of site monitoring;

(5) Provides an ongoing year-round service to the community which it proposes to serve under the Program as provided for in § 225.4(i);

(6) Has the capability of maintaining children on site while meals are consumed;

(7) Certifies that all sites have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(8) Is a public or private nonprifit entity;

(9) If not a camp, provides documentation that its food service will serve children from an area in which poor economic conditions exist. If a camp, certifies that it will collect family size and income information to support its Claim for Reimbursement.

(10) Is not a summer school offering educational courses for credit, and therefore, eligible for meals under the National School Lunch and School Breakfast Programs (7 CFR Parts 210 and 220).

(b) Applicant sponsors shall make written application to the State agency for participation in the Program as sponsors. Such application shall be made on a timely basis in accordance with the requirements of § 225.5(i) (of the interim regulations).

(c) Each applicant sponsor shall submit, as part of the application, a site information sheet, as developed by the State agency, for each site where a food service operation is proposed.

(d) Applications shall include information in sufficient detail to enable the State agency to determine whether the applicant sponsor meets the criteria for participation in the Program as set forth in § 225.9(a) and the extent of the Program payments needed, including requests for advance payments and start-up payments, if applicable. In addition, all applicant sponsors must include a management plan for review and approval by the State agency. Such a plan shall include the applicant sponsor's administrative and operating budget, staffing and monitoring plan.

(e) Each applicant sponsor shall submit to the State agency, as part of the application for participation, a complete administrative budget for State agency review and approval. The budget shall contain the projected administrative expenses which a sponsor

expects to incur during the operation of the Program, and shall include information in sufficient detail to enable the State agency to effectively determine the amount of administrative monies needed by a sponsor to effectively and efficiently operate under the Program. A sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs.

(f) Each applicant sponsor shall submit to the State agency, along with its application, a plan for and a synopsis of its invitation to bid for food service, if a bid is required under § 225.11 and a copy of its letter of engagement with a certified public accountant or an independent State or local government accountant if required under paragraph (j) of this section (in the interim regulations). In addition, the selected accountant shall, within the first two weeks of operation under the Program, submit a copy of the management letter to the sponsor and to the State agency.

(g) Each applicant sponsor, except a camp, shall submit, along with its site information sheet, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist. Camps shall submit with the site information sheet family-size and income information which documents the number of children enrolled in each session whose family incomes meet the eligibility requirements for free or reduced price school meals. Information on each session must be submitted at least 14 calendar days prior to the opening of the session or at such time as specified by the State agency.

(h) Sponsors approved for participation in the Program shall enter into written agreements with the State agency, or, in those States in which FNSRO administers the Program, sponsors shall enter into written agreements with the Department. Such agreements shall provide that the sponsor shall:

(1) Operate a nonprofit food service during any period from May through September for children on school vacation or at some other time or times during the year for children on school vacation under a continuous school calendar system;

(2) Serve meals which meet the requirements and provisions set forth in § 225.10 during a period designated as the meal service period by the sponsor, and serve the same meals to all children;

(3) Serve meals without cost to all children, except that camps may charge for meals served to children who are not eligible for free or reduced price school meals;

(4) Issue a policy statement in accordance with § 225.17;

(5) Hold training sessions for its administrative and site personnel with regard to program duties and allow no site to operate until site personnel have attended such training sessions. Training of site personnel at a minimum shall include: Purpose of the program, site eligibility, recordkeeping, site operations, meal pattern requirements, and duties of a monitor. Each sponsor shall ensure that its administrative personnel attend State agency training provided to sponsors under § 225.5(o) (in the interim regulations); and sponsors shall provide training sessions throughout the summer to ensure that administrative and site personnel are thoroughly knowledgeable in all requisite areas of program administration and operation and are provided with sufficient information to enable them to carry out their program responsibilities;

(6) Provide for an audit to be performed by an independent certified public accountant or an independent State or local government accountant of its food service under any program agreement for which it may receive over $50,000 in program payments and shall agree to submit to the State agency a copy of the letter of engagement with the accounting firm or individual which is to conduct the audit;

(7) Claim reimbursement only for the type or types of meals specified in the agreement and served to children at approved sites during the approved meal service period; except that camps shall claim reimbursement only for the type or types of meals specified in the agreement and served without charge to children who are eligible for free or reduced price school meals;

(8) Submit claims for reimbursement in accordance with procedures established by the State agency;

(9) Maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(10) Purchase, in as large quantities as may be efficiently utilized in the program, foods designated as plentiful by the State agency or the Department;

(11) Accept and use, in as large quantities as may be efficiently utilized in the program, such foods as may be offered as a donation by the Department;

(12) Have access to facilities necessary for storing, preparing and serving food;

(13) Maintain a financial management system as prescribed by the State agency;

(14) Maintain on file documentation of site visits in accordance with § 225.9(a)(4);

(15) Upon request, make all accounts and records pertaining to the program available to State, Federal, or other authorized officials for audit or administrative review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of any issues raised by the audit.

(i) Sponsors selected for participation in the program shall submit evidence to the State agency that they have advised the appropriate health department of their intention to provide a food service during a specific period at specific sites. Such evidence shall be in the form of a letter to the health department.

(j) [Reserved]

(k) Sponsors shall not claim reimbursement under Parts 210, 215, 220, or 226 of this chapter, or any other federally funded program for meals served under the program.

(l) Each sponsor shall, to the maximum extent feasible, utilize either its own food service facilities, or obtain meals from a school food service facility. If the sponsor obtains meals from a school food service facility the applicable requirements of this part shall be embodied in a written agreement between the sponsor and the school.

(m) Sponsors shall operate the food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS under this part or by the State agency which are not inconsistent with the provisions of this part.

§ 225.10 Food service requirements.

(a) Except as otherwise provided in this section and any appendices to this part, each meal served in the Program shall contain, as a minimum, the indicated food components:

(1) A breakfast shall contain:

(i) One-half pint (1 cup) of milk as a beverage or on cereal or used in part for each purpose,

(ii) One-half cup serving of fruit or vegetable, or both, or full strength fruit or vegetable juice,

(iii) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(2) A lunch or supper shall contain:

(i) One-half pint (1 cup) of milk as a beverage.

(ii) Two ounces (edible portion as served) of cooked lean meat, poultry or fish; or two ounces of cheese; or one egg; or one cup of cooked dry beans or peas; or four tablespoons of peanut

butter; or an equivalent quantity of any combination of the above-listed foods. To be counted in meeting this requirement, these foods must be served as a main dish or in a main dish and one other menu item,

(iii) A three-fourths cup serving consisting of two or more vegetables or fruit, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement,

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(3) Supplemental food shall contain two of the following four components:

(i) One-half pint (1 cup) of milk,

(ii) One ounce of meat or meat alternate,

(iii) Eight fluid ounces of full strength fruit or vegetable juice (juices shall not be served when milk is served) or one cup of fruit or vegetable,

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(b) The quantities of food specified in subparagraphs (1) and (2) of paragraph (a) are approximate amounts of food to serve 10 to 12 year-old boys and girls. Greater or lesser amounts of these foods may be served if participating children are older or younger and if the sponsor can demonstrate to the satisfaction of the State agency that it has the capability of controlling portion size so as to ensure that variations in portion size are in accordance with the age levels of the children served.

(c) If emergency conditions prevent a sponsor normally having a supply of milk from temporarily obtaining delivery, the State agency may approve the service of breakfasts, lunches, suppers, or supplemental food without milk during the emergency period.

(d) The inability of a sponsor to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases the State agency may approve the service of meals without milk, provided that an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of all meals. In addition, the State agency may approve the use of nonfat dry milk by camps in meals served to children participating in camp-sponsored activities which make the service of fluid milk impracticable. Such authorization shall stipulate that nonfat dry milk be reconstituted at normal dilution and under sanitary conditions consistent with State and local health regulations.

(e) In American Samoa, Guam, Puerto Rico, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands and the Northern Marianas Islands, the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as ufi, tanniers, yams, plaintains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings or noodles may be substituted for the bread requirement.

(f) Substitutions may be made by sponsors in paragraph (a) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such food. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods. Such statements shall be kept on file by the sponsor.

(g) FNS may approve variations in the food components of the meals on an experimental or a continuing basis for any sponsor where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(h) Sponsors approved to serve children under 1 year of age shall be required to comply with the applicable meal patterns contained in the Child Care Food Program regulations (7 CFR Part 226).

§ 225.11 Food service management companies.

(a) Any sponsor may contract with a food service management company (or other commercial enterprise) for the preparation of unitized meals, with or without milk. Any sponsor may contract with a food service management company to operate its entire food service: *Provided, however,* That a sponsor that so employs a food service management company shall remain responsible for assuring that the food service operation is in conformity with its agreement with the State agency and all applicable provisions of this part. Sponsors may contract only with food service management companies registered with the State in which the sponsor will operate as provided for under § 225.5(u) (in the interim regulations). A food service management company entering into a contract with a sponsor under the Program shall not subcontract with only one company for the total meal, with or without milk, or for the assembly of the meal. Any sponsor entering into a contract with a food service management company shall use the standard form of contract established by its State agency. For sponsors which are public institutions, sponsors desiring to contract only for the management of the Program, and sponsors whose contract with a food service management company will not exceed $10,000, this may be their existing or usual form of contract if such form of contract has been submitted to and approved by the State agency. In any event, sponsors shall adhere to the procurement standards set forth in § 225.15. Each proposed additional provision to the established form of contract shall be submitted to the State agency for approval.

(1) In the absence of any State or local law, sponsors whose proposed contracts are subject to competitive bidding procedure shall, at a minimum, ensure that:

(i) All proposed contracts shall be publicly announced at least 14 days prior to the opening of bids;

(ii) The bids shall be publicly opened;

(iii) All bidders shall be notified at least 5 days prior to the opening of the bids of the time and place of the bid opening; and

(iv) The State agency is notified at least 15 days prior to the opening of the bids of the time and place of the bid opening.

(2) In addition, sponsors shall, at a minimum, when advertising for bids adhere to the following requirements:

(i) The invitation to bid shall not specify a minimum price;

(ii) The invitation to bid shall contain a cycle menu approved by the State agency upon which the bid shall be based;

(iii) The invitation to bid shall contain food specifications and meal quality standards developed by the State agency upon which the bid shall be based;

(iv) The invitation to bid shall not specify special meal requirements to meet ethnic or religious needs unless such special requirements are to meet the needs of the children to be served;

(v) Neither the invitation to bid nor the contract shall provide for loans or any other monetary benefit or term or condition to be made to sponsors by food service management companies;

(vi) Nonfood items shall be excluded from the invitation to bid, except where such items are essential to the conduct of the food service;

(vii) A copy of the health certification required in this section shall be submitted by the food service management company with each bid;

(viii) Sponsors shall submit to the State agency copies of all bids received and the reason for selecting the food service management company chosen;

(ix) All bids totaling $100,000 or more shall be submitted to the State agency for approval before acceptance. All bids in an amount which exceeds

the lowest bid by more than two (2) cents per meal shall be submitted to the State agency for approval before acceptance. State agencies shall respond to such request for approval within 5 working days of receipt;

(x) Identical bids shall be awarded by lot.

(b) Copies of all contracts between sponsors and food service management companies, along with a certification of independent price determination, shall be submitted to the State agency prior to the beginning of Program operations.

(c) Each food service management company which submits a bid over $75,000 under the Program shall obtain a bid bond in an amount not less than five (5) percent nor more than ten (10) percent, as determined by the sponsor, of the value of the contract for which the bid is made. A copy of the bid bond shall accompany each bid.

(d) Each food service management company which enters into a food service contract for over $75,000 with a sponsor shall obtain a performance bond in an amount not less than ten (10) percent nor more than twenty-five (25) percent of the value of the contract, as determined by the State agency. Any food service management company which enters into more than one contract with any one sponsor shall obtain a performance bond covering all contracts if the aggregate amount of such contracts exceeds $75,000. Sponsors shall require the food service management company to furnish a copy of the bond within ten (10) days of the awarding of the contract.

(e) Food service management companies shall obtain bid bonds and performance bonds only from surety companies listed in the current Department of the Treasury Circular 570.

(f) Failure by a sponsor to comply with the provisions of this section shall be sufficient grounds for the State agency to terminate participation by the sponsor in accordance with § 225.18(b).

§ 225.12 Program payments.

(a) Program payments shall be made to sponsors only after execution of and in accordance with the terms of the agreement with the State agency or the Department. No Program payments shall be made for meals served at a site before the sponsor has received written notification of approval for the site from the State agency.

(b) Reimbursement shall be made to camps only for meals served to children whose eligibility is documents on the basis of family size and income information. Any nonresidential camp reduced to less than four meals per day shall continue to receive reimbursement for only those meals served to children eligible for free or reduced price school meals.

(c) [Reserved]

(d) Payment to a sponsor for administrative costs shall equal the full amount of administrative costs as approved in its budget by the State agency, except that a sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs if the sponsor's level of site participation or number of meals served to eligible children changes significantly: *Provided, however,* That a sponsor shall not receive payment for administrative costs in excess of its actual expenditures for approved administrative costs or the per meal administrative rates by type set forth in § 225.8(c) (in the interim regulations), for meals actually served to eligible children, whichever is less.

(e) [Reserved]

(f) The Secretary shall prescribe, by January 1 of each fiscal year, an adjustment to the nearest one-fourth cent in the reimbursement rates set forth in paragraph (e) of this section (in the interim regulations), to reflect changes for the preceding year ending November 30, in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(g) Sponsors shall maintain accurate records to justify the net Program costs and administrative costs claimed. Sponsors who wish to claim only for the costs of obtaining food shall maintain accurate records to justify their food cost. In no instance shall Program payments for the costs of obtaining food exceed the per meal net Program payment rates.

(h) Sponsors shall plan for and prepare or order meals on the basis of participation trends, with the objective of providing only one meal per child at each meal service. Records of participation and of preparation or ordering of meals shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of meals needed and to reduce the resultant waste, any excess meals that are prepared or ordered may be served to children and may be claimed for reimbursement unless the State agency determines that the sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service. In monitoring the number of meals served at a site, the State agency shall withhold reimbursement for those meals served to children which exceed the number of children being served by the site when the State agency determines that the sponsor has not complied with the provisions of this paragraph.

§ 225.13 Program payment procedures.

(a) To be reimbursed under this part, each sponsor shall submit to the State agency Claims for Reimbursement. Claims for Reimbursement shall be filed with the State agency monthly by the 10th day following the period of operations covered by the Claim but may be submitted more frequently, at the discretion of the State agency. Sponsors whose final period of operation is less that 10 days in duration shall submit a combined Claim covering the final period and the period immediately preceding the final period. Any Claim for Reimbursement not received by the State agency within 30 days after the close of the sponsor's food service operations shall be disqualified from payment, except where the State agency determines that the Claim has been filed late because of circumstances beyond the control of the sponsor. Appropriate payments may then be made if the Claim submitted by the sponsor is valid.

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the required information for Program reports. In submitting a Claim for Reimbursement, in addition to the certification requirements set forth in § 225.5(w), each sponsor shall certify that records are available to support the Claim.

(c)-(g) [Reserved]

(h) Any prior net Program payment which is under dispute or which is part of a demand for recovery under § 225.14(a) or § 225.14(d) shall be deducted from any advance net Program payment; any prior administrative cost payment which is under dispute or which is part of a demand for recovery under § 225.14(a) or § 225.14(d) shall be deducted from any advance administrative costs payment.

(i) If the State agency has reason to believe that a sponsor will not be able to submit a valid Claim for Reimbursement covering the period for which advance net Program payments and advance administrative costs payments have been made, the subsequent month's advance net Program payment and advance administrative costs payment shall be withheld until such time as the State agency has received a valid claim. Program payments advanced to sponsors which are not subsequently deducted from a valid Claim for Reimbursement shall be paid upon demand to the State agency. Any interest earned on advance net Program payments and advance administrative costs payments shall be returned to the State agency for remittance to FNS.

§ 225.14 Claims against sponsors.

(a) State agencies shall disallow any portion of a Claim for Reimbursement and promptly recover any Program payment made to a sponsor that was not properly payable under this part. State agencies shall use their own procedures to disallow claims and recover overpayments already made. This shall include court actions, where appropriate. However, the State agency shall notify the sponsor of the reasons for any disallowance or demand, and allow the sponsor full opportunity to submit evidence on appeal as provided for in § 225.5(x) [in the interim regulations]. If, in the determination of CCSPD, a State agency has acted in conformity with the provisions of this part and has made every reasonable effort to recover any overpayment, the State agency shall not be liable for failure to collect an overpayment.

(b) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years after the date of the submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of any issues raised in the audit.

(c) The amounts recovered by the State agency from sponsors may be utilized, first, to make Program payments to sponsors for the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Claims for Reimbursement under the Program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(d) When FNSRO administers the Program with respect to sponsors and disallows a Claim for Reimbursement or a portion of a Claim, or makes a demand for refund of an alleged overpayment, it shall notify the sponsor of the reasons for such disallowance or demand, and the sponsor shall have full opportunity to submit evidence as provided for in § 225.5(x) (in the interim regulations) or to resubmit a Claim for any amount disallowed or demanded.

Subpart D—Miscellaneous Provisions

§ 225.15 Procurement provisions.

(a) This section provides standards for use by sponsors in establishing procedures for the procurement of supplies, goods, and other services with Program payments. These standards are furnished to insure that such goods and services are obtained in an effective manner and in compliance with the provisions of applicable Federal laws and Executive Orders.

(b) The standards contained in this section do not relieve the sponsor of the contractual responsibilities arising under its contracts. The sponsor is the responsible authority, without recourse to the State agency and the Department regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into under the Program. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authorities as may have proper jurisdiction.

(c) Sponsors may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Program payments adhere to the provisions of Office of Management and Budget Circulars A-102 and A-110 and to the standards set forth, as follows:

(1) The sponsor shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Program payments. The officers, employees, or agents of a sponsor shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors on their own behalf or for others. To the extent permissible by State or local laws, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the sponsor's officers, employees, or agents, or by contractors or their agents.

(2) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The sponsor shall be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(3) All sponsors shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(i) Proposed procurement actions shall be reviewed by sponsor's officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(ii) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and, when so used, the specific features of the name brand which must be met by offerors should be clearly specified.

(iii) Positive efforts shall be made by the sponsors to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Program payments.

(iv) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the programs involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(v) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (vi) below is necessary to acomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the sponsor, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the sponsor. Any or all bids may be rejected when it is in the sponsor's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(vi) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the sponsor if:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm: (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the State agency for prior approval);

(3) The aggregate amount involved does not exceed $10,000;

(4) The contract is for personal or professional services, or for any service

to be rendered by a university, college or other educational institutions;

(5) No acceptable bids have been received after formal advertising;

(6) The purchases are for highly perishable materials, for material or services where the prices are established by law, if procured at the lowest applicable price for technical items or equipment requiring standardization and interchangeability of parts with existing, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(7) Otherwise authorized by law, rules, or regulations. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable.

(vii) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(viii) Procurement records or files for purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(ix) A system for contract administration shall be maintained to assure contractual conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

(d) The sponsor shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subcontracts:

(1) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contract amounts which are in excess of $10,000 shall contain suitable provisions for termination by the sponsor, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All contracts awarded by sponsors and their contractors or subcontractors having a value of more than $10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(4) Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods, or exploration into fields which directly concern public health safety, or welfare, or contracts in the fields of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department and the sponsor. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of $10,000 or less) awarded by effect that the sponsor, the Department shall include a provision to the State agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts and subcontracts of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the State agency and the Regional Office of the Environmental Protection Agency.

§ 225.16 Prohibitions.

(a) The value of benefits and assistance available under the Program shall not be considered as income or resources of recipients and their families for any purpose under Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(b) Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act and a certification to this effect shall become part of the agreement provided for in § 225.3(c).

§ 225.17 Free meal policy.

(a) The State agency shall require each applicant sponsor to develop, at the time the applicant sponsor applies for Program participation, a written policy statement concerning free meals to be used uniformly at all sites under its jurisdiction as required in this section. Applicant sponsors shall not be approved for participation unless the free meal policy statement has been approved.

(b) A sponsor which services all meals free to attending children shall develop a policy statement which consists of an assurance to the State agency that all children are served the same meals regardless of race, color, or national origin, and that there is no discrimination in the course of the food service.

(c) A camp which serves meals at no separate charge to attending children shall develop a policy statement which consists of an assurance to the State agency that all children are served the same meals at no separate charge, regardless of race, color, or national origin, and that there is no discrimination in the course of the food service.

(d) A camp which charges separately for meals shall develop a policy statement for determining eligibility for free meals which shall include the following:

(1) The specific criteria to be used in determining eligibility for free meals. The camp's standards of eligibility shall be in conformity with the State's family size and income standards for free and reduced price school meals.

(2) A description of the method or methods to be used in accepting applications from families for free meals.

(3) A description of the method or methods to be used to collect payments from those children paying the full price of the meal which will protect the anonymity of the children receiving a free meal.

(4) As assurance that the camp will establish a hearing procedure which provides: (i) a simple, publicly announced method for a family to make an oral or written request for a hearing; (ii) an apportunity for the family to be assisted or represented by an attorney or other person in presenting its appeal; (iii) an opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal; (iv) that the hearing shall be held with reasonable promptness and convience to the family and that adequate notice shall be given to the family as to the time and place of the hearing; (v) an opportunity for the family to present oral or documentary evidence and agreements supporting its position without undue interference; (vi) an opportunity for the family to question or refuse any testimony or other evidence and to confront and cross-examine any adverse witnesses; (vii) that the hearing shall be conducted and the decision made by a hearing official who did not par-

ticipate in making the decision under appeal; (viii) that the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record; (ix) that the family and any designated representatives shall be notified in writing of the decision of the hearing official; (x) that a written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and (xi) that such written record of each hearing shall be preserved for a period of three years and shall be available for examination by the family or its representatives at any reasonable time and place during such period.

(5) An assurance that there will be no identification of free meal recipients and no discrimination against any child on the basis of race, color, or national origin.

(e) The hearing procedure prescribed under paragraph (c)(4) of this section shall be followed when a camp challenges the eligibility of any child for a free meal. During the pendency of the challenge, the child shall continue to receive the free meal to which he is entitled under the eligibility standards announced by the camp based upon the information supplied in the application made by the family.

(f) Each sponsor shall make available on an annual basis to the information media serving the area from which the sponsor draws its attendance a public release announcing the availability of free meals to children. Each camp shall make available on an annual basis to all participants an announcement of the availability of free meals to children meeting the approved eligibility criteria. The public announcement must also state that meals are available to all children in attendance without regard to race, color, or national origin.

§ 225.18 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the program shall be in accordance with attachment K of the Office of Management and Budget Circular A-110 (41 FR 32016, July 30, 1976), or attachment L of the Office of Management and Budget Circular A-102 (42 FR 45828, September 12, 1977), whichever is applicable.

(b) *Termination for cause.* The Department may terminate a State agency's participation in the program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the program. The Department shall promptly notify the State agency in writing of the termination and reasons for the termination, together with the effective date and shall allow the State 30 days to respond. In instances where the State does respond, the Department shall inform the State of its final determination no later than 30 days after the State responds. A State agency shall terminate a sponsor's participation in the program by written notice whenever it is determined by FNS or the State agency that the sponsor has failed to comply with the conditions of the program. When participation in the program has been terminated for cause, any funds paid to the State agency or a sponsor or any recoveries by FNS from the State agency or by the State agency from a sponsor shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* The Department and the State agency may terminate the State agency's participation in the program in whole, or in part, when both parties agree that the continuation of the program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the State agency for the Federal share of the noncancellable obligations properly incurred by the State agency prior to termination. A State agency may terminate a sponsor's participation in accordance with this paragraph.

§ 225.19 Program information.

Persons desiring information concerning the program may write to the appropriate State agency or regional offices of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Mass. 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, One Vahlsing Center, Robbinsville, N.J. 08691.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Ga. 30309.

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(e) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 2420 West 26th Avenue, Room 430D, Denver Colo. 80211.

(f) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Tex. 75242.

(g) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, Calif. 94108.

(Catalog of Federal Domestic Assistance Programs No. 10.559.)

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: February 1, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-3182 Filed 2-2-78; 9:15 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

PROPOSED REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Acetaminophen Preparations

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes, under the Poison Prevention Packaging Act of 1970, to require child-resistant packaging for any preparation in a dosage form intended for oral administration that contains a total amount of more than one gram of acetaminophen in a single package. The Commission preliminarily finds that this special packaging requirement is required to protect children under 5 years of age from serious personal injury and serious illness resulting from ingesting such substance.

DATE: Written comments should be submitted on or before April 4, 1978.

The requirement is proposed to be effective 6 months after the final requirement is issued in the FEDERAL REGISTER as to products packaged after that date.

ADDRESSES: Written comments, preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proceeding, including any comments that may be received on this proposal, may be seen in, or copies obtained from, the Office of the Secretary, Consumer Product Safety Commission, Third Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Fred J. Marozzi, Ph. D., Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6477.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Poison Prevention Packaging Act of 1970 (the "PPPA," 15 U.S.C. 1471-1476) authorizes the Commission to establish standards for the "special packaging" of any household substance if (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for such substance. Special packaging is often referred to as "child-resistant packaging" and is defined as packaging that is (1) designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time, and (2) not difficult for normal adults to use properly. (It does not mean, however, packaging which all such children cannot open, or obtain a toxic or harmful amount from, within a reasonable time.) Under the PPPA, effectiveness standards have been established for special packaging (16 CFR 1700.15), as has a procedure for evaluating the effectiveness (§1700.20). Regulations have been issued requiring special packaging for a number of household products (§1700.14).

By a letter dated March 16, 1976 (Petition PP 76-9), Steven D. Steckel, Assistant Director for Pharmacy of Strong Memorial Hospital, Rochester, N.Y., requested that the Commission require that acetaminophen be packaged in child-resistant containers. He stated that acetaminophen, a commonly used substitute for aspirin, had taken over a major portion of the aspirin market and that it was "important to erase the concept that this medication is less toxic than aspirin in overdose." He also stated that a number of acetaminophen poisonings had been treated at Strong Memorial Hospital. (The Commission had already begun a study of this substance with the intent of targeting it for future regulatory action.)

Acetaminophen is an analgesic which is widely used as a substitute for aspirin. Although acetaminophen is effective when taken in its proper dosage, and is also valuable for those individuals who are sensitive or allergic to aspirin, many persons apparently believe that acetaminophen is safer than aspirin in overdose situations. However, ingestion of excessive amounts of acetaminophen can cause serious toxic effects.

Liver damage and deterioration of liver function are the major toxic effects of acute acetaminophen ingestions. The general sequence of events in cases resulting in failure of the liver is: (1) vomiting within the first few hours; (2) nausea, vomiting, loss of appetite, epigastric pain, and pallor for a few days; (3) abnormal values on liver function tests within two to four days; and (5) hepatic flap (postural disturbance associated with liver damage), fetor (offensive odor), and mental confusion, followed by coma and/or death within two to seven days. Liver damage is often not directly associated with acute acetaminophen ingestion due to the two to six day delay in the onset of symptoms. Within 24 hours of acetaminophen overdose in cases leading to hepatic failure, there are occasionally changes in clotting factors which may be fatal.

There are indications in the medical literature that all acute ingestions of acetaminophen produce some degree of liver damage, although the damage may be so mild that liver functions tests remain normal, in which case the damage can be discovered only by a liver biopsy. However, some cases of liver damage appear to be reversible without any evidence of necrosis.

In addition to liver damage, acute acetaminophen ingestion may result in the following symptoms: (1) esophageal and gastric erosions; (2) hypoglycemia and acidosis; (3) renal (kidney) failure; (4) cardiac arrhythmias (irregular heartbeat); and (5) rash.

Acetaminophen may be metabolized somewhat differently by children than by adults. However, the significance of this as it relates to toxicity is not fully understood. Most of the reports in the medical literature concerning acute acetaminophen ingestion involve adults, but the rate of acetaminophen elimination appears to be similar in adults and children.

NEED FOR SPECIAL PACKAGING

Data from the National Clearinghouse for Poison Control Centers for the period from 1969 to 1975 disclose 4819 reported ingestions of acetaminophen-containing products by children under 5 years of age. Typical symptoms included lethargy, nausea, vomiting, abdominal pain, gagging, diarrhea, crying, flushed skin, irritability, hypothermia, limpness, dizziness, tremors, headache, rash, ataxia, small reactive pupils, diaphoresis, fever, hypotension, slight tachycardia, decreased respiration, feeble pulse, hematuria, cyanosis, convulsions, and coma. One hundred and two cases required hospitalization, which was usually of unspecified duration (some cases were 1-2 days). Two of the 4819 cases resulted in death.

The Consumer Product Safety Commission's file of data from six Poison Control Centers on contract with the Commission shows that 212 of 5253 reported ingestions involved acetaminophen-containing products. None of these 212 ingestions resulted in hospitalization.

Data concerning death certificates on file with the Commission reveal one death to a three year old child as a result of acetaminophen ingestion. However, it is not known if this death was also reported in the data from the National Clearinghouse for Poison Control Centers.

The medical literature indicates that acute acetaminophen ingestions are relatively more toxic in humans than in animals. Consequently, the results of toxicity studies involving animals are not an accurate reflection of the toxicity of acetaminophen in humans.

Extrapolation of the toxicity levels that have been reported for adults may provide an indication of the toxic and lethal values for acetaminophen in children under 5 years of age. It is recognized that such extrapolations may not always be a true reflection of the toxicity of a product in children, since children may not metabolize and/or eliminate the product in a manner similar to adults. Nevertheless, as previously stated, acetaminophen, while it may be metabolized differently in children than adults, is eliminated at a similar rate.

Assuming a maximum weight of 16 kg. for a two year old child, an ingestion of 2 grams would constitute a dose of at least 125 mg./kg/ of body weight. The medical literature, in general, reports that 10-15 grams of acetaminophen causes hepatotoxicity in adults and that 13-25 grams may result in death for an adult. Assuming an average adult weight of 70 kg., these values would indicate a mini-

mum toxic dose of approximately 140 mg./kg. of body weight and a minimum lethal level of approximately 190 mg./kg. A dose of 6 grams of acetaminophen has also been reported as producing hepatotoxicity in a 16 year old female. Assuming that this patient weighed 50 kg., extrapolation would yield a possible minimum toxic dose of 120 mg./kg. for a 10 kg. child. The death of an adult has been reported following an ingestion of 8.125 grams of acetaminophen. Assuming an average adult weight of 70 kg., an equivalent minimum lethal dose for a 10 kg. child could be as low as 1.2 grams. (Although this figure is close to the proposed level, it must be emphasized that it is based upon a highly unusual case compared to other reported fatalities.)

The literature also contains reports that there exists a likelihood of liver damage in a two year old child who has ingested more than 3 grams of acetaminophen and that an ingestion of 2 grams could produce hepatotoxicity in a two year old child.

Some of the cases mentioned above represent considerable deviations from the values generally recorded in the literature. However, these cases show that products containing levels of more than one gram of acetaminophen have the potential for producing serious injury or illness in children under five years of age. However, the available human experience data and the medical literature do not reveal any instance in which one gram or less of acetaminophen has caused serious injury or illness after an acute ingestion, nor do they indicate that such an amount has the potential to produce serious injury or illness.

In view of the reports in the medical literature and the data showing numerous ingestions by children, the Commission has preliminarily concluded that preparations containing more than 1 gram of acetaminophen in a single package are available to young children in or about the household and that a regulation requiring special packaging of such preparations is required to protect children under 5 years of age.

The Commission requested comments from the members of the Technical Advisory Committee for Poison Prevention Packaging on its possible proposal to require special packaging for products that contain more than one gram of acetaminophen in a single package. Ten of the Technical Advisory Committee members responded. All of those members indicated that child-resistant packaging should be required. Eight of the members concurred with the recommended level of one gram, while two of the members believed that a lower level should be established.

The Food and Drug Administration's Panel for Over The Counter Drugs (Internal Analgesic, Antipyretic, and Antirheumatic Products) has also recommended the packaging of acetaminophen products in child-resistant packaging (see 42 FR 35368; July 8, 1977).

A more technical and more detailed discussion of the issues that are discussed above is contained in a memorandum from the Commission's Division of Safety Packaging and Scientific Coordination, dated September 30, 1977. This memorandum also contains specific references to relevant reports in the medical literature and is available from the Commission's Office of the Secretary.

Technical Feasibility, Practicability, and Appropriateness

In issuing a standard for special packaging under the PPPA, the Commission is required by section 3(a)(2) of the PPPA to find that the special packaging is "technically feasible, practicable, and appropriate * * *".

A. *Technical feasibility.* Acetaminophen is marketed in tablets, powders, and capsules, and in various liquid formulations, and there are numerous package designs that meet the requirements of 16 CFR 1700.15(b) that are suitable for use with each form of this product.

Practicability. Because many existing designs suitable for use with the acetaminophen preparations that are the subject of the proposed regulation are currently being used in the special packaging of other drugs and dietary supplements, it is clear that special packaging for this product is practicable in that it is adaptable to modern mass production and assembly line techniques. The Commission conducted a survey in May 1977 of the affected industries and packaging manufacturers. Based on the survey and a December 16, 1977, "Preliminary Study of Sales and Packaging of Acetaminophen" prepared by the staff, the Commission anticipates no major supply or procurement problems for the packagers of acetaminophen-containing products or the manufacturers of child-resistant closure and capping equipment. In addition, there should be no serious problems experienced by manufacturers of the products in incorporating the child-resistant packaging features into their existing packaging lines. A more detailed discussion of the Commission's survey is found in a Commission staff memorandum dated October 4, 1977, from Charles J. Wilbur to Georg S. Maisel. Copies of this memorandum and the December 16, 1977, preliminary study may be obtained from the Office of the Secretary.

C. *Appropriateness.* As shown by the use of many existing suitable designs with other drug products, and since special packaging in many instances uses the same container, closure, and liner materials currently used for acetaminophen products, special packaging is appropriate for acetaminophen since the packaging is available in forms that are not detrimental to the integrity of the substance and that do not interfere with its storage or use.

Accordingly, as required by section 3(a)(2) of the PPPA (15 U.S.C. 1472(a)(2)), the Commission preliminarily finds that special packaging for acetaminophen-containing preparations is technically feasible, practicable, and appropriate.

Effective Date

The PPPA provides that, except for good cause, no regulation shall take effect sooner than 180 days or later than one year from the date such regulation is issued. A Commission survey of the affected industry and packaging manufacturers, discussed above, indicates that a period of six months (180 days) from the issuance form the final regulation will be sufficient for the manufacturers of these preparations to obtain suitable child-resistant packaging and incorporate its use into their packaging lines. Accordingly, the proposed effective date is 180 days after the final regulation is issued in the Federal Register, as to all acetaminophen preparations packaged after the effective date.

Conclusion and Proposal

Therefore, having considered the available human experience data, the medical literature, and after consultation with the Technical Advisory Committee on Poison Prevention Packaging as required by sections 3 and 6 of the PPPA, the Commission concludes that the requirement for special packaging set forth below should be proposed. This action constitutes the final Commission action on petition PP 76-9.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under the authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to add a new paragraph (a)(16) to 16 CFR 1700.14, reading as follows (although unchanged, the introductory text of paragraph (a) is included below for context):

§ 1700.14 Substances requiring special packaging.

(a) * * *

* * * * *

(16) *Acetaminophen.* Preparations for human use in a dosage form intended for oral administration and containing in a single package a total

of more than one gram acetaminophen shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

Interested persons are invited to submit written data, views, or arguments regarding any aspect of the proposal on or before April 4, 1978. Comments submitted after this date will be considered to the extent practicable.

Comments should be accompanied, to the extent possible, by supporting data or documentation. Requests for confidentiality of documentation will be handled in accordance with the Freedom of Information Act as amended (5 U.S.C. 552), the Commission's regulations under that act (16 CFR Part 1015, issued February 22, 1977, at 42 FR 10490), and the provisions of section 6(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(2)).

Written submissions and any accompanying data or materials should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be supported by a memorandum or brief.

Any comments that are received, and all other material which the Commission has that is relevant to this proceeding, may be seen in, or copies obtained from, the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: January 31, 1978.

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

[FR Doc. 78-3032 Filed 2-2-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184]

[Docket No. 77N-0259]

SUCCINIC ACID

Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of succinic acid as a direct human food ingredient. The safety of this ingredient has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list the ingredient as a direct food substance affirmed as GRAS.

DATES: Comments by April 4, 1978.

ADDRESS: Written comments (preferably in quadruplicate) on this proposal may be sent to the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive study of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of succinic acid has been evaluated. In accordance with provisions of § 170.35 (21 CFR 170.35), the commissioner proposes to affirm the GRAS status of this ingredient.

Succinic acid, 1,4-butanedioic acid, is a natural constituent of fresh meats, cheeses, and such vegetables as asparagus, beets, broccoli, rhubarb, and sauerkraut. Succinic acid is also being manufactured by the catalytic hydrogenation of maleic or fumaric acid, and has been prepared by aqueous alkali or acid hydrolysis of succinonitrile. It is reported to be added to foods as an acidulant and flavor enhancer.

Succinic acid is listed in § 182.1091 (21 CFR 182.1091) as GRAS for use in food as a miscellaneous and/or general purpose food additive, pursuant to regulations published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

A representative cross section of food manufacturers was surveyed to determine the specific foods in which succinic acid was used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to succinic acid added to food. The total amount used in 1970 was reported to be 638 pounds.

Succinic acid has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered: (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection and (13) processing. A total of 441 articles was reviewed, and 15 particularly pertinent reports have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Succinic acid is one of the dicarboxylic acids involved in the citric acid cycle. As one of the intermediates in this cycle, it may participate in the net synthesis of glucose and other sugars and fatty acids in animal tissue.

Succinic acid fed to phloridzinized dogs was converted to glucose. As the dose was increased, a smaller percentage was excreted in the urine as glucose, but antiketogenic and nitrogen sparing activity indicated its conversion to glucose before being oxidized. Stoehr fed 0.15 g of neutralized succinic acid to fasted young rats and noted a marked increase in liver glycogen four hours after feeding. When given by stomach tube to fasting rats with fatty livers, succinic acid and equivalent amounts of glucose were equally effective in reducing ketosis. The antiketogenic action of succinic acid in the intact organism was considered to be simply a result of its conversion to glucose. Ingestion of 10 to 50 g per day of free succinic acid by diabetic patients caused no antiketogenic activity when measured by the ketonuria, while in the normal fasting individual it was as antiketogenic as an equivalent amount of glucose.

Studies of the bioavailability of energy from various aliphatic chemicals added to the diets of experimental animals, Yoshida et al., found that succinic acid at the 5 percent dietary level was well utilized by rats. Sodium succinate produced a 22 percent hypoglycemic response when injected into rabbits. Urinary citric acid from fully grown rats was measured after oral administration of the sodium salts of various organic acids given in the ratio of 60 mg sodium per 100 g body weight. After sodium succinate was given (estimated to be about 150 mg succinate per 100 g of body weight), the 24 hour urine sample contained 4.18 mg of citric acid per ml as compared with 0.44 mg of citric acid per ml in rats given sodium carbonate, and 0.16 mg of citric acid per ml in control animals.

The minimum lethal dose of succinic acid injected subcutaneously into frogs was 2 g per kg body weight. Rabbits tolerated 0.54 g of sucinic acid injected intravenously as an 0.5 N solution, or 1.63 g of 0.25 N solution per kg body weight. Rose gave rabbits 4.0 g (about 2 g per kg of body weight) of neutralized succinic acid subcutaneously as the sodium salt and concluded that the acid is not nephrotoxic in rabbits because of the rapid oxidation of succinic acid within the organism. Intraperitoneal injection of 4 g per kg body weight of succinic acid in Long-Evans rats was the maximum tolerated dose, which was defined as the dose at which 10 percent of the test animals died in 24 hours. The oral LD_{50} of a mixture of succinic acid (63.3 percent) and magnesium phosphate (36.7 percent) in mice was 4562 mg per kg body weight. Albino rats, seven days old, were injected subcutaneously with 0.5 mg of succinic acid in sesame oil, and daily thereafter with increasing doses until they were receiving 2.0 mg per day at four weeks of age (estimated to be approximately 20 mg succinic acid per kg body weight per

day); this dosage was continued until the rats were 60 days old. Control animals received similar doses of sesame oil only. All the rats were weighed and measured weekly, and the times of hair appearance, tooth eruption, eye opening, and vaginal opening were recorded. There were no significant differences between the treated and the control animals except for a possible tendency toward delayed opening of the vagina in the test rats (57.2 days) compared with the controls (49.4 days).

In another series of experiments 0.05 ml of a 1:1000 solution of succinic acid (0.05 mg) was injected into the air sacs of fertile hen eggs on the tenth day of incubation. Control eggs were injected with phosphate buffer solution. No significant differences in weight and rate of development between the chicks of treated and control eggs were noted at hatching, and surviving chicks from treated eggs all developed to maturity without incident.

Single intraperitoneal injections of succinic acid, 4 g per kg body weight, had a sedative effect on the central nervous system and significantly increased brain dopamine in male Long-Evans rats. The mode of action was not determined. Sodium succinate (1 g per kg body weight) administered to rabbits (route not reported), shortened the duration of drug-induced sleep. The author suggested that succinic acid influences the duration of drug-induced sleep by increasing the excretion rate of the soporific.

No long-term toxicity tests with succinic acid have been reported.

Possible estrogenic properties of succinic acid were investigated in two-month-old ovariectomized rats. Daily subcutaneous injections of 5 mg of succinic acid (estimated to be approximately 31 mg per kg body weight per day) for 3 weeks did not change the typical diestrus vaginal smears.

Injection of 7.5 mg of sodium succinate hexahydrate into the yolk sacs of fertile hen eggs at 96 hours of incubation produced no discernible toxic or teratogenic effects in the embryos.

When the yolk sacs of chick embryos were injected simultaneously with sodium succinate hexahydrate and certain teratogens, the succinate decreased the teratogenicity of 3-acetylpyridine, 6-aminonicotinamide, and sulfanilamide, but potentiated the teratogenicity of insuling. The investigators suggested that the teratogens interfered with mitochondrial energy production and that high energy intermediates such as succinate, fed into the respiratory chain of the mitochondria and functioning as energy sources, can decrease the incidence and modify the degree of expression of malformations produced by specific teratogens.

The absorption of orally administered ferous sulfate in human subjects increased in direct proportion to supplemental doses (30 to 100 mg) of succinic acid given orally and intravenously. Eighty-one subjects participated, 13 of whom were healthy volunteers, and 68 healthy, nonanemic persons who had served as blood donors for various periods of time but had received no iron supplementation. The investigators measured the fraction of absorbed iron utilized in hemoglobin formation and suggested that succinic acid increases intestinal mucosal cell metabolism which influenced the transfer of iron across the cell membranes. On the other hand, when succinic acid was administered orally or intravenously to normal, adult subjects in single doses of 15 or 110 mg and in daily doses given for 10 days, no increase in the whole-body absorption or iron from oral doses of ferrous succinate was observed.

An incubated mixture of 100 mg of sodium succinate and 2 units of insuling, injected into rabbits' legs, decreased the hypoglycemic effect of insulin; however, simultaneous but separate injections of the two compounds produced little or no change in insulin activity comparaed with insulin alone.

No studies on possible carcinogenic or mutagenic effects of succinic acid were found by the Select Committee.

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

Succinic acid occurs widely as a natural constituent of the plants and animals which are commonly used for human food. As one of the intermediary metabolites in the citric acid cycle, it may participate in the net synthesis of glucose and other sugars and fatty acids normally present in plant and animal tissue. At the level succinic acid occurs naturally in foods, there is no evidence that it is hazardous to man or animals. Moreover, experimental animals tolerate succinic acid in amounts equivalent to several g per kg of body weight. By contrast, a reasonable average daily intake of succinic acid added to foods is estimated to be less than 0.01 mg per day, a dosage that is orders of magnitude less than that required to elicit toxic signs in experimental animals.

There have been few scientific studies designed to explore possible untoward effects of succinic acid. However, the normal role of succinic acid as an intermediary metabolite in living organisms including man, is persuasive in favor of its safety.

It is the conclusion of the Select Committee that there is no evidence in the available information on succinic acid that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on succinic acid, including a mutagenic evaluation which was not available when the Select Committee formed its conclusion, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of this ingredient is justified.

Copies of the scientific literature review on succinic acid, the mutagenic evaluation, and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order	Price code	Price[1]
Succinic acid (scientific literature review)	PB-223-860/AS	A03	$4.00
Succinic acid (report of the select committee)	PB-254-541/AS	A02	3.50
Succinic acid (mutagenic evaluation)	PB-254-519/AS	A03	4.00

[1]Price subject to change.

This proposed action does not affect the present use of succinic acid in pet food or animal feed.

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

§ 182.1091 [Deleted]

1. In Part 182 by deleting § 182.1091 *Succinic acid.*

2. In Part 184 by adding a new § 184.1091 to read as follows:

§ 184.1091 Succinic acid.

(a) Succinic acid ($C_4H_6O_4$, CAS Reg. No. 110-15-6), also referred to as amber acid and ethylenesuccinic acid, is the chemical 1,4-butanedioic acid. It is commercially prepared by hydrogenation of maleic or fumaric acid. It can also be produced by aqueous alkali or acid hydrolysis of succinonitrile.

(b) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed (1971).[1]

(c) The ingredient is used as a flavor enhancer as defined in § 170.3(o)(11) of this chapter and pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1) of this chapter, at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.085 percent in condiments and relishes as defined in § 170.3(n)(8) of this chapter and 0.0065 percent in meat products as defined in § 170.3(n)(29) of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any

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

person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before April 4, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an 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: January 25, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-2723 Filed 2-2-78; 8:45 am]

[4110-03]

[21 CFR Part 333]

[Docket No. 75N-0183]

OTC TOPICAL ANTIMICROBIAL PRODUCTS

Extension of Time for Objections and Requests for Hearing

AGENCY: Food and Drug Administration.

ACTION: Thirty-day extension of time for objections and/or requests for hearing before the Commissioner.

SUMMARY: The Food and Drug Administration is extending until March 6, 1978, the time for filing written objections and requests for hearing before the Commissioner on a proposal to establish conditions under which over-the-counter (OTC) topical antimicrobial drugs are generally recognized as safe and effective and not misbranded. The extension is granted in response to requests for additional time to study the proposal.

DATE: Written objections and/or requests for oral hearing before the Commissioner by March 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Bureau of Drugs (HFD-510), Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 6, 1978 (43 FR 1210), the Commissioner of Food and Drugs issued a tentative final regulation containing a tentative final monograph which would establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) products such as antibacterial soaps, surgical scrubs, skin cleaners and first-aid preparations. The tentative final monograph is based on the recommendations and findings of the OTC Antimicrobial I Panel and a proposal by the Commissioner of Food and Drugs, published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33103), in accordance with the OTC drug review procedures in § 330.10(a)(7) (21 CFR 330.10(a)(7)). Interested persons were given until February 6, 1978 to file written objections and request an oral hearing before the Commissioner.

The agency has received requests from the Proprietary Association, The Soap and Detergent Association, Ferro Corp., Acme United Corp., Procter and Gamble Co., and Scientific and Regulatory Services to extend the time for objections and/or requests for hearing before the Commissioner. The requests have argued that the tentative final monograph is substantially changed from the Panel's recommended monographed and that nearly 3½ years have elapsed since the original proposal. The requests also note that major revisions have been proposed in labeling and that the required testing guidelines have been extensively modified. The requests for extension are on file in the office of the Hearing Clerk, Food and Drug Administration.

The Commissioner is persuaded that granting additional time for objections and/or requests for a hearing before the Commissioner is appropriate.

Accordingly, interested persons may file written objections and/or request an oral hearing before the Commissioner on this tentative order on or before March 6, 1978. Requests for an oral hearing must specify points to be covered and time requested. All objections and requests shall be submitted (in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be accompanied by a memorandum or brief in support thereof. Objections and requests may be seen in the above-named office between 9 a.m. and 5 p.m., Monday through Friday. Any schedule oral hearing will be announced in the FEDERAL REGISTER.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-1053 as amended, 1055 (21 U.S.C. 352, 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1)).

Dated: January 31, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-3102 Filed 2-1-78; 11:14 am]

[4110-03]

[21 CFR Part 500]

[Docket No. 76N-0285]

NEW ANIMAL DRUGS: BOVINE TEAT DIPS

Extension of Time For Filing Comments on Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document further extends the comment period on a proposed rule concerning uses of bovine teat dips for an additional 90 days, as requested by the National Mastitis Council.

DATES: Comments by March 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Howard Meyers, Bureau of Veterinary Medicine (HFV-214), Food and

Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION:

A proposed rule concerning uses of bovine teat dips was published in the FEDERAL REGISTER of August 9, 1977 (42 FR 40217). The proposal provided 60 days, to October 11, 1977, for submission of comments regarding the proposal. An extension of time of 60 days to December 10, 1977 for the submission of comments was published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52440). In a letter dated November 21, 1977 (on file with the Hearing Clerk, Food and Drug Administration) the National Mastitis Council, 910 17th Street NW., Washington, D.C. 20006, has requested that the comment period be extended an additional 90 days. The National Mastitis Council prepared and submitted extensive materials in response to the proposal. They stated, however, that after discussion of these materials, they appointed several committees to review additional items of serious concern. An additional extension would permit preparation of comments by these committees. Good reason therefor appearing, the time for filing comments in this matter is further extended to March 10, 1978.

Interested persons may, on or before March 10, 1978, submit to the Hearing Clerk, Food and Drug Administration (address given above) written comments regarding the August 9 proposal on bovine teat dips. Four copies of all comments shall be submitted, except that individuals may submit single copies, and the comments 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-named office between 9 a.m. and 4 p.m., Monday through Friday.

This action is taken pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and authority delegated to the Commissioner (21 CFR 5.1).

Dated: January 30, 1978.

WILLIAM F. RANDLOPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-3112 Filed 2-2-78; 8:45 am]

[1505-01]

[Docket No. 76P-0284]

[21CFR Part 701]

COSMETIC INCREDIENT LABELING

Recognition of New Sources for Names of Ingredients Adopted for Ingredient Labeling

Correction

In FR Doc. 77-31095, appearing at page 56757 in the issue for Friday, October 28, 1977, the Food and Drug Administration Docket number was left off and should appear as set forth in the heading above.

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-194-77]

DEFERRED TAX TREATMENT OF AMOUNTS OF COMPENSATORY PAYMENTS

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the tax treatment of amounts of compensatory payments which are deferred under certain nonqualified compensation reduction plans or arrangements. The regulations would reflect a change in the Internal Revenue Service position relating to these plans or arrangements and provide the public with needed guidance.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 4, 1978. The amendments are proposed to be effective in the case of compensatory payments which the taxpayer has chosen to defer if the amount would have been payable, but for the taxpayer's exercise of the option to defer receipt, on or after March 6, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-194-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3734).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 61 of the Internal Revenue Code of 1954. The amendment is proposed in order to change the Internal Revenue Service position on certain nonqualified compensation reduction plans or arrangements and is to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

GENERAL RULE

The new regulation provides that if a taxpayer (whether or not an employee) (individually chooses to have payment of some portion of his current compensation or an amount of an increase in compensation deferred and paid in a later year, the amount will nevertheless be treated as received by the taxpayer in the earlier taxable year. The taxpayer's exercise of the option to defer payment must be under a plan or arrangement other than one described in sections 401(a), 403 (a) or (b), or 405(a) of the Internal Revenue Code of 1954 (relating respectively to qualified pension, profit-sharing, and stock bonus plans; taxation of employee annuities; and qualified bond purchase plans).

DEFINITION OF COMPENSATION

Under the proposed amendment, a taxpayer's compensation includes, in addition to basic or regular compensation fixed by contract, statute, or otherwise, a supplement, such as a bonus, and increases in basic or regular compensation.

EXCEPTION

An exception to the general rule is proposed to provide that it does not apply to the amount of any payment which the taxpayer has chosen to defer under an existing plan or arrangement if the amount would have been payable, but for the taxpayer's exercise of the option to defer receipt, before March 6, 1978.

EFFECT ON PRESENT IRS PUBLISHED POSITIONS

If this regulation is published as a Treasury decision, Rev. Rul. 67-449, 1967-2 C.B. 173, Rev. Rul. 68-86, 1968-1 C.B. 184, Rev. Rul. 69-650, 1969-2 C.B. 106, and Rev. Rul. 71-419, 1971-2 C.B. 220 would no longer be applied and present Service acquiescences in the decisions in *James F. Oates*, 18 T.C. 570 (1952) and *Ray S. Robinson*, 44 T.C. 20 (1965) would be reconsidered. Further, it would be necessary to

examine the facts and circumstances of cases similar to those described in several other published revenue rulings (such as Examples (1) and (3) of Rev. Rul. 60-31, 1960-1 C.B. 174, Rev. Rul. 68-99, 1968-1 C.B. 193, and Rev. Rul. 72-25, 1972-1 C.B. 127) to determine whether the deferral of payment of compensation was in fact at the individual option of the taxpayer who earned the compensation.

On September 7, 1977, the Service announced in IR-1881 that it had suspended the issuance of rulings dealing with the income tax treatment of certain non-qualified deferred compensation plans established by State and local governments and other employers pending completion of a review of this area. The plans reviewed permit the employee to individually elect to defer a portion of his or her salary. This proposed amendment represents conclusions reached as a result of this review.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was William E. Mantle of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations.—26 CFR Part 1 is amended by adding a new § 1.61-16 immediately after § 1.61-15. The new section reads as follows:

§ 1.61-16 Amounts payments of which are deferred under certain compensation reduction plans or arrangements.

(a) *In general.* Except as otherwise provided in paragraph (b) of this section, if under a plan or arrangement (other than a plan or arrangement described in sections 401(a), 403 (a), or (b), or 405(a)) payment of an amount of a taxpayer's basic or regular compensation fixed by contract, statute, or otherwise (or supplements to such compensation, such as bonuses, or increases in such compensation) is, at the taxpayer's individual option, deferred to a taxable year later than that in which such amount would have been payable but for his exercise of such option, the amount shall be treated as received by the taxpayer in such earlier taxable year. For purposes of this paragraph, it is immaterial that the taxpayer's rights in the amount payment of which is so deferred become forfeitable by reason of his exercise of the option to defer payment.

(b) *Exception.* Paragraph (a) of this section shall not apply to an amount payment of which is deferred as described in paragraph (a) under a plan or arrangement in existence on February 3, 1978 if such amount would have been payable, but for the taxpayer's exercise of the option, at any time prior to March 6, 1978. For purposes of this paragraph, a plan or arrangement in existence on February 3, 1978 which is significantly amended after such date will be treated as a new plan as of the date of such amendment. Examples of significant amendments would be extension of coverage to an additional class of taxpayers or an increase in the maximum percentage of compensation subject to the taxpayer's option.

S. B. WOLFE,
Acting Commissioner of Internal Revenue.

[FR Doc. 78-3041 Filed 1-31-78; 4:14 pm]

[4830-01]

[26 CFR Part 1]

[LR-95-77]

INCOME TAX

Reporting Requirements for Non-Qualified Stock Options; Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public Hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to reporting requirements for non-qualified stock options.

DATES: The public hearing will be held on March 20, 1978, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by March 10, 1978.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. Outlines of comments should be submitted to Commissioner, Internal Revenue Service, Attn: CC:LR:T (LR-95-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 83 of the Internal Revenue Code of 1954. These proposed regulations appeared in the FEDERAL REGISTER for September 20, 1977 (42 FR 47222).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 10, 1978. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-95-77), Washington, D.C. 20224. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees can not be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc. 78-3043 Filed 2-2-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 185]

EMERGENCY SCHOOL AID

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Emergency School Aid Act regulations for the purpose of governing the award of grants for the planning and operation of magnet schools, cooperative programs between local educational agencies and universities or businesses, and the planning of neutral site schools. These activities are authorized by amendments to the

Emergency School Aid Act contained in the Education Amendments of 1976.

DATES: Comments must be received on or before March 20, 1978. Public meetings will be held in four cities at the addresses listed below. The date and time for each meeting follow:

February 13, 1978, Washington, D.C., 9 a.m. to 1 p.m.
February 14, 1978, Cleveland, Ohio, 9 a.m. to 1 p.m.
February 15, 1978, Dallas, Tex. 9 a.m. to 1 p.m.
February 17, 1978, San Francisco, Calif. 9 a.m. to 1 p.m.

ADDRESSES: Comments should be addressed to Dr. Thomas W. Fagan, Room 2017, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202. The public meetings will be held at the following locations:

Washington, D.C., Room 221, Martin Luther King Memorial Library, 901 G Street NW.
Cleveland, Ohio, Cleveland YWCA, Willey Room, 2d Floor, 3201 Euclid Avenue 44115.
Dallas, Tex., Human Systems, Inc., Executive Tower, Room 506, 3300 West Mockingbird 75235.
San Francisco, Calif., Far West Laboratory for Eductational Research and Development, 1855 Folsom Street 94103.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas W. Fagan, 202-245-2465.

AUTHORITY.—Pursuant to the authority contained in the Emergency School Aid Act, Title VII of the Education Amendments of 1972 ("ESAA"; 20 U.S.C. 1601 et seq.) and, in particular, the 1976 amendments to that statute contained in section 321(c) of Pub. L. 94-482, the Commissioner (to whom the Assistant Secretary has delegated functions under ESAA) proposes to amend the regulations in 45 CFR Part 185.

SUPPLEMENTARY INFORMATION: On July 1, 1977, an interim final regulation (Subpart L of 45 CFR Part 185) was published in the FEDERAL REGISTER to govern the award of fiscal year 1977 grants for newly authorized activities (the planning and operation of magnet schools, cooperative programs between local educational agencies and universities or businesses, and the planning of neutral site schools). Considering the required time for public comment, it was apparent that a final regulation could not take effect, following proposed rulemaking procedures, in time to govern timely awards of assistance in that fiscal year. The interim final regulation was published with the understanding that the Office of Education would republish it as proposed rulemaking to allow for public comment.

One comment in response to the interim regulation was received. The commenter objected to the requirement that nonminority students constitute no less than 50 percent of the total enrollment of the magnet school. This suggestion was considered by the Office of Education and, for the reasons set out below in connection with § 185.102(c), was not adopted in the proposed regulations.

At this time, the Commissioner republishes the interim regulations, with minor changes indicated below, as proposed rules and invites comment from the public.

DEFINITIONS

Definitions of some terms used in Subpart L are contained in existing regulations pertaining to the Emergency School Aid Act. See, in particular, § 185.02. However, § 185.101 in Subart L contains definitions of certain terms used in that Subpart alone. The definitions of "magnet school" and "neutral site school" are taken from the 1976 amendments to the statute. The definition of a "special curriculum" required for a magnet school permits the award of a grant in connection with a school that offers a course of study embracing either special subject matter or a special teaching methodology. The "special curriculum" need not be unique. An applicant may seek funds in connection with more than one school offering the same curriculum, or schools offering different curricula, so long as the curriculum at each school is not generally available in the applicant's schools.

The definition of "special curriculum" excludes curricula designed solely for handicapped students or for students of limited English-speaking ability because students are assigned to these curricula by virtue of their special educational needs. In order to ensure that a magnet school is open to students of various ethnic and economic backgrounds, the definition of "special curriculum" also excludes one in which a student is unable to participate because of the student's limited English-speaking ability or limited financial resources. Finally, the definition excludes a curriculum which fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools. This provision is designed to ensure that a student's enrollment in a magnet school will result in no academic penalty either in the magnet school or in another school to which the student transfers after enrolling in the magnet school.

ELIGIBILITY

Section 185.102 sets out the eligibility requirements for a grant under Subpart L. It provides that only a local educational agency may apply for such a grant, and that the applicant must comply with the civil rights related limitations on eligibility applicable to any educational agency seeking ESAA assistance.

In the case of a grant to conduct educational programs in a magnet school, there is a further eligibility requirement. Under the statute, this kind of grant may be used only in connection with a school or education center that offers a special curriculum "capable of attracting substantial numbers of students of different racial backgrounds" (20 U.S.C. 1619(9)). Section 185.102(c) requires that the enrollment of a magnet school include substantial numbers of students from different racial backgrounds 60 days after the beginning of the first school term during the project period. The purpose of this provision is to ensure that the curriculum of the school is truly capable of attracting a racially diverse student body, and thereby to ensure that grant funds are used for the purposes permitted by the statute. The Commissioner encourages applicants for magnet school grants to take the necessary steps to attract a racially diverse student body to each school before the beginning of the school term, and anticipates that applicants will be successful in this regard. However, the Commissioner recognizes that precise enrollment figures are difficult to ascertain before school opens, that some students enroll after that date, and that a limited number of students may be attracted to one school after first enrolling in another. For these reasons, he has determined that the capability of a curriculum to attract a racially diverse student body should be assessed 60 days after the beginning of the school term.

The experience of the Office of Education with the first group of magnet school applications has shown requests for equipment costs to be significant. To prevent the obligation of equipment funds in connection with a magnet school which fails to meet enrollment requirements, the interim regulation has been amended to preclude the obligation of more than one-half of equipment funds (where they exceed 10 percent of the grant award) until the school is found to meet enrollment requirements.

Under § 185.102(c), minority group students may constitute between 20 and 50 percent of the enrollment of a magnet school. If the applicant enrolls in its schools students from more than one minority group, the minority group enrollment of the magnet school must generally reflect the minority group enrollment in the applicant's schools as a whole. In establishing these requirements, the Commissioner has been guided, first, by the purposes of the Emergency School Aid Act set out at 20 U.S.C. 1601(b) and, in particular, 20 U.S.C. 1601(b)(2):

> to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

In view of the purposes of the statute, the Commissioner has determined

that funds may not be used in connection with a minority group isolated school as that term is defined in the statute. (See 20 U.S.C. 1619(11) and § 185.02(g) of the ESAA regulations.) Therefore, the regulations establish a ceiling of 50 percent for the minority group enrollment in a magnet school.

In establishing a floor of 20 percent minority enrollment in a magnet school, the Commissioner has been guided by the views of experts in school desegregation. For example, Dr. Thomas Pettigrew, in testimony before Congress prior to the enactment of the ESAA, expressed his opinion that the optimum minority group enrollment in a school was not less than 20 percent. (Hearings before the Select Committee on Equal Educational Opportunity of the United States Senate on Equal Educational Opportunity, 91st Cong., 2d Sess., Pt. 2, at 769 (1970).) More recently, Dr. Charles V. Willie cited the same percentage figure as the lower limit of a sufficient minority group enrollment range. (Willie, "Racial Balance or Quality Education", 84 U. Chi. Sch. Rev. 319 (1976).)

The regulations require a recipient of a grant to conduct educational programs in a magnet school to report the enrollment of the school as of the 60th day after the beginning of the school term. If a racially diverse student body as described above has not been attracted to a school by that time, the grant is terminated insofar as it relates to that school.

Authorized Activities

Section 185.103 sets out the activities for which funds awarded under Subpart L may be used. These activities fall into three major categories set out at 20 U.S.C. 1606(a) (13)–(15):

1. Planning and design of, and conduct of programs in, magnet schools;

2. The pairing of schools and programs with specific colleges and universities and with leading businesses; and

3. The development of plans for neutral site schools. These activities, like those under other ESAA programs, may be assisted only if they would not otherwise be funded and are designed to carry out the purposes of the statute. Limited repair and minor remodeling or alteration of existing facilities may be assisted in connection with activities otherwise authorized.

The interim regulation did not expressly provide that enrollment requirements applicable to projects to conduct educational programs in magnet schools also applied to projects to plan magnet schools. An amendment to the interim regulation makes it clear that the enrollment requirements apply to schools for which planning grants are made.

The regulations amplify each of the three major categories of authorized activities. In the case of magnet schools, both educational and architectural planning, as well as related activities, may be assisted. The conduct of educational programs in a magnet school may also be assisted, so long as the applicant's fiscal effort per student for students enrolled in the magnet school will be no less than that for students enrolled in comparable schools. This restriction is designed to ensure that ESAA funds are not used as a substitute for non-Federal funds.

In the case of university/business cooperation, the regulations do not delimit the kinds of cooperative educational programs which may be assisted. However, taking into account the purposes of the statute, the Commissioner has determined that these programs must be designed to benefit students or staff in a magnet school, a school affected by a plan described in 20 U.S.C. 1605(a), or a minority group isolated school.

The regulations relating to neutral site planning distinguish between planning activities, which may be assisted, and activities that occur after planning has been completed, which may not. Activities may be assisted only in connection with a school planned to have the enrollment characteristics described above for a magnet school, and one which will be equally accessible to students from all racial groups.

Applications and Funding Criteria

Section 185.104 sets out the information and assurances required to be included in an application for a grant under Subpart L. It provides that an applicant under this Subpart must include enrollment data needed for the evaluation of its application, as well as the information required of local educational agencies under other ESAA programs.

Section 185.105 sets out objective criteria for use in evaluating applications for grants relating to magnet schools or university/business cooperation. The objective criteria are designed to measure the net change in minority group isolation in the applicant's schools over two periods. For fiscal year 1978 grants these periods are (1) fiscal year 1976 compared to fiscal year 1979 (when the assisted activities would be carried out), and (2) fiscal year 1978 compared to fiscal year 1979. The elimination, reduction, or prevention of isolation in the latter period has twice the weight of that in the former. Thus, the criteria emphasize the efficacy and comprehensiveness of the applicant's efforts to address minority group isolation, and the need arising from those efforts.

No applicant for fiscal year 1977 funds under Subpart L achieved a net change in minority group isolation greater than 70.99 nor a score of more than 21 points on the basis of the criteria in § 185.105. Therefore, the interim regulation has been amended to provide for better discrimination among applicants in assigning points for the net change in isolation. No points are assigned for a change in isolation between 0 and 0.99. The lowest third of the scale provides for the greatest discrimination among applicants while less is needed in the middle and upper thirds of the scale.

Each application under Subpart L is also evaluated, in whole or in part, on the basis of other criteria. An application for a grant relating to magnet schools or university/business cooperation is evaluated on the basis of the educational criteria set out in § 185.106 as well as the objective criteria described above. An application for a grant relating to neutral site planning is evaluated only on the basis of the criteria set out in § 185.107.

Section 185.108 sets out the funding procedures for the award of grants under Subpart L. It provides for an annual reservation of a proportion of available funds for neutral site planning. Applications for grants relating to magnet schools or university/business cooperation are evaluated separately from applications for grants relating to neutral site planning. Awards are made to the highest ranking applicants in each of these two categories. However, in the case of applications for grants relating to magnet schools or university/business cooperation, the regulations provide for the award of at least five grants where a sufficient number of meritorious applications has been submitted. The purpose of this provision is to ensure that the needs of a number of applicants are met to some extent, and to provide a basis for evaluating the program.

Other Provisions

Sections 185.109 and 185.110 incorporate the requirements for public and advisory committee participation and nonpublic school participation, respectively, that apply to any local educational agency seeking ESAA assistance.

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

(Catalog of Federal Domestic Assistance Numbers 13.589—Magnet Schools, University/Business Cooperation, and 13.590—Neutral Site Planning.)

Accordingly, 45 CFR Part 185 is proposed to be amended as set forth below.

Dated: December 28, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: January 3, 1978.

PETER D. RELIC,
Acting Assistant Secretary for Education.

Approved: January 27, 1978.

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

1. The Table of Contents is amended by adding at the end thereof the following:

SUBPART L—MAGNET SCHOOLS, UNIVERSITY/BUSINESS COOPERATION, AND NEUTRAL SITE PLANNING

185.101 Definitions.
185.102 Eligibility.
185.103 Authorized activities.
185.104 Applications.
185.105 Objective criteria—magnet schools and university/business cooperation.
185.106 Educational criteria—magnet schools and university/business cooperation.
185.107 Neutral site planning criteria.
135.108 Funding procedures.
185.109 Public and advisory committee participation.
185.110 Nonpublic school participation.

2. A new Subpart L is added, as follows:

Subpart L—Magnet Schools, University/Business Cooperation, and Neutral Site Planning

§ 185.101 Definitions.

The following definitions apply to terms used in this subpart:

"Magnet school" means a school or educaton center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"Neutral site school" means a school that is located so as to be accessible to substantial numbers of students of different racial backgrounds.

"Special curriculum" means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level, and in the same local educational agency, as the students to whom the special curriculum is offered. This term does not include—

(1) A course of study designed solely for handicapped students or for students of limited English-speaking ability; or

(2) A course of study in which any student is unable to participate because of his or her limited English-speaking ability; or

(3) A course of study in which any student is unable to participate because of his or her limited financial resources; or

(4) A course of study which fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools.

(20 U.S.C. 1603(d), 1619(9), 1619(12).)

§ 185.102 Eligibility.

(a) Any local educational agency may apply for a grant under this subpart.

(20 U.S.C. 1603(d), HR Rep. No. 94-1701, 94th Cong., 2d Sess. 231 (1976).)

(b) The provisions of § 185.43 (limitations on eligibility), § 185.44 (waivers of ineligibility), and § 185.46 (determinations of ineligibility prior to award of assistance) apply to any local educational agency seeking a grant under this subpart.

(20 U.S.C. 1603(d), 1605(d).)

(c) In the case of a grant for activities described in § 185.103(a) relating to the conduct of educational programs in a magnet school, the Assistant Secretary will consider the curriculum of a magnet school to be capable of attracting substantial numbers of students of different racial backgrounds only if, 60 days after the beginning of the first school term during the project period, the enrollment of the school meets the following requirements:

(1) Minority group students constitute no less than 20 percent and no more than 50 percent of the enrollment;

(2) The ratios of the number of students from each minority group to the total number of minority group students enrolled in the magnet school generally reflect the ratios among minority group students enrolled in all the schools of the recipient; and

(3) No student has been compelled to enroll in the magnet school, or to enroll in another school after enrolling in the magnet school.

If the enrollment of any school does not meet these requirements, the Assistant Secretary shall terminate the grant in accordance with § 185.45 insofar as it relates to that school.

(d) A recipient of a grant for activities described in § 185.103(a) relating to the conduct of educational programs in a magnet school shall submit to the Assistant Secretary a report showing the number of nonminority group students and the number of students from each minority group who were enrolled at each magnet school to which the grant relates on the 60th day after the beginning of the first school term during the project period. The recipient shall submit this report within 75 days after the beginning of that school term unless the Assistant Secretary, for good cause shown, sets a later date for submission.

(20 U.S.C. 1603(d), 1607(a)(13), 1619(9).)

§ 185.103 Authorized activities.

Funds awarded under this subpart may be used for the activities described in this section if those activities would not otherwise be funded and if they are designed to carry out the purposes described in § 185.01 (relating, generally, to the elimination of minority group segregation, discrimination, and isolation and the effects thereof). No more than 10 percent of the funds awarded under this subpart may be used for the repair and minor remodeling or alteration of facilities.

(a) *Magnet schools.* (1) Funds may be used for the following three activities:

(i) The planning and design of one or more magnet schools; as described in § 185.102(c) (1), (2), and (3);

(ii) The conduct of educational programs in one or more magnet schools; and

(iii) The repair and minor remodeling or alteration (as defined in § 185.12(d) of existing school facilities in connection with the conduct of educational programs in one or more magnet schools.

(2) The planning and design of a magnet school includes, but is not limited to, the following activities:

(i) Planning and design of educational programs for the school;

(ii) Architectural design of new or modified facilities to house the school;

(iii) Surveys and studies relating to the establishment or improvement of the school; and

(iv) Recruitment of students and staff for the school.

(3) Where the cost of equipment (as defined in § 185.02(c)) exceeds 10 percent of funds awarded for the conduct of educational programs in one or more magnet schools, the recipient may not obligate more than one-half of the funds available for equipment until the Assistant Secretary determines that each school to which the equipment relates meets the enrollment requirements set out in § 185.102(c) (1)-(3).

(4) The Assistant Secretary shall award funds for the conduct of educational programs in a magnet school only if the applicant's fiscal effort per student for students enrolled at a magnet school is no less than its fiscal effort per student for students enrolled at all schools serving students of the same age or grade level operated by the applicant in the fiscal year for which it seeks assistance under this subpart. For the purpose of this subparagraph, "fiscal effort per student" means the expenditure for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits

for food services and student body activities (but not including expenditures for community services, capital outlay and debt service, or any expenditure from funds granted under any Federal program of assistance) divided by the number of students with respect to whom the computation is made.

(b) *University/business cooperation.* Funds may be used for—

(1) The conduct of educational programs by the applicant, in cooperation with one or more colleges, universities, or leading businesses, for the benefit of students enrolled, or staff employed, in—

(i) A magnet school assisted under this subpart;

(ii) A school affected by a plan or project described in § 185.11 or § 185.31(a); or

(iii) A minority group isolated school (as defined in § 185.02(g)); and

(2) The repair and minor remodeling or alteration (as defined in § 185.12(d)) of facilities in connection with the conduct of these educational programs.

(c) *Neutral site planning.* (1) Funds may be used for the development of plans for one or more neutral site schools, including but not limited to the following activities:

(i) Surveys and studies to determine the location of the school;

(ii) Planning educational programs for the school;

(iii) Architectural design of facilities to house the school; and

(iv) The repair and minor remodeling or alteration (as defined in § 185.12(d) of facilities in connection with the development of plans for the school.

(2) Funds may be used only in connection with a school planned to have the following characteristics:

(i) Minority group students will constitute no less than 20 percent and no more than 50 percent of the enrollment of the school;

(ii) The ratios of the number of students from each minority group to the total number of minority group students who will be enrolled in the school generally reflect the ratios among minority group students who will be enrolled in all the schools of the recipient; and

(iii) The school will be equally accessible to nonminority group students and students from each minority group who will be enrolled in it.

(3) Funds may not be used for—

(i) The acquisition or improvement of a site for the school;

(ii) The construction of facilities to house the school;

(iii) The acquisition of equipment for the school; or

(iv) Any activity related to the operation of the school.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)-(15), 1619 (10) and (12); 122 CONG. REC. S16870, S16872 (daily ed. Sept. 28, 1976), H11691, H11699 (daily ed. Sept. 29, 1976).)

§ 185.104 Applications.

(a) An applicant for a grant under this subpart shall include in its application a description of the activities for which it seeks assistance and the information described in §§ 185.109 and 185.110.

(b) The provisions of § 185.13 (a) through (n), relating to applications, apply to any applicant for a grant under this subpart. An applicant shall include in its application the information and assurances required by those provisions.

(c) In the case of an application for a grant to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business co-operation respectively, the applicant shall include in its application the information described in this paragraph.

(1) Except as provided in subparagraph (2) of this paragraph, the applicant shall include—

(i) The number of minority group students and the total number of students enrolled or to be enrolled in each of its schools in the following years:

(A) "Base year I" (meaning the third fiscal year prior to the fiscal year for which an applicant seeks assistance unde this subpart);

(B) "Base year II" (meaning the fiscal year immediately prior to the fiscal year for which an applicant seeks assistance under this subpart); and

(C) The "project year" (meaning the fiscal year for which an applicant seeks assistance under this subpart); and

(ii) A description of the basis for its enrollment projections for the project year.

(2) (i) If an applicant is eligible for assistance under this part under a plan described in § 185.11(b)(3) or a project described in § 185.11(d) and chooses to rely on that plan or project in its application for assistance under this subpart, it shall include the number of minority group students and the total number of students who would be enrolled, in the project year, in each of its schools—

(A) If the plan or project were implemented; and

(B) If the plan or project were not implemented.

(ii) If the applicant chooses to rely soley on that plan or project, it is not required to include the information described in subparagraph (1) of this paragraph.

(d) Both an applicant for a grant under this subpart and the Assistant Secretary shall make the application and all correspondence and other written materials relating to it readily available to the public.

(20 U.S.C. 1603(d), 1609 (a) and (b), 1612, 1605(d), 1228.)

§ 185.105 Objective criteria—magnet schools and university/business cooperation.

(a) (1) In evaluating an application for a grant under this subpart to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the Assistant Secretary shall assign the application up to 90 points for the net change in isolation in the applicant's schools between base year I and the project year, and between base year II and the project year. ("Base year I," "base year II," and "project year" are defined at § 185.104.)

(2) The Assistant Secretary shall assign points for net change in isolation on the basis of the procedure described in this section.

(b) From the information required to be included in an application under § 185.103(c), the minority group percentage of the enrollment of each of the applicant's schools in base year I is computed. The number of minority group students enrolled in schools within each percentage range in Column A of Table I is determined. The number of students in each percentage range is then multiplied by the corresponding weight in Column B of Table I. The resulting weighted numbers are added. The sum is then divided by the total number of minority group students enrolled in the applicant's schools for that year.

TABLE I

Column A, minority group percentage	*Column B, Weight*
95 or more	0.0
At least 90 but less than 95	.1
At least 85 but less than 90	.2
At least 80 but less than 85	.3
At least 75 but less than 80	.4
At least 70 but less than 75	.5
At least 65 but less than 70	.6
At least 60 but less than 65	.7
At least 55 but less than 60	.8
More than 50 but less than 55	.9
50 or less	1.0

(c) The computation described in paragraph (b) of the section is repeated using the number of minority group students to be enrolled in the applicant's schools in the project year.

(d) The result of the computation for base year I is subtracted from the result of the computation for the project year to determine the net change in isolation between base year I and the project year. Using Table II, the Assistant Secretary assigns the application the number of points in Column B which corresponds to the applicant's net change in isolation in Column A.

TABLE II

Column A, net change in isolation	*Column B, points*
96 to 100	30
91 to 95.99	29

TABLE II—Continued

Column A, net change in isolation	Column B, points
86 to 90.99	28
81 to 85.99	27
76 to 80.99	26
71 to 75.99	25
66 to 70.99	24
61 to 65.99	23
56 to 60.99	22
51 to 55.99	21
48 to 50.99	20
45 to 47.99	19
42 to 44.99	18
39 to 41.99	17
36 to 38.99	16
33 to 35.99	15
30 to 32.99	14
27 to 29.99	13
24 to 26.99	12
21 to 23.99	11
19 to 20.99	10
17 to 18.99	9
15 to 16.99	8
13 to 14.99	7
11 to 12.99	6
9 to 10.99	5
7 to 8.99	4
5 to 6.99	3
3 to 4.99	2
1 to 2.99	1
0 to 0.99	0

(e) The computation described in paragraph (b) of this section is repeated using the number of minority group students enrolled in the applicant's schools in base year II. The result of this computation is subtracted from the result of the computation for the project year to determine the net change in isolation between base year II and the project year. Using Table II, the Assistant Secretary assigns the application the number of points in Column B which corresponds to the applicant's net change in isolation in Column A multipiled by two.

(f) If the applicant relies on either a plan described in § 185.11(b)(3) or a project described in § 185.11(d), or both, and on the reduction or elimination of minority group isolation, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b) through (e) of this section using as project year data the enrollment data based on implementation of the plan or project.

(g) If the applicant relies solely on a plan described in § 185.11(b)(3) or a project described in §185.11(d), or both, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b) through (e) of this section—

(1) Using as base year I and base year II data the enrollment data based on no implementation of the plan or project; and

(2) Using as project year data the enrollment data based on implementation or the plan or project.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12-14), 1609(c) (1)-(4).)

§ 185.106 Educational criteria—magnet schools and university/business cooperation.

In evaluating an application for a grant under this subpart to carry out activities described in §185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the Assistant Secretary shall assign the application up to 70 points on the basis of the following criteria:

(a) *Need assessment (10 points).* (1) The magnitude of the need for the activities proposed in the application (5 points); and

(2) The extent to which the need is supported by objective evidence (5 points).

(b) *Statement of objectives (10 points).* (1) The extent to which the applicant sets out specific, measurable objectives related to the need assessed (4 points);

(2) The extent to which the objectives realistically address the need assessed (3 points); and

(3) The extent to which the objectives were developed by persons with relevant experience and persons from all racial and ethnic populations to be served by the proposed activities (3 points).

(c) *Activities (36 points).*—(1) *Project design (24 points).* (i) The extent to which the proposed activities are unique (4 points);

(ii) The thoroughness of the applicant's planning for the proposed activities and the extent to which those activities will be coordinated with other efforts by the applicant to eliminate, reduce, or prevent minority group isolation (4 points);

(iii) The extent to which the proposed activities will promote interracial and intercultural contact and understanding (3 points);

(iv) The extent to which the proposed activities will meet the needs of individual students, including students of varying levels of achievement (4 points);

(v) The extent to which the proposed activities will reflect the interests of parents, students, and other members of the community (3 points);

(vi) The extent to which the curriculum to which the proposed activities relate includes materials pertinent to the racial and ethnic composition of the schools or community to be served (2 points);

(vii) The extent to which instruction in basic skills is integrated into the proposed activities (2 points); and

(viii) The extent to which the proposed activities provide for cooperative planning among teachers and other staff to meet the needs of individual students (2 points).

(2) *Staffing (6 points).* (i) The extent to which the applicant sets out an adequate staffing plan, including specific job responsibilities and provisions for making maximum use of present staff capabilities (2 points);

(ii) The extent to which the proposed activities will be conducted by staff which reflect the racial and ethnic composition of the schools or community to be served (2 points);

(iii) The extent to which the proposed activities include necessary staff training (2 points).

(3) *Parent and Community Involvement (6 points).* (i) The extent to which the applicant will involve parents and students in carrying out the proposed activities, as by employing parents as instructional aides in the classroom and informing parents and students of progress made in carrying out the proposed activities (2 points);

(ii) The extent to which the applicant will involve in the proposed activities public and private agencies in the community which have previously been involved in activities related to the elimination, reduction, or prevention of minority group isolation (2 points); and

(iii) The extent to which the applicant delineates specific opportunities for the participation in the proposed activities of the advisory committee described in § 185.41 (2 points).

(d) *Management (8 points).* (1) The extent to which the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives, and is reasonable in relation to the expected benefits (2 points);

(2) The extent to which the applicant has made all possible efforts to minimize the amount of funds requested for the purchase of equipment to carry out the proposed activities (2 points);

(3) The extent to which the applicant sets out a detailed and realistic schedule of implementation (2 points); and

(4) The extent to which the applicant sets out a plan for meeting the logistical requirements for the proposed activities, including a description of adequate and conveniently available facilities and equipment (2 points).

(e) *Evaluation (6 points).* The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed activities in achieving the stated objectives, including—

(1) A timetable for the compilation of data for evaluation and a method for continuing review of the proposed activities in the light of that data (2 points);

(2) A description of instruments to be used for evaluation of the proposed activities (and of the method for validating these instruments where necessary), or a description of the procedure to be employed in selecting these instruments (2 points); and

(3) Provisions for the comparison of evaluation results with norms, control group performance, results of other programs, or other external standards (2 points).

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)–(14), 1609(c) (1), (2), (4), and (6).)

§ 185.107 Neutral site planning criteria.

In evaluating an application for a grant under this subpart to carry out activities described in § 185.103(c) relating to neutral site planning, the Assistant Secretary shall assign the application up to 100 points on the basis of the following criteria:

(a) *Need assessment (20 points).* (1) The magnitude of the need for the activities proposed in the application (10 points); and

(2) The extent to which the need is supported by objective evidence, including demographic data (10 points).

(b) *Statement of objectives (5 points).* (1) The extent to which the applicant sets out specific, measurable objectives related to the need assessed (2 points);

(2) The extent to which the objectives realistically address the need assessed (1 point); and

(3) The extent to which the objectives were developed by persons with relevant experience and persons from all racial and ethnic populations to be served by the proposed activities (2 points).

(c) *Activities (60 points).*—(1) *Project design (35 points).* (i) The extent to which the proposed activities will be coordinated with other efforts by the applicant to eliminate, reduce, or prevent minority group isolation (5 points);

(ii) The extent to which the proposed activities will be coordinated with the applicant's other planning activities, including those related to building use (5 points);

(iii) The extent to which the proposed activities will be coordinated with the planning activities of both other governmental agencies and the private sector to ensure that a neutral site school to which the proposed activities relate will have the characteristics described in § 185.103(c)(3) for an extended period (10 points);

(iv) The extent to which the proposed activities will assist in eliminating, reducing, or preventing minority group isolation in the schools of more than one local educational agency (5 points);

(v) The extent to which the proposed activities, including any educational planning activities, will reflect the interests of parents, students and other member of the community (5 points); and

(vi) The extent to which the applicant provides evidence of a commitment to implement any plan developed with assistance under this subpart (5 points).

(2) *Staffing (10 points).* (i) The extent to which the applicant sets out an adequate staffing plan, including specific job responsibilities and provisions for making maximum use of present staff capabilities (4 points);

(ii) The extent to which the proposed activities will be conducted by staff which reflect the racial and ethnic composition of the community to be served (3 points); and

(iii) The extent to which the proposed activities include necessary staff training (3 points).

(3) *Parent and community involvement (15 points).* (i) The extent to which the applicant will involve parents and students in carrying out the proposed activities (5 points);

(ii) The extent to which the applicant will involve in the proposed activities public and private agencies which have previously been involved in activities related to the elimination, reduction, or prevention of minority group isolation (5 points); and

(iii) The extent to which the applicant delineates specific opportunities for the participation in the proposed activities of the advisory committee described in § 185.41 (5 points).

(d) *Management (10 points).* (1) The extent to which the amount of funds requested is of sufficient magnitude in relation to the stated objectives to give substantial promise of achieving those objectives, and is reasonable in relation to the expected benefits (2 points);

(2) The extent to which the applicant has made all possible efforts to minimize the amount of funds requested for the purchase of equipment to carry out the proposed activities (2 points);

(3) The extent to which the applicant sets out a detailed and realistic schedule of implementation (2 points); and

(4) The extent to which the applicant sets out a plan for meeting the logistical requirements for the proposed activities, including a description of adequate and conveniently available facilities and equipment (4 points).

(e) *Evaluation (5 points).* The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed activities in achieving the stated objectives, including—

(1) A timetable for the compilation of data for evaluation and a method for continuing review of the proposed activities in the light of that data (3 points); and

(2) A description of instruments to be used for evaluation of the proposed activities (and of the method for validating these instruments where necessary), or a description of the procedure to be employed in selecting these instruments (2 points).

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12) and (15), 1609(c) (1)–(4) and (6).)

§ 185.108 Funding procedures.

(a) The Assistant Secretary shall make any grant under this subpart from funds appropriated under section 704(d) of the Act. The Assistant Secretary will announce, by publication of a notice in the FEDERAL REGISTER:

(1) The amount of funds, if any, available for grants under this subpart in any fiscal year;

(2) The proportion of those funds which the Assistant Secretary will reserve for grants to carry out activities described in § 185.103(c) relating to neutral site planning;

(3) The project period for grants under this subpart; and

(4) The deadline for receipt of applications for these grants.

(b) (1) The Assistant Secretary shall separately evaluate applications for grants to carry out—

(i) Activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively; and

(ii) Activities described in § 185.103(c) relating to neutral site planning.

(2) The Assistant Secretary shall make grants to eligible applicants in each category on the basis of their ranking under the criteria in this subpart. However, the Assistant Secretary shall not be required to approve any application which contains proposed activities that afford insubstantial promise of achieving the purposes described in § 185.01, as measured by the criteria in this subpart.

(c) The Assistant Secretary shall fix the amount of each grant on the basis of the additional cost (as defined in § 185.13(a)(1)) of carrying out authorized activities. However, if in any fiscal year at least five applicants have submitted applications for grants to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, and if their applications are otherwise approvable, the Assistant Secretary shall make no fewer than five grants for those activities. If the amount needed to fund all authorized activities proposed by the five highest ranking applicants exceeds the amount of funds available, the Assistant Secretary shall reduce the amount of each grant by an equal proportion.

(d) The Assistant Secretary shall not finally disapprove in whole or in part an application for a grant under this subpart without first notifying the applicant of the specific reasons for disapproval and affording the applicant an appropriate opportunity to modify its application.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)–(15), 1609(a)(4), 1609(c), 1609(d)(2), 1609(e).)

§ 185.109 Public and advisory committee participation.

The provisions of § 185.41 apply to any applicant for a grant under this

subpart. An applicant shall include in its application the information and assurances required by those provisions.

(20 U.S.C. 1609(a)(2), 1609(a)(3), 1609(b).)

§ 185.110 Nonpublic school participation.

The provisions of § 185.42 apply to any applicant for a grant under this subpart. An applicant shall include in its application the information and assurances required by those provisions.

(20 U.S.C. 1609(a)(12), 1605(d), 1611(c).)

[FR Doc. 78-2911 Filed 2-2-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.

[47 CFR Part 67]

[Docket No. 21263; FCC 78-84]

JURISDICTIONAL SEPARATIONS

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Joint Board Order, Docket No. 21263.

SUMMARY: The Federal-State Joint Board established to recommend what charges, if any, should be made to the NARUC-FCC Separations Manual to make it applicable to Alaska and Hawaii issues an order calling for the submission of various cost studies and institutes notice and comment procedures. The Joint Board will issue a supplemental order establishing dates for the filing of comments and replies.

DATES: Already completed cost studies shall be submitted by February 15, 1978, and remaining cost studies shall be submitted by April 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Common Carrier Bureau, 632-5550.

Adopted: January 24, 1978.

Released: January 31, 1978.

In the matter of integration of rates and services for the provision of communications by authorized common carriers between the United States mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands, Docket No. 21263, *Memorandum opinion and order.* See 42 FR 51628.

Adopted: January 24, 1978.

Released: January 31, 1978.

By the Federal State Joint Board.

1. In Memorandum Opinion and Order, FCC 77-658, released September 28, 1977, we instructed the Joint Board Staff to prepare recommendations concerning what information should be obtained to develop an adequate record in this proceeding. After considering various options, we have decided to adopt a two phase approach to this proceeding. Phase I will consist of data collection and Phase II will be a notice and comment procedure in which any participant may address what changes, if any, should be made to the existing NARUC-FCC Separations Manual to make it applicable to Alaska and Hawaii.

2. The appendices to this order contain the specific data requests of the Joint Board. These requests cover four time periods commencing prior to rate integration and ending after full implementation of rate integration. The historical data requested will enable the Joint Board participants to identify trends in traffic and revenue as a function of time and actual rates and settlements. The forecast data requested for the period after full rate integration will assist in the analysis of the compatibility of the existing NARUC-FCC Manual and any proposed changes to the Manual with full rate integration. This analysis will include a review of the financial effects upon operating companies and rate payers of the application of the existing manual and any proposed changes which may be advocated. The data requests should not be interpreted as any indication of a predetermination of what separations methodology(ies) should be recommended for Alaska and Hawaii. The information sought during the data collection phase of our efforts will assist our analysis of whatever separations proposals are advocated during the notice and comment phase of this proceeding. The data submitted shall consist of historical information and fully documented projections only. The submissions will be open for review and use by all parties in the preparation of comments in the second phase of this proceeding.

3. Parties are requested to submit data encompassing four time periods as well as any already completed cost studies. The first, Period A, is prior to Step I, rate integration; the second, Period B, March 29, 1976–June 30, 1977; the third, Period C, July 1, 1977–December 31, 1978; and the fourth, Period D, after the final step of rate integration. Cost companies should submit any already completed cost separations studies including materials.[1] Average schedule companies should submit annual financial statements, peg counts, and main station counts.

[1]The documentation of cost studies should include: (1) The dollar amount in each relevant separations cost category prior to and after the allocation to the jurisdictions—listed at the sub-category level indicated in Tables 1 and 2, Pages 14, 15 of the 1971 NARUC-FCC Separations Manual; (2) the allocative factors actually used (e.g., SPF, DEM, MMM, etc.); (3) the parameters and other data used to derive the allocative factors (e.g., MOU, CSR ratio, SLU, etc.). revenue data should be listed according to the relevant revenue categories indicated in Table 2, Page 15, of the Separations Manual.

Additional data requests are detailed in the appendices. Already completed cost studies shall be submitted by February 15, 1978 and any remaining studies shall be submitted by April 1, 1978. In the event all data cannot be submitted by April 1, 1978, the parties are requested to submit data available at that time and a schedule detailing when the remaining data will be submitted. This schedule shall include statements supporting the proposed dates for any remaining data request. In light of the extensive nature of these data requests, parties shall file an original and two copies of their submissions with the Secretary, Federal Communications Commission and one copy with each of the State Commission members of the Joint Board. Copies of the submissions will be available for inspection at the Federal Communications Commission. Participants who have filed a notice of intent to participate in the proceeding should specify what studies, if any, they wish to receive.

4. The Joint Board is also instituting a notice and comment procedure by which participants may advocate what changes, if any, should be made to the existing Separations Manual to make it applicable to Alaska and Hawaii. Since many of the participants in this proceeding will be generating information pursuant to our data requests, a pleading schedule shall be established by separate order. It must be emphasized that it is at this stage of the proceeding that the carriers may utilize their data submissions to advocate what changes, if any, should be made to the existing NARUC/FCC Separations Manual. Following analysis of the submissions, the data, comments and replies, the Joint Board will be in a position to determine what additional procedures will be required to conclude its activities in an expeditious manner.

5. *Accordingly, it is ordered,* That any completed studies required to meet the data requests set forth in paragraph 3, Appendix A and Appendix B shall be submitted on or before February 15, 1978, and any remaining studies shall be submitted by April 1, 1978;

6. *It is further ordered,* That all parties submitting data set forth in paragraph 3, Appendix A and Appendix B shall file an original and two copies of

all data with the Secretary, Federal Communications Commission and one copy with each of the State Commission members of this Joint Board. Copies of these filings shall be available for public inspection during regular business hours in the Commission's Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.; and

7. *It is further ordered,* That a notice and comment procedure is instituted into the issue specified in paragraph 4 of this Memorandum Opinion and Order.

WILLIAM J. TRICARICO,
Secretary.

APPENDIX A—ALASKAN DATA REQUESTS

The following specific data are requested from American Telephone and Telegraph Company (AT&T), RCA Alaska Communications, Inc. (RCAA), and Local Operating Companies (LOC's) in Alaska. In addition, companies are requested to submit the same data on a calendar year basis where possible.

PERIOD A—(JANUARY 1, 1973 TO MARCH 28, 1976)

1. Alaska LOC's shall submit:
(a) Traffic: (1) Interstate, intrastate, and total toll—originating, terminating, and total, and (2) local exchange.[1]
(b) Billed originating toll revenues and collect revenues; Interstate, intrastate, total.
(c) Revenues and earned rate of return: Interstate toll, intrastate toll, local and total.
2. RCAA shall submit:
(a) Traffic: (1) Interstate, intrastate, and total toll—originating, terminating, and total, and (2) local exchange.
(b) Toll service revenues (before and after settlement with LOC's): Interstate, intrastate, total.
(c) Investment and Revenue Requirements for toll facilities handling traffic between Alaska and the remaining States.
3. AT&T shall submit:
(a) Originating, terminating, and total interstate toll traffic. (Lower 48/Alaska; Alaska/lower 48) measured as in 1(a) above.
(b) Toll service revenues (before and after settlement with RCAA) from traffic in 3(a) above.
(c) Bell systemwide interstate toll service revenues.

PERIOD B—(MARCH 29, 1976 TO JULY 1, 1977)

All parties shall submit data on an annualized basis for this time period in the same format as Period A.

PERIOD C—(JULY 1, 1977 TO JANUARY 1, 1979)

All parties shall submit data on an annualized basis for the periods July 1, 1977 to December 31, 1977, and for January 1, 1978 to January 1, 1979. In the latter case projections should be used when necessary.

PERIOD D—(AFTER JANUARY 1, 1979)

All parties shall submit data on an annualized basis for the calendar years 1979, 1980, 1981. Since traffic and cost projections must necessarily be made, the bases for estimates should be well documented. Parties shall submit the same data required for Periods A-C. The following specific requests apply to the LOC's and RCAA for this period.

1. Revenues, revenue requirements, and earned rate of return—interstate toll, intrastate toll, local and total—based upon: (a) Pre-rate integration settlement ratios (Period A); (b) existing settlement ratios (Period C); and (c) the existing NARUC-FCC Separations Methodology.

2. A study showing the effects of (a) prerate integration settlement ratios; (b) existing settlement ratios; and (c) settlements based upon separations studies—upon the rates charged for local service and intrastate toll service.

APPENDIX B—HAWAIIAN DATA REQUESTS

The following data submissions shall be made by American Telephone and Telegraph Co. (AT&T) and Hawaiian Telephone Co. (HTC).

PERIOD A—(JANUARY 1, 1973 TO MARCH 28, 1976)

Data shall be submitted for calendar years 1973, 1974, 1975 and calendar year 1976.
1. HTC shall submit:
(a) Traffic: (1) Interstate, intrastate, and total toll—originating, terminating, and total, and (2) local exchange.[1]
(b) Billed originating toll revenues and collect revenues: interstate, intrastate, total.
(c) Revenues and earned rate of return: Interstate toll, intrastate toll, local total.
(d) Investment and Revenue requirements for toll facilities handling traffic between Hawaii and continental United States.
2. AT&T shall submit:
(a) Originating, terminating, and total interstate toll traffic—Mainland/Hawaii Hawaii/Mainland—measured as in 1(a) above.
(b) Toll service revenues (before and after settlement) from traffic in 2(a) above.
(c) Bell systemwide interstate toll service revenues.
(d) Investment and Revenue requirements for toll facilities handling traffic between the mainland and Hawaii.

PERIOD B—(MARCH 29, 1976 TO JULY 1, 1977)

All parties shall submit data on an annualized basis for this time period. The Step I settlement ratio should be used for toll service revenue computations.

PERIOD C—(JULY 1, 1977 TO JANUARY 1, 1979)

All parties shall submit data on an annualized basis for the periods July 1, 1977 to December 31, 1977, and for January 1, 1978 to January 1, 1979. In the latter case projections should be used when necessary. The Step 2 settlement ratio should be used for toll service revenue computations.

PERIOD D—(AFTER 1979)

All parties shall submit on an annualized basis for the calendar years 1979, 1980, 1981. Since traffic, and cost projections must necessarily be made, the bases for estimates should be well documented. Parties shall submit the same data requested for Periods A-C. The following specific requests apply to HTC for this Period D.

1. Revenues, revenue requirements, and earned rate of return—interstate toll, intrastate toll, local, and total—based upon: (a) Pre-rate integration settlement ratios (Period A); (b) existing settlement ratios (Period C); and (c) the existing NARUC-FCC Separations Manual (HTC only).

2. A study showing the effects of: (a) Prerate integration settlement ratios; (b) existing settlement ratios; and (c) settlements based upon separations studies—upon the rates charged for intrastate toll and local service.

In addition to the above, Hawaiian Telephone shall prepare and furnish the following studies showing the effects on it of applying the Separations plans utilized by the United States Independent Telephone Association (USITA) in its report on Results of Telephone Separations and Settlements Analysis, September 1976. These studies should be based upon the 1976 level of business and projected 1979 level.

Case 1—Present NARUC separations procedures with Hawaiian Adjustments (Hawaiian Plan II).
Case 2—Present NARUC-FCC separations procedures plus all local COE assigned on Ozark SPF.
Case 3—Hawaiian Plan II plus all local COE assigned on Ozark SPF.
Case 4—California plan.
Case 5—Modified California plan; traffic sensitive local COE assigned on DEM.
Case 6—New York Plan.
Case 7—Modified New York Plan.
Case 8—Subscriber plant assigned one-third (1/3) exchange, one-third (1/3) State toll and one-third (1/3) interstate.
Case 9—Subscriber plant assigned fifty-fifty (50-50) toll and exchange.
Case 10—Effect of Case II with $3 exchange rate credit allocated on rate message minute miles.
Case 11—Effect of allocating subscriber plan on fifty-fifty (50-50) exchange and toll split.
Case 12—Effect of excluding subscriber station plant in Case 11.

[FR Doc. 78-2969 Filed 2-2-78; 8:45 am]

[1] Measured by annual number of messages and hundred-call-seconds (ccs).

[1] As measured by annual number of message and hundred-call-seconds (CCS).

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-28; FCC 78-62]

DIRECTIONAL AM STATIONS

Proposed Amendment of Rules and Regulations With Respect to Relative Phase Tolerance

AGENCY: Federal Communication Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a change in the rules to require the relative phases of the antenna currents in the elements of noncritical, directional, AM broadcast antenna arrays be maintained within ±3 degrees of licensed values. This requirement has been Commission policy for many years in connection with licensing, renewals, transfers, and enforcement.

DATES: Comments should be received on or before March 14, 1978, and reply comments on or before April 4, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stanley Schmulewitz, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 25, 1978.

Released: February 1, 1978.

By the Commission: Commissioner Washburn absent.

In the matter of amendment of § 73.52 of the Commission's Rules and Regulations with respect to relative phase tolerance for directional AM stations.

1. The Commission herein proposes to amend § 73.52(b) of the rules to require the relative phases of the antenna currents in the elements of noncritical directional AM antenna arrays be maintained within ±3 degrees of licensed values.[1] For many years it has been Commission policy to require the relative phases of the currents in the antenna elements to be within ±3 degrees of specified values. However, the Commission's rules do not actually specify the accuracy within which the phases of the currents shall be maintained and only in instances where there are unusually rigid requirements for the protection of other stations does the station license specify the limits within which phase relationships are to be maintained.

2. The Commission's policy in effect establishes a ±3 degrees tolerance in adjusting and maintaining the phase relationships of the antenna currents. For example, during program tests for new stations or for existing stations making certain modifications to their antenna systems, etc., operation within ±3 degrees of specified phases must be demonstrated for 30 days and related data submitted to the Commission for this period. If operation within ±3 degrees cannot be demonstrated, corrective action must be taken followed by another 30 day test period. The Commission also reviews license renewal applications for stations having directional antenna arrays to determine whether such stations are operating with relative phases within ±3 degrees of specified values, and, if not, license renewal is deferred until corrective action is taken. License transfers are not authorized until excessive phase variations found during renewal or otherwise are corrected. Furthermore, it has been Commission policy to issue appropriate notices to licensees bringing to their attention phase indications observed during station inspections which were in excess of 3 degrees from specified values. Finally, whenever changes to the antenna system occur which cause operation at variance from licensed values, including phase variations in excess of ±3 degrees, it is necessary that special temporary authority (STA) be obtained for such operation pending corrective action or until authority is received to operate with changed parameters.

3. In Docket 18471 (FCC 69-185) adopted February 26, 1969, a rule was proposed to specify phase tolerance as follows:

> Stations employing directional antenna systems must maintain the relative phase angles of the antenna currents in the elements of the system within 2 degrees of the values specified in the license or other instrument of authorization.

4. In its Report and Order in the above proceeding (adopted January 10, 1973, 38 FR 1913) there was considerable discussion concerning not only the appropriateness of a tolerance but also what the tolerance should be. Some commenting parties stated that changes in phase monitor indications may reflect not only actual changes in phase but also changes in the phase sampling system as well as the phase monitor. In its discussion the Commission stated:

> In the light of the comments received, we will not now adopt a rule specifying a fixed permissible a fixed permissible phase deviation for stations with directional arrays. We think that phase tolerances ultimately should be set by the Commission * * *.

The Commission further stated:

> * * * The establishment by rule of a fixed tolerance for phase variations for all stations with directional antennas, with suitable provision for excessive deviations because of weather and other adverse conditions, is desirable in insuring that antennas do not drift out of adjustment because of aging or defective components, or are not misadjusted by station operators. Such a requirement would be fully consistent with the long standing Commission rule requiring the maintenance of current ratios within 5 percent of the values specified in the station license. If this approach were adopted, we think a tolerance of ±3 degrees might be appropriate. Not only is the effect of a deviation of this amount approximately equivalent to a variation in current ratio of 5 percent, but it would appear, in the light of the comments, that under normal weather conditions reasonably stable directional antennas can operate within such a tolerance without frequent readjustments.

5. During the interval since the above proceeding was terminated, there have been two significant developments which affect the Commission's conclusions made in Docket 18471. First, as a result of another rule proposed and adopted in Docket 18471, all stations utilizing directional arrays have been required to be equipped with a type approved antenna monitor since June 1, 1977. Additionally, as a result of action taken under Docket No. 19692 (see Report and Order adopted February 4, 1976, FCC 76-101, 41 FR 7399) Rules were promulgated which established requirements for the installation of sampling systems for antenna phase monitors. These rules which are set forth in § 73.68 of the rules state:

> * * * After March 18, 1976, each new station issued a construction permit, each existing station issued a construction permit authorizing tower construction, and any existing station undertaking modification or reconstruction of its sampling system shall install a system meeting these requirements * * *

The rule further states:

> In an instance where the sampling system of an existing station authorized before this date is patently of marginal construction, or where the performance of a directional antenna is found to be unsatisfactory, and this deficiency reasonably may be attributed, in whole or in part, to inadequacies in the antenna monitoring system, the Commission may require the reconstruction of the sampling system in accordance with these requirements.

6. In consideration of the developments discussed above, it is now evident that the arguments advanced in Docket No. 18471 for postponing the inclusion of a phase tolerance into the rules are no longer valid. As previously discussed, for several years it has been Commission policy for licensing purposes to require phases to be held within ±3 degrees of the specified relative phases. Section 73.93(e) of the Commission's Rules pertaining to operator requirements alludes to a phase tolerance. As reveiwed in paragraph four above, the appropriateness of ±3 degrees phase tolerance was thoroughly discussed in Docket No. 18471. Further mention of ±3 degrees phase tolerance is made in the Report and Order in Docket No. 19692 wherein the Commission stated:

> Generally, for stations not required by their authorizations to hold phase and current variations within restricted and specified limits, we believe that the decision as to whether to limit the differences in the relative length of sampling lines may be approached on the following basis. For the average array, the relative phases should be held ±3 degrees approximately equivalent to a ±5% variation in current ratio which is a tolerance specified in our rules (§ 73.52(b)) * * *

7. Since Commission policy and the record previously established in the proceedings discussed herein above make clear the appropriateness of a ±3 degree phase tolerance, it is proposed that § 73.52(b) of the Rules be amended as shown below. In proposing the ±3 degree tolerance, we recognize that those stations which have not yet

[1] A critical array is one which, for the protection of other stations, has a license-specified phase tolerance more stringent than ±3 degrees.

installed sampling systems complying with subparagraphs 1 and 2 of § 73.68(a) of the Rules may suffer short term variations in phase, attributable to the sampling system, which exceed 3 degrees as a result of heavy rain, snow, icing, or abrupt and substantial changes in temperature. However, the Commission would review such variations critically and if deemed excessive or long term, the Commission could on a case-by-case basis require reconstruction of the sampling system in accordance with the requirements of that rule section.

8. Accordingly, pursuant to authority found in sections 1, 4 (i) and (o) and 303 (j) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.52(b) as set forth below.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's Rules, interested persons may file comments on or before March 14, 1978, and reply comments on or before April 4, 1978. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding.

10. In accordance with the provisions of section 1.419 of the Rules, an original and 5 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

In § 73.52, the headnote and paragraph (b) are amended to read as follows:

§ 73.52 Maintenance of antenna input power and directional antenna parameters.

(a) * * *

(b) In addition to maintaining antenna input power within the above limitations, each station employing a directional antenna shall maintain the indicated relative amplitudes of the antenna base currents and antenna monitor currents for the elements of the array within 5 percent and the indicated relative phase of the antenna currents within 3 degrees of the values specified in its license or other instrument of authorization, unless more stringent limits are specified therein.

[FR Doc. 78-3031 Filed 2-2-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6820-43]

ADVISORY COMMITTEE ON FEDERAL PAY

CONTINUATION OF COMMITTEE

Public Inquiry

This is to request any expressions from the public as to the desirability of continuation of the Advisory Committee on Federal Pay.

The Advisory Committee on Federal Pay was established by the Federal Pay Comparability Act of 1970. It consists of three experts on pay and labor relations who are Federal employees only for the time that they serve on this Committee. The Committee serves as an independent third party in advising the President on salary adjustments for Federal white-collar employees. In making its recommendations on pay increases for these Federal employees, the Committee considers pay in the private sector, the views of Federal employee organizations, government officials and pay experts.

Any comments should be sent in writing to the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW., Washington, D.C. 20006, by February 24. Any such communications will be incorporated in the report that the Advisory Committee makes to the Administrator of GSA.

JEROME M. ROSOW,
Chairman.

[FR Doc. 78-2951 Filed 2-2-78; 8:45 am]

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

SPECIFIC APPROVAL OF STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document lists certain stockyards and slaughtering establishments as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.25(b) of the regulations.

Pursuant to § 78.25(b) of the regulations (9 CFR 78.25(b)) under provisions of the Act of May 29, 1884, the Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, and the Act of July 2, 1962 (secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f) and delegations of authority thereunder (37 FR 28464, 28477; 38 FR 19141), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, and 78.12a, of Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of § 78.11 of said Title 9, concerning cattle from herds of unknown status. The following slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of § 78.11 only:

ALABAMA

Florence Frozen Foods, Florence
*R. L. Zeigler Company, Inc., Selma

ARKANSAS

*AR Valley Insitutional Packing Company, Pine Bluff
*Broadway Packing Company, Inc., Jonesboro
*Cleburne County Packing Company, Inc., Heber Springs
*Edwards Packing Company, Batesville
*Fox Slaughtering & Processing Company, Prairie View
*Hawthorne Packing Company, Hot Springs
*Hot Springs Packing Company, Hot Springs
*Hunt Packing Company, Pine Bluff
*J and J Beef Company, Inc., Searcy
*Kruse Packing Company, Inc., Alexander
*Massey Meat Company, Paragould
*Meachan Packing Company, Batesville
*Mhoon Beef Company, Fayetteville
*Miller Packing Company, Inc., Judsonia
Mitchell Locker Plant, Sheridan
Morrilton Packing Company, Inc., Morrilton
*Mountain View Custom Butchering, Mountain View
*Pocahontas Frozen Food Locker, Pocahontas
*Purcell Packing Company, Paragould
*Reeder Meat Company, Arkadelphia
Russellville Packing Company, Inc., Russellville
*Rodman Wholesale Meats, Inc., North Little Rock
*Sheridan & Harold Freer dba/Freer Meats, Ivan
*Taylor Brothers Wholesale Meats, Gurdon
*Twin Lakes Packing Company, Gassville
V.I.P. Foods, Pine Bluff
*White County Packing Inc., Searcy
*Wilf Packing Company, Pleasant Plains

FLORIDA

*Beall Packing House, Bonifay
*Bristol Meat Processing, Bristol
*Brocks Meat House, Vernon
*Chaires Circle "C" Beef, Tall
*Corbin 4-Point Packing House, Chipley
*Dilmore Meats, Cottondale
*Dozier School for Boys, Marianna
*Driggers & Son Meat Company, Jasper
*Easons Custom Cut Meat, Quincy
*Esto Meat Processors, Inc., Esto
Florida Packing & Provision Company, Inc., Palatka
*Gates Meat Company, Quincy
*H. S. Camp and Sons, Ocala
*Johnstons Locker Plant, Monticello
*Jones Chambliss Company, Jacksonville
*Micklers Market, Ponte Vedra
*Nettles Sausage Company, Lake City
Register Meat Company, Cottondale
*Simmons Meat Packing House, Vernon
*S & S Meat Packing, Green Cove Springs
*Stones Chipley Packing Company, Chipley
*Suber's Meat Plant, Quincy
Suwannee Packing Company, Live Oak
*Taylor Industries of Santa Rosa County, Jay
*Thompsons Meat Supply, Inc., Pensacola
*Tri-City Market, Century
*Union Correctional Center, Raiford
*Valley Packing Company, McAlpin
*Wilkerson Sausage Company, Glendale

GEORGIA

*Dalton Slaughter House, Dalton
*North Georgia Meat Processing Company, Cohutta

IDAHO

Alpine Pac, Boise
*Bledsoe Packing Company, Rupert
*Boise Valley Packing, Eagle
Bonds Meat Packing, Fruitland
*Bryant Packing Company, Burley
*Clark's For Shopping, Inc., Oakley
*Custom Packing, Inc., Pocatello
Eden Cold Storage dba/Kenneth Hutchins, Eden
*Emmett Meat Company, Emmett
*Fred's Custom Butchery, Ucon
*Gem Meat Packing Company, Boise
Genesee Meats, Genesee
Gibson Brothers Meat, Burley
*Glenwood Custom Pack, Roberts
Greenfield Packing, Meridian
Goodby & Sons Meats, Inc., Sandpoint
Hi' Boy Meat, Emmett
Hillcrest Packing Company, Nampa
*Hoehns Custom Packing, Idaho Falls
*Hopkins Packing Company, Blackfoot
Howard's Meats, Grangeville

*Hubbard Packing Company, Preston
*Hunters Pack, Driggs
*Johnson Meats, Kingston
Johston Brothers, Caldwell
*Jones Custom Meats, Rigby
*Marsh Valley Packing Company, Downey
*Mickelsen Pack, Inc., Blackfoot
*Mill Stream Pack, Malad
*Nampa Packing Company, Nampa
*Parr's Locker Storage, Wendell
Peoples Quality Pack, Rupert
*P & H Custom Meats, Wilder
R & J Market, Riggins
*Skow's Custom Cutting-Slaughter Plant, Lewiston
Sonnen's Meats, Greencreek
*Tri "B" Meat Company, Idaho Falls
Valley Meats, Stites
*Walton's Cow Palace, Soda Springs
*Y-J Food's Inc., Coeur d'Alene

ILLINOIS

*Bartlow Bros., Inc., Rushville
*Beiermann-Packing Company, Jerseyville
*Bergman Meat Packing Company, Pittsfield
*David's Frozen Food Center, Milford
*DeSchepper Packing Company, Milan
*Edgar County Locker, Paris
*Hansen Packing Company, Jerseyville—
*Harmon Packing Company, Paris
*Hartrich Meat Processing Plant, Sainte Marie
*Hill Packing, Danville
*Humphrey Packing Co., Lawrenceville
*Jamison's Country Fresh Meats, Inc., Atwood
*Johannes Market, Quincy
*Jones Packing Company, Harvard
*Ed Kabrick Beef, Inc., Plainville
Papineau Lockers, Papineau
*Parks Processing Plant, Warren
*Rock River Provision Company, Inc., Rock Falls
*Seivers Meat Processing, Palestine
*Streck Packing Company, Belleville
*Weyhaupt Bros. Packing Company, Belleville
*Young Packing Company, Danville
*Y and T Packing Company, Springfield

INDIANA

*Becher Brothers, Dale
*Bloomington Packing Company, Bloomington
*Brook Locker Plant, Inc., Brook
*Clark & Moore, Monticello
*Dewig Bros. Packing Company, Inc., Haubstadt
*Fisher Packing Company, Portland
*Gutzweiler Packing Company, Jasper
*Harger's Inc., Hamilton
*Harlow Meat Market, Seymour
*Lengerich Meats Inc., Monroe
*Glen Manley Custom Butchering, Decatur
*Melcho Packing Company, Carlisle
*Merkley & Sons, Inc., Jasper
*Middlebury Cold Storage, Inc., Middlebury
*Miller Packing Company, Kokomo
*Mischler Packing, Lagrange
*Ossian Packing Company, Inc., Ossian
*Walter Price Abattoir, Inc., Plymouth
*Pride Packing Company, Inc., Terre Haute
*Roos Packing Company, Indianapolis
*Rose City Packing Company, Inc., Newcastle
*Rutzel Slaughter House, Aurora
*Schmitt Packing Company, Inc., Decatur
*Schuler Packing Company, Ferdinand
*Sinnett & Son Packing Company, Wadesville
*Spendal Meats, Clinton
*Standard Packing Company, Kokomo
*State Line Packing, Momence, Ill.
*Straub & Smith Packing Company, Indianapolis
*Top-of-Indiana Beef Company, Ft. Wayne
*Troy Packing Company, Inc., Indianapolis
*Vetter Meat Company, Kokomo
*Vietti Packing Company, Clinton
*Ward Packing Company, Monon
*Wilcox Inc., North Liberty
*Wolf's Processing Plant, New Albany
*Young Bros., Inc., Ladoga

LOUISIANA

*Autin Packing Company, Houma
*H. O. Berry Packing Company, Bastrop
*Circle "V" Meat Processing Plant, Abbeville
*Crawford Slaughter house, Covington
*L. A. Frey & Sons, Inc., Lafayette
*Harold's, Raceland
*Micelle's Meat Packer, Lake Charles
*Millwood Packing Company, Baton Rouge
*North LA Packing Company, Sarepta
*Ruston Processing Plant, Inc., Ruston
*Savole's Meat Market, Lockport
*Shreveport Packing Company, Shreveport
*J. W. Strother, Oakdale
*Thompson Packers, Satsuma

MARYLAND

*Articaire Locker Plant, Frederick
*A & W Country Meats, Inc., Taneytown
*Brook Meadow Provisions Corp., Hagerstown
*Burger, Ray S., Williamsport
*Burtner's Meats, Burkittsville
*Calvert Meats, Inc., Prince Frederick
*Greises Meats Inc., Cumberland
*Harsh, Sr., M.D., Williamsport
*Hemps, Inc., Jefferson
Roy L. Hoffman & Sons, Inc., Hagerstown
*Martins Meats, Joppa
Maurer & Miller Meats, Inc., Manchester
Mt. Airy Locker Company, Mount Airy
*135 Meat Market Inc., Mt. Lake Park
George G. Ruppersberger & Sons, Inc., Baltimore
*Schmidt, A. W. and Son, Inc., Baltimore
Shuffs Meats, Thurmont
Shriver Meats, Emmitsburg
Thompson's Food Market, Maryland Line

MICHIGAN

*Ada Beef Company, Ada
*Bay DeNoc Packing, Escanaba
*Bellefeuil Brothers, Wilson
*Bob's Market, Cadillac
*Brady's Midway, Cassolopis
*Carltons Freezer Processing, Inc., Blissfield
*Charlotte Meats, Inc., Charlotte
Custer Brothers #212, Nashville
*Mark DeBoer & Son Wholesale Beef Company, St. Johns
*Dowker Packing Company, Inc., Gaylord
*Dunleavy & Sons, Highland
*Eds Meat Processing, Union City
Feldman Brothers, Detroit
*Fishers Custom Foods, Union
Geukes Market, Middleville
*Bert Hazekamp & Son, Muskegon
*Hillsdale County Meat, Waldron
*J & L Meats, Jonesville
*Kastel Slaughterhouse, Riga
*Keefer's Market, Morenci
*Kempf's Slaughterhouse, Milan
*Lake Superior Beef, Dafter
*L & J Slaughter, Lake City
*L & M Packing Company, Monroe
*Louie's Wholesale Meats, Traverse City
*Ludka Packing, Inc., Traverse City
*Maynard Packing Company, Port Huron
*Meats & Fruits by Anderson, Inc., Kalamazoo
*Milligans Packing Company, Parma
*Don Moors Farm Fresh Meats, Inc., Homer
*Mosherville Meat Processing, Jonesville
*Newsom's Slaughter House, Niles
*Reznik Packing, South Haven
*Rocheleau Meats, Cheboygan
*Rochester Packing Company, Rochester
*C. Roy & Son, Yale
*Salem Packing Company, Northville
*Hubert H. Smith Packing Company, Muskegon
*Snyder's Wholesale Beef, Fowler
*Stanley Packing Company, Marshall
*Tamaren Beef Company, Detroit
*Terrills Super Market, Marcellus
*Will and Son Meat Packers, Memphis
*Ray Weeks & Sons Company, Inc., Richmond
*Zimmermans Market, Marine City

MISSISSIPPI

*A & A Country Meat Packers, Pelahatchie
*Bryant's Meats, Inc., Taylorsville
*Calhoun County Processing Plant, Calhoun City
*Custom Butchering Company, Yazoo City
*Delta Packing Company, Inc., Meridian
*Ecru Meat Processing Plant, Ecru
*Ezell's Processing Plant, Union
*Hinds Junior College Cold Storage, Raymond
*Holmes County Cold Storage Company, Lexington
Jackson Packing Company, Jackson
*Little Princess Foods, Inc., Forest
*McCoy's Meat Processing, Pontotoc
*Meridian Packing Company, Meridian
*Mosby's, Meridian
*Ormon Sausage Plant, Ellisville
*Owen Bros. Packing Company, Meridian
*Peebles & Peelbes Slaughter Plant, Philadelphia
*Ponderosa Processing Plant, DeKalb
*River Route Packing Company, Dundee
*Sundown Ranch and Processing Plant, Grenada
*Winona Packing Company, Winona
*Wilson Slaughter House, Crystall Springs

NORTH CAROLINA

*Ashe Abattoir, West Jefferson
*Banks' Packing Company, Etowah
*A. L. Beck & Sons, Inc., Winston Salem
*Bladen Cold Storage, Inc., Elizabethtown
*James E. Bringle, Inc., Salisbury
*Bruns and Beach Meat, Morganton
Caldwell's Meat Processing, Maiden
*Cool Springs Meat Processing, Statesville
*Frank Corriher, Landis
*Crawley & Higgins Abattoir, Morganton
*Disher Packing Company, Yadkinville
*Falcon Wholesale Meats, Falcon
**Gaston County Abattoir, Mt. Holly
*Harold McLaughlin, Mooresville
*Hudson Freezer Locker, Hudson
*Jenkins Foods, Shelby
*Key Packing Company, Robbins
*Ledford's Livestock Farm Slaughter Plant, Franklin
*Lincoln Frozen Foods, Lincolnton
*Marion Packing Company, Marion
*Matkins Meats, Gibsonville
*M at Processors, Inc., Maiden
*Micro Slaughter House, Micro
*Mount Airy Abattoir, Mount Airy
*Parker Meat Company, Vass
*Peacock Meat Company, Inc., Rocky Mount
*Price's Custom Meat, Hickory
*Quaker Brand Meats, Belvidere
*Rainbow Meat Products, Robersonville
*Sessoms Packing Company, Ahoskie
*Sluder's Packing Company, Asheville

*Southeastern Meat Processors, Inc., Whiteville
*Stallings Whole Sale Meats, Elizabeth City
*Stewart's Abattoir, Mt. Airy
*Tabor City Freezers, Tabor City
*Thomas Brothers Abattoir, North Wilkesboro
*Town and Country Packing Company, Asheville
*Walter Bradley Packing Company, Dillsboro
*Ward's Slaughterhouse, Hendersonville
*Wayne Mays Meat Processing, Taylorsville
*White Packing Company, Salisbury
*Z. B. Bullock, Inc., Rocky Mount

OHIO

*B.A.A.R. Inc. dba/Edgerton Locker Service, Edgerton
*Merle Bishop dba/Bishop Locker & Abattoir Plant, Hamler
*Busse & Sons, Inc., Fort Loramie
*Caven's Meats, Inc., Conover
*Cuyahoga Meat Company, Cleveland
*DeLuca Slaughtering Establishment, Rayland
*William Enos dba/Enos Meats, Cambridge
*Gibson Packing Company, Zanesville
*Samuel L. Gifford, Warren
*Hall Bros., Inc., Olmsted Falls
*Henderson Meats, Waterloo
*Henry Packing Company, Perrysburg
*Interstate Livestock, Inc., Oxford
*Lancer Meat Processing Co., Inc., Troy
*Harold and Kenneth LePage dba/LePage Meats, Cambridge
Robert Lloyd dba/Lloyd's Packing Company, Youngstown
*J. E. McConnell, David McConnell & Kenneth McConnell, Richmond
*Emery Molnar, Jr.; Emery Molnar II and Daniel G., Molnar dba/Molnar Packing Company, Millbury
*Mahan Packing Company, Bristolville
Edward B. Meloni dba/Meloni's Packing, Kinsman
*Northmont Beef, Inc., Brookville
Joseph R. Nosse, Middlefield
*J. D. Pacer Packing Company, Toledo
*Gary Peden dba/Peden's Meats, Kinsman
*Steve Polansky Market, Inc., Amherst
*Preferred Meats, Inc., Sardinia
Pride of Lima Provision Co., Lima
*Ragers Country Butcher Shop, Inc., Van Wert
Carl C. Rittberger Sr., Inc., Zanesville
*Roberts Meats, Camden
*Rockford Locker Service, Rockford
*Routh Packing Co., Inc., Tiffin
*St. Mary's Cooperative Locker Service, Swanton
Richard G. Sturgis & Charles R. Ralston dba/Sturgis Packing Company, Kenton
*Superior Beef, Inc., Dayton
*Suter's Meat Market, Greenville
*Trenton Frozen Locker, Trenton
*Valley Packing Co., Inc., Lansing
*R. F. VonderHaar dba/VonderHaar Markets, Inc., Fort Recovery
*Majorie Weber dba/Woodsfield Packing Company, Woodsfield
*Werling and Son, Inc., Burkettsville
*Winners Meat Farm, Greenville
Robert Winner Sons, Inc., Osgood
*Zink Meat Products, Miamisburg

OKLAHOMA

*Abbott Processing Plant, Gracemont
*A and J Meat Processing, Lawton
*Anchor Packing Company, Tulsa
*Apache Meat Processing, Inc., Apache
*Arctic Locker Plant, Davis
*Bauer & Son Slaughterhouse, Sand Springs
*Braden Packing Company, Ponca City
*Joe S. Brown & Sons Packing Company, Tulsa
*B.T.'s Packing Company, Chickasha
*Buerger Brothers Slaughterhouse, Oklahoma City
*Cable Meat Center, Marlow
*Calera Processing Plant, Calera
*Canadian Valley Meat Company, Oklahoma City
*C. H. Miller and Son Packing Company, Sapulpa
*Clinton Packing Company, Clinton
*Cosby's Meat Processing, Enid
*Davis Packing Plant, Stigler
*Banfield of Tulsa, Tulsa
*Dudley Tucker Slaughterhouse, Durant
*Enid Packing Company, Enid
*Fairfax Packing Company, Fairfax
*Fincannon and Son, Sand Springs
*Ft. Cobb Locker, Ft. Cobb
*Gibson Meat Company, Lawton
*Harris Packing Company, Oklahoma City
*Harymons Slaughter House, Tuttle
*Minco Meat Company, Minco
*Moores Processing Plant, Antlers
*Mountain View Meat Company, Stilwell
*O'Brien Meat Company, Tulsa
*R & S Packing Company, Tonkawa
*Ralph Crane Packing Company, Perkins
*Green County Smoke House, Tahlequah
*Elmer Miller Packing Company, Covington
*Okmulgee Packing Company, Okmulgee
*Red Steer Processing Plant, Calumet
*Sterling Meat Company, Sterling
*Wickham Packing Company, Sapulpa
*Woods Meat Processing Plant, Westville
*W. R. Meat Company, Sulphur
*Moore's Processing Plant, Durant

SOUTH CAROLINA

*Bishop Slaughtering House, Ehrhardt
*Blue Ridge Beef, Belton
*Blue Ridge Beef Plant, Inc., Pageland
*C. G. Burbage, N. Charleston
*Carolina Abattoir, Columbia
*Caughman Meat Plant, Lexington
*Cheraw Packing Plant, Inc., Cheraw
*Childress Poultry Company, Lauren
*Conway Refrigerator and Locker Company, Conway
*Cottingham Packing Company, Dillon
*Count's Sausage Company, Prosperity
*Cromer's Abattoir, Inman
*Edgefield Locker Plant, Inc., Edgefield
*Fountain Inn Frozen Food Plant, Inc., Fountain Inn
*Gilliam Provision Company, Inc., Pelzer
*G & W Packing Company, Hickory Grove
*Hemingway Refrigerator and Locker Company, Hemingway
*Holly Hill Locker Company, Holly Hill
*Kimmerlin Meats, Inc., Orangeburg
*Lancaster Frozen Foods, Inc., Lancaster
*Loris Cold Storage, Inc., Loris
*Lynn's Meat & Produce, Darlington
*Marvin Meats, Inc., Hollywood
*Mullins Food Processing Corp., Mullins
*Nichols Cold Storage, Nichols
*Oconee Abattoir, Seneca
*Palmetto Meat & Packing Company, Inc., Moncks Corner
*Ravenel Abattoir, Ravenel
*R & R Meats, Walterboro
*Richardson's Slaughter Plant, Gresham
*Saluda Frozen Food Center, Saluda
*South Carolina Department of Corrections, Columbia
*Spartanburg Abattoir, Spartanburg
*Sumter Frozen Foods, Inc., Sumter
*Union Packing Company, Union
*Vaughn Packing Company, Inc., Greer
*Walker Farms Abattoir, Anderson
*Weinburg's Sausage Plant, Darlington
*Williamsburg Packing Company, Florence
*Winn's Locker Plant, Estill
*Wright's Provision Company, Inc., Anderson

TEXAS

*Allen's Wholesale Meats, Inc., McKinney
*Anderson Slaughtering & Processing, Inc., Sherman
*Atlanta Locker Plant, Atlanta
*Auge Packing Company, San Antonio
*Berryhill Packing Company, Inc., Levelland
*Burkes Quality Meats, Lufkin
*Caddo Packing Company, Inc., Marshall
Graham Ice & Locker, Graham
*Haley's Meats, Crowley
*Hensley Packing Company, Denton
*Kay Packing Company, Inc., Houston
*Kleimann Meat Packing Company, Tomball
*Morton Packing Company, Morton
Nemecek Brothers, West
*Peveto Packing Company, Orange
*Tyler Packing Company, Tyler
Zummo Meat Company, Beaumont

UTAH

*Dahl Brothers Packing Company, South Jordan
*Double D. Pack Inc., Brigham City
*Eliason Packing Company, Inc., Logan
*Lower Packing Company, Smithfield
*Dale T. Smith & Sons Meat Packing Company, Inc., Draper
*Spanish Fork Packing Company, Spanish Fork

VIRGINIA

George H. Meyer Sons, Inc., Richmond
*Lee Packing Company, Pennington Gap
*MCGuire Meats, Tazwell
Meixels Meat Packing, Chesapeake
*Suffolk Packing Company, Inc., Suffolk

WISCONSIN

Bob's Country Market, Woodville
Buster's Cheese House, Turtle Lake
Central Packing Company, Sullivan
Clinton Packing Inc., Clinton
Coenen Packing Company, Appleton
Dreier's Meat Market, Black Creek
Faust, Henry & Sons, Mayville
Feiders Meats, Belgium
Fennie Meat Plant, Colfax
Foss Locker Plant, Sparta
Green County Frozen Food, Monroe
Hagert's Locker Service, Siren
Harry Hanson's Meat Service, Franksville
Helland's Food and Locker Service, Juda
Holmen Locker Service, Holmen
Jay-Dee Cutting, Rosholt
Kimmes Hereford Farm, Superior
Lake Geneva Pack, Inc., Lake Geneva
Luck Meats and Locker Service, Luck
Marceille's Meats, Wausau
Marchant Food, Inc., Brussels
Paulus Market, Cedarburg
*Royal Meats, Watertown
Sawyer Farm & Meat Plant, Inc., East Troy
Schroedl's Market, Jefferson
Seymour Meat Processing, Peshtigo
J. Schams Company, La Crosse
S & S Meats, Stoughton
Stemmerdink Livestock Company, Oostburg
*Stricklers Market, New Glarus
Super Lockers, Inc., Amery
Tarlton Meat Products, Athelstane
Thomson Packing Company, Inc., West De Pere
Townsend-Piller Packing Company, Cumberland

Weber's Processing Plant, Inc., Cuba City
Weinstein Packing Company, Superior
*Wunderlich Packing Company, Sharon

WEST VIRGINIA

*Barnharts Beef & Pork, Hedgesville
*Bluegrass Dressing Plant, Lewisburg
*Camp Packing Company, Parkersburg
*Chadwick Slarghterhouse, Wayne
Cloverdale Packing, Inc., Parkersburg
*DeVault Meat Packing, So, Morgantown
Edens Slaughterhouse, Bills Creek
*Edwards Custom Meats, Gallipolis Ferry
Fanchers Meats, Shinnston
Fotos and Company, Cranberry
*Glaspell Meats, Shinnston
Greenbrier Foods d.b.a./Jeffries Slaughterhouse, Lewisburg
*Harkers Customs Slaughtering, Fairview
*Harris Meat Processing, Burlington
*Hawse Food Market, Moorefield
*Huffs Slaughtering, Delbarton
*Hyde's Meat Market, Interprise
*Independent Dressed Beef Company, Inc., Morgantown
*Jones Custom Processing, Ona
Frank Kidwiler Butcher Shop, Harpers Ferry
*Lambert Packing Company, Squire
*Livengood Slaughter House, Centenary
*Lubeck Meat Packing, Inc., Lubeck
*L. M. McCown and Son, Charleston
*McDaniel Custom Butchering, West Columbia
Martini Packing Company, Inc., Wheeling
*Murphy's Slaughters, Volga
*Nate Stuart and Son, Inc., Mt. Clare
*Rolfe Custom Slaughtering, Ona
*Romney Slaughtering, Romney
*Rush's Custom Slaughtering, Fairview
*Smittle Packing, Paden City
Soloman's Market, Fairview
*Spitznogle, Glen L., Slaughtering Establishment, Blacksville
*S. S. Logan Packing Company, Huntington
*Staggs Meat Market, Burlington
*Steve Davis Custom Butchering, Fairview
*Thompson Brothers, Brushy Fork
*Vincent's Community Market, Shinnston
*Virts Processing Plant, Bunker Hill
*Wade Meat Processing, Morgantown
*Wines Weston Meats, Weston
*Winfield Custom Slaughtering, Winfield
*E. G. Wolfe, Jr., Evans
*Wooddell's Meats, Green Bank
*Yoho's Slaughterhouse, Pleasant Valley
*Young & Stout, Bridgeport
*Zien Farm, Irish Ridge

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, 78.12a, Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of §§ 78.9, 78.10, and 78.11 of said Title 9, concerning cattle not known to be affected with brucellosis, cattle from qualified herds, and cattle from herds of unknown status. The following stockyards not preceded by an asterisk are specifically approved for the purposes of §§ 78.9, 78.10, and 78.11 only:

ALABAMA

*Alabama Livestock Auction, Inc., Uniontown
*Arab Stockyards, Arab
*Hamilton Stockyard, Inc., Hamilton
*C. L. Chambers & Sons, Brundidge
*Chatom Livestock Auction Co-operative, Chatom
*Cherokee County Stockyard, Centre
*Cleburne County Livestock Sales, Inc., Ranburne
*Conecuh Stock, Evergreen
*Cullman Stockyard, Cullman
*Dadeville Stockyards, Inc., Dadeville
*Dothan Livestock Auction, Inc., Dothan
*Enterprise Livestock Auction, Inc., Enterprise
*Escambia County Cooperative Inc., Brewton
*Farmers Livestock Co-op, Elba
*Farmers Cooperative Market, Inc., Frisco City
*Farmers Cooperative Market, Inc., Opp
*Fayette Stockyards, Inc., Fayette
*Florence Trading Post, Florence
*Geneva Stock Yards, Inc., Geneva
*Gray & Sons Stockyard, Clanton
*Headland Stockyards, Inc., Headland
*Henry County Livestock Association, Inc., Abbeville
*Hodges Stockyard, Inc., Montgomery
*Hooper Stockyard, Inc., Montgomery
*Kennamer Livestock Commission Company, Guntersville
*Kennett-Murray Company, Montgomery
*L. A. Roll & Son Cattle Co., Montgomery
*Limestone County Stockyard, Inc., Athens
*Linden Stockyard, Linden
*Livingston Stockyard, Livingston
*Louisville Livestock Company, Inc., Louisville
*Madison County Livestock Company, Huntsville
*Marion Stockyard, Inc., Marion
*Northwest Alabama Livestock Association, Russellville
*Pickens County Livestock Commission Company, Aliceville
*Roanoke Stockyard, Inc., Roanoke
*Robertsdale Livestock Auction, Inc., Robertsdale
*Stokes & Brogden Stockyard, Inc., Andalusia
*Triple S Stockyards, Inc., Montgomery
*Valley Stockyard, Decatur
*Wallace Livestock Auction, Inc., Ashville
*West Alabama Stockyard, Eutaw
*White's Livestock Auction, Morris
*Winfield Livestock Commission Company, Winfield

ARIZONA

*Arizona Livestock Auction, Inc., Phoenix

ARKANSAS

*Allen Bros. Magnolia L/S Auction, Magnolia
*Arkansas National Stockyards, Inc., Little Rock
*Ash Flat Liverstock Auction, Inc., Ash Flat
*Atkins Liverstock, Atkins
*Batesville Livestock Auction, Inc., Batesville
*Beebe Auction Company, Beebe
*Bentonville Livestock Auction, Bentonville
*Bob Gorden Livestock Auction, Mena
*Boone County Livestock Auction, Harrison
*Carroll County Livestock Auction, Berryville
*Cattlemen's Livestock Market, Glenwood
*Central Arkansas Auction, Morrilton
*Clark County Livestock Auction Company, Arkadelphia
*Cleburne County L/S Auction, Heber Springs
*Corning Livestock Auction, Inc., Corning
*County Line Sale Barn, Inc., Ratcliff
*Decatur L. S. Auction, Decatur
*Drew County Auction Sale, Monticello
*Eudora Livestock Auction Company, Eudora
*Farmers Livestock Auction, Springdale
*Farmers and Ranchers Livestock Auction, Mountain View
*Farmers & Ranchers Livestock Auction, Inc., Batesville
*Fulton County Auction, Salem
*Glover Livestock Commission Company, Pine Bluff
*Harrison Stockyard Auction, Inc., Harrison
*Hope L/S Auction, Inc., Hope
*Jonesboro Stockyard, Jonesboro
*Lewis Livestock Auction, Conway
*London Livestock Auction, London
*McCracken Livestock Auction, Inc., Batesville
*Montgomery county Auction, Mt. Ida
*Montgomery Livestock Auction, Searcy
*Mountain Home Livestock Auction, Inc., Mountain Home
*Nettleton Stockyards, Jonesboro
*North Arkansas Livestock Auction, Green Forest
*Nuel Hill Livestock Auction, Batesville
*Ola Livestock Auction, Ola
*Paragould Livestock Auction, Paragould
*Purcell Livestock, Purcell
*Randolph County Livestock Auction, Pocahontas
*Rector Auction Barn, Inc., Rector
*Rex White Livestock Auction, Russelville
*Saline-Ouachita Valley Commission Company, Warren
*Scott County Livestock Auction, Waldron
*Searcy County Auction Company, Marshall
*Shantz Livestock Auction, North Little Rock
*Siloam Springs Sale Barn, Siloam Springs
*Van Buren County Auction, Clinton
*Washington County Sales Company, Fayetteville

COLORADO

*Alamosa Auction, Alamosa
*A. A. Blakley Livestock Commission Company, Inc., Denver
*Basin Livestock Commission Company, Inc., Durango
*Brush Livestock of Colorado, Inc., Brush
*Burlington Livestock Market Center, Burlington
*Burlington Producers Livestock Marketing Assn., Burlington
*Calhan-Cash Auction Market, Calhan
*Cortez Livestock Auction, Inc., Cortez
*Delta Sales Yard, Delta
*Elizabeth Livestock Auction, Elizabeth
*Farmer & Rancher Livestock Commission Company, Fort Collins
*Fowler Auction Company, Fowler
*Greeley Producers Association, Greeley
*Hotchkiss Sale Yard, Hotchkiss
*Kay National Western Livestock Market, Inc., Denver
*K & R Livestock Commission Company, Broomfield
*LaJunta Livestock Commission Company, La Junta
*Lamar Livestock Commission Company, Lamar
*Limon Livestock Auction Company, Limon
*Livestock Exchange, Inc., Brush
*Longmont Sale Yard, Longmont
*Monte Vista Livestock, Commission Company, Inc., Monte Vista
*Ranchland Livestock Commission Company, Inc., Wray
*Rifle Livestock, Inc., Rifle
*Salida Livestock Sales, Inc., Salida

*Sterling Livestock Commission Company, Inc., Sterling
*Stratton Livestock Marketing Center, Stratton
*Tri-County Livestock Commission Company, Broomfield
*Valley Livestock Auction, Grand Junction
*Winter Livestock Commission Company, LaJunta
*Yuma Livestock Auction, Yuma
*Zavislan Livestock Auction, Pueblo
*Valley Livstock Auction Company, Fruita

CONNECTICUT

Middlesex Livestock Auction, Durham
North Franklin Commission Sale, North Franklin

DELAWARE

*Carroll's Sales, Inc., Felton

FLORIDA

Cattleman's Livestock Auction of Tampa, Inc., Tampa
*Chipley Livestock Company, Chipley
Columbia Livestock Market of Lake City, Inc., Lake City
Interstate Livestock Auction Market, Seffner
*Jacksonville Livestock Auction, Inc., Whitehouse
*Jay Livestock Auction Market, Jay
*Madison Livestock Auction Market, Inc., Madison
Monticello Livestock Market, Inc., Monticello
*Neel & Edwards Livestock Company, Quincy
*Tindel Livestock Auction Market, Inc., Graceville, Raiford
*West Florida Livestock Market, Inc., Marianna

GEORGIA

*Bainbridge Auction Market, Inc., Bainbridge
*Carroll County Livestock Sales Barn, Carrollton
*Columbus-Muscogee Livestock Auction, Inc., Columbus
*Coosa Valley Livestock Company, Rome
*Franklin County Livestock Market, Carnesville
*Georgia Farmers Livestock, Cumming
*Georgia Farm Products Sales Corp., Thompston
*La Grange Stockyards, La Grange
Lanierland Livestock Auction, Gainesville
*North Georgia Farmers Livestock, Canton
*Pierce County Stock Yard, Inc., Blackshear
*Sam Simmons Livestock Commission Company, Cartersville
*Seminole Livestock, Inc., Donalsonville
Southwest Georgia Livestock Market, Inc., Camilla
*Sumter County Livestock Assoc., Americus
*Toccoa Livestock Auction, Toccoa
*Valdosta Livestock Company, Valdosta
*Wayne County Stockyard, Jesup
*Wheeley Brothers Livestock Market, Eastonolle

IDAHO

*Blackfoot Livestock Commission Company, Blackfoot
*Boise Valley Livestock Commission Company, Caldwell
*Bonners Ferry Livestock Inc., Bonners Ferry
*Cache Valley Auction, Preston
*Cattleman's Livestock Auction Inc. d.b.a./ Treasure Valley Livestock Auction, Caldwell
*Coeur d'Alene Livestock, Inc., Coeur d'Alene
*Cottonwood Sales Yard, Cottonwood
Custer County Livestock Marketing Association, Mackay
*Emmett Livestock Commission Company, Emmett
*Gooding Livestock Commission Company, Inc., Gooding
*Idaho Livestock Auction, Idaho Falls
*Jerome Producer's Livestock, Jerome
*Nampa Livestock Market, Inc., Nampa
*Ranchers Auction Company, Inc., Twin Falls
*Rexburg Livestock Auction, Inc., Rexburg
*Salmon River Livestock market, Salmon
*Shoshone Salesyard, Inc., Shoshone
*Spencer Livestock Commission Company, Lewiston
*Twin City Sales Yard, Inc., Lewiston
*Twin Falls Livestock Commission Company, Twin Falls
*Valley Livestock Commission Company, Rupert
*Weiser Livestock Commission Company, Weiser

ILLINOIS

*Barnard Livestock Auction Market, Wayne City
*Barry Livestock Marketing Center, Pacatonia
*Bloomington Livestock Commission Company, Bloomington
*Breed's Livestock Sales, Elizabeth
*Carthage Livestock Auction, Carthage
*Chicago-Joliet Marketing Center, Inc., Joliet
*Dameron Livestock Auction, Inc., Vienna
*Danville Livestock Commission Company, Danville
*Decker's Livestock Incorporated, Milford
*DeWane Livestock Exchange, Belvidere
*Greenville Livestock Inc., Greenville
*Heinold Cattle Market, Brookport
*Heinold Livestock Sales, El Paso
*Illinois Auction Commission Company, Paris
*Interstate Producers Livestock Association, Shelbyville
*Jennings Sale Company, Macomb
*Kankakee Livestock Company, Bourbonnais
*Kewanee Sale Barn, Kewanee
*Mercer County Livestock Auction, Viola
*Paris Livstock Sales Company, Paris
*Peoria Union Stockyards Company, Peoria
*Rock Island Auction Sales, Inc., Rock Island
*Harry Schrader Marketing Center, Dakota
*St. Louis National Stockyards Company, National Stockyards
*Winslow Marketing Center, Inc., Winslow
*United Market Center, Inc., Goreville

INDIANA

*Boswell Salebarn, Boswell
Central Carolina Livestock Market, Inc., Lugoff
*Claypool Sales, Inc., Silver Lake
*Delta Livestock Auction & Commission Company, Fort Wayne
*Evansville Union Stockyards Company, Inc., Evansville
*Henry County Livestock Auction, New Castle
*Indianapolis Livestock Market, Indianapolis
*Lowell Livestock Auction, Lowell
*Owen & Monroe Company Feeder, Gosport
*Producers Livestock Assn., Vincennes
*Producers Marketing Association, Inc., Centerville
*Producers Marketing Association, Columbia City
*Producers Marketing Association, W. Lafayette
*Producers Marketing Association, Montpelier
*Producers Marketing Association, Terre Haute
*Reynolds Salebarn, Reynolds
*Rochester Sale Barn, Rochester
*Shipshewana Livestock Auction, Shipshewana
*Star Sale Barn, Greensburg
*Stoney Pike Salebarn, Logansport
*Topeka Livestock Auction, Inc., Topeka
*Valparaiso Community Salebarn, Valparaiso

IOWA

Ackley Sales Pavilion, Ackley
Adams County Livestock Auction, Corning
Adel Sales Pavilion, Adel
Albia Sales Company, Inc., Albia
Algona Livestock Auction & Exchange, Algona
Anamosa Livestock Auction Sales, Anamosa
Anita Livestock Auction Company, Anita
Aplington Livestock Sales Co., Inc., Aplington
Audubon County Livestock Exchange, Audubon
Avoca Auction Co., Avoca
Bedford Sales Co., Bedford
*Belle Plaine Livestock Auction, Inc., Belle Plaine
*Bingley Sale Co., Inc., Knoxville
Bleil & Chapman Livestock Auction, Moville
Bloomfield Livestock Market, Inc., Bloomfield
Bradley Livestock Auction, Red Oak
Carroll Livestock Sales, Carroll
Cascade Sales Barn, Cascade
Cedar Valley Livestock Exchange, Vinton
Centerville Sales Company, Centerville
*Central Iowa Stockyards, Webster City
Chariton Sales, Inc., Chariton
Clarinda Auction Co., Clarinda
Phil Clark & Sons Sales Company, Knoxville
Climbing Hill Stockyards, Climbing Hill
Colfax Livestock Sales Company, Colfax
Columbus Junction Livestock Market, Inc., Columbus Junction
Coggon Livestock Sales Co., Coggon
Cresco Livestock Market, Cresco
Creston Auction Company, Creston
Decorah Sales Commission, Decorah
Denison Livestock Auction, Denison
DeVries Auction, Buffalo Center
*Dunlap Livestock Auction, Dunlap
Dyersville Sales Barn, Dyersville
Eddyville Sale Company, Eddyville
Edgewood Sales Barn, Inc., Edgewood
*Elkader Sales Barn, Elkader
Fairfield Livestock Commission, Fairfield
Farmers Auction Market, Eldora
Farmers Livestock Action, Carroll
Forest City Cow Palace/Jennings Bros. Inc., Forest City
Greenfield Commission Sale, Inc., Greenfield
Grinnell Livestock Exchange, Grinnell
*Guthrie Stock Pavilion Company, Inc., Guthrie Center
Hampton Auction Sales, Hampton
Hawkeye Livestock Auction, Fairfax
Hays Cattle Company, Ida Grove
*Humeston Livestock Auction, Humeston
Independence Sales Company, Inc., Independence
Interstate Producers Livestock Association, Waukon

Iowa County Livestock Auction, Marengo
Irwin Commission Company, Irwin
Jake Zoet Livestock Company, Sheldon
Jansma & Van Kley, Sioux Center
Kalona Sales Barn, Inc., Kalona
Keoco Auction Company, Sigourney
*Keosauqua Sale Company, Inc., Keosauqua
Kimballton Auction Company, Kimballton
*Lamoni Livestock Sales Company, Lamoni
LeMars Livestock Sales Company, LeMars
Lenox Livestock Auction, Lenox
Leon Sales, Leon
Livestock Auction, Denison
Lizer Livestock Auction, Inc., Gowrie
Madison County Auction, Winterset
Manning Livestock Auction, Manning
Mapleton Livestock Sales Company, Mapleton
Maquoketa Sales Company Inc., Maquoketa
Massena Livestock Auction, Massena
Mechanicsville Sale Barn, Mechanicsville
Middletown Auction Sales, Inc., Middletown
Monticello Sales Barn, Monticello
Montezuma Sales Company, Inc., Montezuma
Moorhead Auction Company, Moorhead
Mount Ayr Livestock Market, Mount Ayr
Northeast Iowa Sales Commission, Waukon
North Iowa Livestock Exchange, Garner
Mesvik Livestock Market, Spirit Lake
*New Liberty Livestock Auction, New Liberty
Northside Sales Company, Sibley
Oelwein Dairy Sales, Oelwein
Oelwein Livestock Exchange, Oelwein
Ollie Livestock Exchange, Ollie
Orient Sales Company, Inc., Orient
Osceola Sales Company, Osceola
Oskaloosa Livestock Inc., Oskaloosa
Perry Sales Pavilion, Perry
Petersen Sheep & Cattle Company, Inc., Spencer
Riceville Sale Pavilion, Riceville
Rock Valley Sales Co., Rock Valley
Rubey Auction Company, Red Oak
Russell Sales Co., Inc., Russell
Sales Company of Hawarden, Inc., Hawarden
Sheldon Livestock Sales Company, Sheldon
Shenandoah Livestock Auction, Inc., Shenandoah
*Sioux City Stockyards, Sioux City
Spencer Dairy Cattle Exchange, Spencer
Spencer Livestock Sales, Inc., Spencer
Spencer North Y Auction, Inc., Spencer
Stanton Livestock Auction Market, Stanton
Storm Lake Auction Co., Storm Lake
Story City Auction Sales, Story City
Stuart Sales Company, Stuart
*Tama Livestock Auction Inc., Tama
Thielen Cattle Company, Harlan
Thompson Livestock Commission Co., Inc., Davis City
Tri-State Livestock Auction Company, Inc., Sioux Center
Traer Auction Company, Inc., Traer
United Livestock Auction Inc., Maquoketa
Van's Calf Farm, Hospers
Van Wyk Calf Farm, Le Mars
Waitt Cattle Company, Sioux City
Walker Sales Company, Walker
*Wapello Livestock Sales, Inc., Wapello
Washington Livestock Auction, Inc., Washington
Waverly Sale Company, Waverly
Wayland Livestock Auction Market, Wayland
West Union Auction Exchange, West Union
Winneshiek Co-op Sales Commission, Decorah
Woodbury County Livestock Auction, Lawton

KANSAS

*Allen County Livestock Auction, Gas City
*Anderson County Sale Company, Garnett
*Anthony Livestock Company, Anthony
*Atchison Co. Auction Co., Inc., Atchison
*Atwood Sale Barn, Atwood
*Beloit Livestock Auction, Inc., Beloit
*Caldwell Community Sale, Caldwell
*Cedar Vale Sales Company, Cedar Vale
*Central Livestock Corporation, South Hutchinson
*Chandler Livestock Auction, Smith Center
*Chanute Livestock Auction Company, Chanute
*Circle "L" Livestock Sale, Liberal
*Clay Center Livestock Company, Inc., Clay Center
*Coffey County Livestock Market, Burlington
*Coffeyville Livestock Sales Company, Inc., Coffeyville
*Colby Livestock Auction, Inc., Colby
*Coldwater Commission Company, Coldwater
*Council Grove Livestock Commission Company, Council Grove
*Dighton Livestock Auction, Dighton
*Dodge City Livestock Commission Co., Inc., Dodge City
*Douglass Livestock Commission Company, Douglass
*El Dorado Livestock Auction, El Dorado
*Emporia Livestock Sales Co., Inc., Emporia
*Eureka Auction Sale, Eureka
*Farmers and Ranchers Commission Company, Salina
*Farmers Livestock Exchange, Inc., Wakarusa
*Fort Scott Sale Company, Inc., Fort Scott
*Franklin County Sale Company, Inc., Ottawa
*Fredonia Livestock Sales Company, Inc., Fredonia
*Garden City Sale Co., Inc., Garden City
*Glasco Livestock Exchange, Glasco
*Goodland Livestock Commission Co., Goodland
*Great Bend Livestock Commission, Inc., Great Bend
*G and V Cattle Company, Elkhart
*Hansen Livestock Auction, Concordia
*Hays Livestock Market Center, Hays
*Herington Livestock Commission Company, Herington
*Hiawatha Auction Co., Hiawatha
*Hill City Sale Barn, Hill City
*Hoxie Livestock Sales Company, Hoxie
*Hutchinson Livestock Commission Company, Hutchinson
*Holton Community Sale, Holton
*Holton Livestock Exchange, Inc., Holton
*Iola Community Sale, Iola
*Junction City Livestock Sales, Junction City
*Kingman Community Sale, Kingman
*Kiowa Sales Company, Inc., Kiowa
*Larned Livestock Market Center, Larned
*Lawrence Livestock Sale Company, Inc., Lawrence
*Manhattan Commission Company, Inc., Manhattan
*Mankato Livestock, Inc., Mankato
*Marysville Livestock Commission Company, Marysville
*McKinley-Winter Livestock Commission Co., Inc., Dodge City
*Medicine Lodge Sale Company, Inc., Medicine Lodge
*Miami County Livestock Company, Inc., Paola, Kansas
*Moline Auction Company, Inc., Moline
*Norton Livestock Auction, Inc., Norton
*Oakley Livestock Commission Co., Inc., Oakley
*Oberlin Livestock Commission Co., Inc., Oberlin
*Onaga Livestock Commission Company, Onaga
*Osborne Livestock Commission Co., Inc., Osborne
*Overbrook Livestock Auction, Overbrook
*Parsons Livestock Auction Inc., Parsons
*Phillipsburg Sales Co., Inc., Phillipsburg
*Plainville Livestock Commission Company, Inc., Plainville
*Pratt Livestock Commission Company, Pratt
*Quinter Livestock Commission Co., Quinter
*Reynolds Livestock Sales, Abilene
*Rezac Livestock Commission Company, St. Marys
*Rush County Livestock Sale, La Crosse
*Russell Livestock Commission Company, Russell
*Sabetha Livestock Auction, Sabetha
*St. Francis Livestock Sales Company, St. Francis
*Sylvan Sales Company, Inc., Sylvan Grove
*Syracuse Sale Company, Syracuse
*Turon Sales Company, Inc., Turon
*Wakeeney Livestock Commission Co., Inc., Wakeeney
*Wichita Union Stockyards, Wichita
*Winfield Livestock Auction Co., Inc., Winfield
*Zima Livestock Sales Company, Emmett

KENTUCKY

*Albany Stockyards, Albany
*Blue Grass Stockyards Inc., Lexington
R.B. Berry and Son Livestock Company, Inc., Clinton
*Bowling Green Livestock Market, Inc., Bowling Green
*Bourbon Stockyards Company, Inc., Louisville
*Bourbon Livestock Center, Bowling Green
*Boyle County Stockyards, Danville
*Breckinridge County Livestock Center, Irvington
Brown Livestock Company, Clinton
*Bullitt County Stockyards, Shepherdsville
*Burkesville Stockyard, Burkesville
Carnes Livestock Market, Leitchfield
*Catlettsburg Livestock Sales Company, Catlettsburg
*Christian County Livestock Market, Inc., Hopkinsville
*Clark County Livestock Market, Winchester
*Clay-Wachs Stockyards, Lexington
*Edmonton Livestock Market, Edmonton
*Elizabethtown NFO Reload, Glendale
*Farmers Commission Company, Tomkinsville
*Farmers Livestock Market, London
*Farmers Livestock Market, Mayfield
*Farmers Livestock Market of Glasgow, Inc., Glasgow
*Farmers Livestock Marketing Co-op, Russellville
*Farmers Stockyard, Flemingsburg
*Franklin-Simpson Livestock Company, Franklin
*Garfield Auction Market, Garfield
*Garrard Stockyards Company, Lancaster
*Glasgow Livestock Market, Glasgow
*Good Day Stockyards, Princeton
*Graves County Livestock, Inc., Mayfield
*Grayson County Stockyard Market, Inc., Leitchfield
*Green County Stockyards, Greensburg
*Hart County Livestock Market, Munfordville
*Henry County Stockyard, Inc., Sulphur
*Horse Cave Stockyard, Horse Cave
*John M. Riley Livestock Market, Mayfield

*Kentuckiana Livestock Market, Owensboro
*Kentucky-Tennessee Livestock Market, Inc., Guthrie
*King Livestock Company, Inc., Hopkinsville
*Laurel Sales Company, London
Fred Madison and Sons Sale Barn, Bowling Green
*Madison Sales Company, Richmond
*Mammoth Cave Marketing Corporation, Smith Grove
Mantle Stockyards, Bardwell
*Maysville Stockyards, Maysville
*Morganfield Stockyard, Morganfield
*NFO Freedom Collection Point, Mt. Herman
*New Farmers Livestock Market, Somerset
Ohio Valley Producers Livestock Assn., Inc., Clinton
*Owen County Stockyards, Owenton
*Owsley County Stockyards, Booneville
*Paducah Livestock Auction, Paducah
°Paintsville Livestock Market, Paintsville
*Paris Stockyards, Inc., Paris
*Pennyrile Stockyard, Inc., Hopkinsville
Purchase Reload NFO, Fancy Farm
*Ratliff Stockyard, Mt. Sterling
*Russell County Stockyards, Russell Springs
*Schneider and Colston Sale Barn, Walton
*Somerset and Pulaski County Livestock Market, Inc., Somerset
*Taylor County Stockyards, Campbellsville
*Washington County Livestock Center, Springfield
*Wayne County Livestock Market, Monticello
*West Kentucky Land & Cattle Company, Inc., Marion
*Williamstown Stockyards, Inc., Williamstown

LOUISIANA

*Abbeville Commission Company, Abbeville
*Amite Livestock Company, Inc., Amite
*Bastrop Livestock Auction, Bastrop
*Clark Livestock Commission Company, Benton
°Delhi Livestock Auction, Inc., Delhi
*DeQuincy Livestock Commission Company, DeQuincy
*DeRidder Livestock Commission Company, DeRidder
*A. Dominique's Cow Palace Inc., Marksville
*Dominique Stockyard, Inc., Baton Rouge
*Doninique's Inc., Opelousas
°Eunice Stockyards, Inc., Eunice
°Fairchild Livestock Sales, Inc., dba/North Tangipohoa Stockyard, Kentwood
*Farmer & Stockman, Clarence
°Franklin Livestock Auction, Winnsboro
*Franklinton Stockyards, Inc., Franklinton
°Guilbeau-Kennedy Stockyards, Inc., Baton Rouge
°Guilbeau-Kennedy Stockyards, Opelousas
*W. H. Hodges & Company, Inc., Crowley
°W. H. Hodges & Company, Inc., New Roads
*Hodges & Company, W. H. Inc., Alexandria
*Homer Livestock Commission Co., Homer
°Jennings Tate Commission Barn, Inc., Ville Platte
°Kentwood Livestock Sales, Kentwood
*Livestock Producers, Inc., Bossier City
*Bill Lyles Auction, Grand Cane
*Lum Brothers Stockyards, Inc., Vidalia
*Mansfield Livestock Auction, Mansfield
*Micelle's Commission Yard, Inc., Lake Charles
*Raceland Stockyards, Raceland
*Red River Livestock Auction, Armistead
*Voiron's Stockyard, Thibodaux
*West Monroe Livestock Auction, Inc., West Monroe

MAINE

Ben Tilton & Sons, Corinth
Crosman's Livestock Sales, Corinna

MARYLAND

*Aberdeen Sales Company, Inc., Aberdeen
*Baltimore Livestock Exchange, West Friendship
*Cumberland Stockyards, Inc., Cumberland
*Farmers Livestock Exchange, Inc., Boonsboro
Farmers Market and Auction, Charlotte Hall
*Four States Livestock Auction, Inc., Hagerstown
*Frederick Livestock, Frederick
*Friend's Stockyards, Inc., Accident
°Grantsville Community Auction, Inc., Grantsville
*Hunters Sale Barn, Inc., Rising Sun
*Harry Rudnick and Sons, Inc., Galena
*Western Maryland Stock Yards, Inc., Westminster
Woodsboro Livestock Sales, Woodsboro

MASSACHUSETTS

Farmer's Live Animal Market Exchange, Inc., (FLAME), Littleton
*Michelson's Livestock Commission Auction, Inc., South Easton
Northampton Coop. Auction Market, Whately

MICHIGAN

Andy Adams Sale Barn, Hillsdale
Coldwater Livestock Auction, Coldwater
Dundee Livestock Sale, Dundee
Houghton Beef Packers, Ionia
Michigan Livestock Exchange, Cassopolis
Napoleon Livestock Auction, Napoleon

MINNESOTA

Arends Sale Yard, Inc., Blue Earth
Benson Livestock Exchange, Benson
Canby Livestock Sale Company, Canby
East-Central Livestock Auction, Inc., Mora
Jim Erickson Livestock, Mabel
Farmers Livestock Auction Market, Caledonia
Ivanhoe NFO Collection Point, Ivanhoe
Kasson Livestock Exchange, Kasson
Lanesboro Sales Commission, Inc., Lanesboro
Lewiston Livestock Market, Lewiston
Long Prairie Livestock Auction Market, Long Prairie
Luverne Livestock Auction, Luverne
*Pipestone Livestock Auction, Pipestone
Rush City Livestock Market, Inc., Rush City
*St. Paul Union Stockyards, St. Paul
Spring Grove Livestock Exchange, Inc., Spring Grove
Spring Valley Sales Co., Inc., Spring Valley
Top Livestock Auction, Edgerton
Truman Livestock Sales, Truman
Zumbrota Livestock Auction Market, Inc., Zumbrota

MISSISSIPPI

*Alcorn County Stockyards, Corinth
*Askew's Buying Station, Edwards
*Baker Commission Company, Batesville
°Billingsley's Auction Sale, Inc., Senatobia
Booneville Commission Company, Booneville
*Carl's Commission Company, Pontotoc
*Cattle Incorporated, Hattiesburg
*Central Livestock Company, Brandon
°Central Mississippi Livestock Commission Company, Carthage
°Chickasaw Livestock Auction, Inc., Houston
*Cow Palace, Inc., McComb
*C & R Farms, Inc., Meridian
*Dixie Stockyards, Inc., Meridian
*East Mississippi Farmers Livestock Company, Philadelphia
°Farmers Auction Company, Mountain View
*Fairchild Livestock Sales, Inc., Hazlehurst
Fruitland Livestock Auction, Inc., Jackson
*George County Stockyard, Inc., Lucedale
*George Ford Stockyard, Pontotoc
*Glynn Robinson Stockyard, Inc., West Point
*Graves Livestock, Inc., Winona
*Grenada Livestock Exchange, Grenada
*Harrell Stockyard, Inc., Morton
*Jackson Union Stockyard, Inc. and Quinn Brothers Inc., Jackson
*Kosciusko Stockyard, Inc., Kosciusko
*Lipscomb Commission Company, Como
*Laurel Stockyard, Laurel
*Lexington Sales Company, Inc., Lexington
*Lincoln County Livestock Commission, Inc., Brookhaven
*Livestock Producers Association, Tylertown
*Lum Commission Company, Vicksburg
°Meridian Order Buyers, Meridian
*Meridian Stockyards, Inc., Meridian
*Mid-Mississippi Livestock Company, Canton
*Mid-South Order Buyers, Jackson
°Mississippi Livestock Producers Association, Jackson
*M and W Cattle Company, Hattiesburg
*M and W Cattle Company, Starkville
*Natchez Stockyards, Inc., Natchez
°New Albany Sales Company, New Albany
*Oxford Livestock Market, Inc., Oxford
*Passbach Meats, Inc., Natchez
*Pontotoc Livestock Commission Company, Pontotoc
Prairie Livestock, Inc., West Point
*Ranchers & Farmers Livestock Commission Company, Macon
*Ranchers & Farmers Livestock Commission Company of Starkville, Starkville
*Ripley Sales Company, Ripley
*Ross Cattle Co., Inc., Terry
*S & A Livestock, Inc., Tupelo
*Smith Brothers Stockyard, Inc., Poplarville
°Southeast Mississippi Livestock Farmers Assn., Hattiesburg
*Southwest Livestock, Inc., Lorman
*Stockyard Beef Sales, Inc., Tupelo
*Stockyard Dairy Sales, Inc., Tupelo
*Stringer Sale Barn, Columbia
°Tablock Stockyards, Forest
*Tri-County Stockyards, Inc., Tupelo
*Tri-State Stockyards, Inc., Greenville
*Walnut Sales Company, Walnut
*Willbanks Stockyard, Carthage
°Winona Stockyard, Winona

MISSOURI

*Adair County Livestock Market Center, Kirksville
Alton Sale Company, Alton
°Ava Sales Company, Ava
°Beck and McCord Auction Company, Sikeston
Benton County Producers Association, Warsaw
Blansit Dairy Cattle Company, Inc., Ozark
Bob Franklin Sale Barn, Buffalo
Bollinger County Livestock Producers Association, Marble Hill
*Boonville Livestock Auction, Boonville
*Brookfield Livestock Auction, Inc., Brookfield
°Brunswick Sale Company, Brunswick
Buffalo Livestock Auction, Buffalo
*Cabool Livestock Market, Cabool
Callao NFO Collection Point, Callao

*Callaway Stock Sales Company, Fulton
*W. R. Cantrell & Sons Sale Company, Archie
*Carrollton Livestock Auction, Carrollton
*Cassville Livestock Market, Inc., Cassville
*Cattlemen Auction Company, Inc., Humansville
*Central Livestock Market, Inc., Poplar Bluff
*Central Missouri Livestock Auction, Inc., Mexico
*Central Missouri Sales Company, Sedalia
*Central Ozarks Livestock Market, Inc., West Plains
*Charleston Auction Company, Charleston
*Chillicothe Livestock Market, Chillicothe
Circle S Livestock Market, Stanberry
*City Scales, West Plains
*Clark County Sales Company, Kahoka
*Columbia Livestock Auction Market, Inc., Columbia
*Concordia Livestock Auction, Concordia
Dent County Livestock Improvement Association, Salem
*Downing Stockyards, Downing
*Edina Auction Market, Inc., Edina
*El Dorado Sales Company, El Dorado
Fair Play Livestock Auction, Fair Play
Farmers & Traders Commission Company, Inc., Palmyra
*Farmington Auction Market, Farmington
Five County Collection Center, Inc., Mountain Grove
4 Corners Collection Point (NFO), Hunnewell
Four State Livestock Auction Center, Inc., Diamond
Fortuna NFO Collection Point, Fortuna
Four Rivers Collection Point, Labadie
*Four-Square Markets, Inc., Marshall
*Franklin County Livestock Association, Sullivan
*Fredericktown Auction Company, Inc., Fredericktown
*Fruitland Livestock Auction, Inc., Jackson
*Gallatin Livestock Auction, Gallatin
Gasconade County Livestock Improvement Association, Owensville
Grant City Livestock Market, Grant City
*Green City Auction Market, Inc., Green City
Hayes Cattle Company, Chillicothe
Howard County NFO Collection Point, Armstrong
*Interstate Livestock Market, Inc., Bethany
Interstate Producers Livestock Association, Cuba
Interstate Producers Livestock Association, Perryville
Interstate Producers Livestock Association, Silva
*Ireland & Thorne Livestock market Center, Inc., Trenton
*Jack Sivils Sales Company, Inc., Butler
*Johnson County Livestock Market, Warrensburg
*Joplin Stockyards, Inc., Joplin
*Kahoka Sale Company, Inc., Kahoka
*Kansas City Stockyards Company, Kansas City
*Kelly Auction Service Livestock Sales, Mountain Grove
Kennett Sales Company, Inc., Kennett
Kingsville NFO Collection Point, Kingsville
*Kirksville Community Sale, Inc., Kirksville
Laclede County Livestock Association, Lebanon
LaMonte NFO Livestock, LaMonte
*Lewis County Auction Company, Lewistown
*Lexington Livestock Auction, Lexington
*Licking Auction Sales, Licking
*Lindsay Livestock Auction, Inc., Lebanon
*Lockwood Community Sales, Lockwood
*Lolli Sale Pavilion, Macon
*Mansfield Livestock Auction, Inc., Mansfield
Maries County Livestock Producers Association, Vienna
*Marshall Livestock Auction, Marshall
Maysville NFO Collection Point, Amity
McDonald County Sale Company, Jane
Mercer County Producers Association, Princeton
*Mercer County Sale Company, Princeton
Meta Collection Point, Inc., Meta
MFA Livestock Association, Inc., Humansville
*Mid-West Livestock Auction, Inc., Milan
*Mid-West Livestock Market, Inc., Nevada
*Moberly Auction Company, Moberly
*Montgomery County Livestock Auction Company, Montgomery City
C. H. Moore & Son Livestock Yards, Memphis
*Mountain View Sales Company, Mountain View
*Nevada Livestock Auction Company, Inc., Nevada
*New Cambria Livestock Auction Market, New Cambria
NFO Collection Point, Memphis
*Odessa Community Sale, Odessa
*Olean Livestock Market, Inc., Olean
Oregon Livestock Sales Company, Oregon
Osage County Livestock Producers Association, Linn
*Palmyra Livestock Auction Market, Inc., Palmyra
*Pasley Auction Company, Osceola
Phelps County Livestock Improvement Association, St. James
*Pike County Livestock Market, Bowling Green
*Platte County Livestock Company, Platte City
*Poplar Bluff Sales Company, Inc., Poplar Bluff
*Potosi Livestock Market, Potosi
Charles Reed Livestock, Mountain Grove
Putnam County Livestock Marketing Association, Unionville
Puxico Stockyards & Auction Company, Puxico
Reynolds County Livestock Producers Association, Ellington
*Rich Hill Sales Company, Rich Hill
Richland Livestock, Richland
Ripley County Livestock Producers Association, Inc., Doniphan
Roberts Brothers Auction, Bolivar
Rock Port Sales Pavilion, Inc., Rock Port
*Saint Joseph Stockyards, St. Joseph
*Salem Auction, Salem
Savannah Sales Company, Savannah
*St. Clair Livestock Auction, St. Clair
*Scotland County Livestock Auction, Memphis
*Seaton Auction, Inc., Nixa
*Sedgewickville Auction Market, Inc., Sedgewickville
*Shelbina Auction Company, Shelbina
Sho-Me Feeder Pigs, Inc., Thayer
*South Central Livestock Market, Inc., Vienna
*Stewart Sale Pavilion, Cameron
St. James Auction Company, St. James
Ste. Genevieve Livestock Producers Association, Ste. Genevieve
*Summersville Livestock Market, Summersville
*Union Stockyards Company, Inc., Springfield
*Unionville Sale Company, Unionville
Van Meter Auction, Kingsville
*Versailles Auction Company, Versailles
Washington County Producers Association, Potosi
Warsaw Auction Company, Warsaw
Wayne County Livestock Producers Association, Greenville
Western Missouri Feeder Calf Association, Appleton City
Wheaton Livestock Auction, Wheaton
*Windsor Auction Company, Windsor

MONTANA

*Beaverhead Livestock Market, Inc., Dillon
*Billings Livestock Commission Company, Inc., Billings
*Bitterroot Livestock Market, Hamilton
*Glendive Livestock Sales Company, Glendive
*Kallspell Livestock Auction, Kallspell
*Livestock Auction, Inc., Baker
*Miles City Livestock Center, Miles City
*Missoula Livestock Auction Company, Missoula
*Montana Livestock Auction, Inc., Butte
*Public Auctions Yards, Billings
*Sidney Livestock Market Center, Sidney

NEBRASKA

*Ainsworth Livestock Market, Ainsworth
*Alma Livestock Commission Company, Alma
*Atkinson Livestock Market, Atkinson
*Bassett Livestock Auction, Bassett
*Beatrice 77 Livestock Sales Company, Beatrice
*Beatrice Sales Pavilion, Beatrice
*Blue Hill Livestock, Blue Hill
*Butte Livestock Market, Butte
*Chadron Sales Company, Inc., Chadron
*Chappell Livestock Auction, Chappell
*Columbus Sales Pavilion, Inc., Columbus
*Crawford Livestock Auction Market, Crawford
*Crete Livestock Market, Crete
Curtis Livestock Market, Curtis
*Fairbury Livestock Company, Fairbury
*Falls City Auction Company, Inc., Falls City
*Farmers Livestock Sales Company, Benkelman
*Gordon Livestock Auction Company, Gordon
*Grand Island Livestock Auction, Inc., Grand Island
*Hebron Livestock Commission Company, Hebron
*Holdrege Livestock Commission Company, Holdrege
*Humboldt Sale Barn, Humboldt
*Huss Platte Valley Auction, Inc., Kearney
*Imperial Auction Market, Imperial
*Kearney Livestock Commission Company, Inc., Kearney
*Kimball Livestock Auction Company, Kimball
*Laurel Livestock Sales Company, Laurel
*Lexington Livestock Market, Lexington
*Midwest Livestock Commission Company, Inc., McCook
Morris Livestock Auction, Plattsmouth
*Nebraska City Sale Barn Inc., Nebraska City
*Nebraska Livestock Market, Inc., Franklin
*Norfolk Livestock Market, Norfolk
*Ogallala Livestock Auction Market, Ogallala
*Omaha Livestock Market, Inc., Omaha
*O'Neill Livestock, Inc., O'Neill
*Oxford Livestock Commission Company, Oxford
*Pawnee Livestock Inc., Pawnee City
*Pender Livestock, Inc., Pender
Platte Valley Livestock Auction, Inc., Gering

*Red Cloud Livestock Commission Co., Inc., Red Cloud
*Scottsbluff Livestock Auction, Inc., Scottsbluff
*Sheridan Livestock Commission Company, Rushville
*Sioux County Livestock Auction, Harrison
*Superior Livestock Commission Company, Inc., Superior
*Sutton Livestock Commission Company, Sutton
Syracuse Sales Pavilion, Inc., Syracuse
*Tecumseh Livestock Market, Inc., Tecumseh
*Tri-State Livestock Commission Company, McCook
*Valentine Livestock Auction Co., Inc., Valentine
*Verdigre Livestock Market, Verdigre
*Wahoo Livestock Auction Company, Wahoo
*West Point Sales Company, West Point
*Wells Commission Co., Fremont
*Western Livestock Auction Company, Noreth Platte
*York Livestock Sales Company, York

NEW JERSEY

*Community Livestock Auction, Woodstown
*Jaeger's Livestock Auction Market, Sussex
*Livestock Cooperative Auction Market Assn. of North Jersey, Inc., Hackettstown

NEW MEXICO

*Clovis Livestock Market, Clovis
*Five States Livestock Auction, Clayton
Las Vegas Livestock Commission Company, Inc., Las Vegas
*Lea County Livestock Market, Lovington
Portales Livestock Commission Company, Portales
*Ranchers and Farmers Livestock Auction, Clovis
Roswell Livestock Auction company, Roswell
*Socorro Livestock Market, Inc., Lemitar

NORTH CAROLINA

Benson Hog and Livestock Market, Benson
Brite & Tatum Livestock Company, Elizabeth City
Carolina Stockyards Company, Siler City
Cattleman's Livestock Yard, Inc., Canton
Carolina-Virginia Stockyard, Windsor
Central Carolina Farmers Livestock Market, Hillsborough
Dedmon's Livestock Yard, Shelby
Farmers Cooperative Livestock Market, Lexington
Farmers Livestock Barn, Kannapolis
Farmers Livestock Exchange, Marshville
D. F. Foust Livestock Auction Market, Greensboro
Franklin Livestock Auction, Franklin
Greeville Livestock Inc., Greenville
Hickory Livestock and Commission Company, Hickory
Iredell Livestock Company, Turnersburg
J & P Livestock Company, Inc., Fairmont
Kinston Stockyard, Kinston
Gus Z. Lancaster Stockyards, Inc., Rocky Mount
Lumberton Auction Company, Lumberton
MCM Livestock, Inc., Whiteville
Mountain Livestock Auction, Murphy
Mount Airy Livestock Market, Mount Airy
Norwood Stockyard, Inc., Norwood
Oxford Livestock Market, Inc., Oxford
Pates Stockyards, Inc., Pembroke
Powell Livestock Company, Smithfield
Reaves Livestock Inc., Rowland
Riley's Livestock Market, North Wilkesboro
Robeson Livestock Company, Inc., Rowland
Shelby Sales Barn, Shelby
Union City Livestock Auction, Union City
Union county Livestock Auction, Inc., Mineral Springs
Watauga County Livestock Market, Inc., Boone
Western Carolina Livestock Market, Asheville
West Jefferson Livestock Market, West Jefferson
William A. Crofton Livestock, Lumberton

NORTH DAKOTA

*Ashley Livestock Sales Company, Ashley
*Bowman Livestock Auction Market, Bowman
*Carrington Livestock Sales, Inc., Carrington
*Edgely Livestock Inc., Edgely
*Ellendale Livestock Sales Company, Ellendale
*Harvey Livestock Auction, Harvey
*Hettinger Auction Market, Inc., Hettinger
*Jamestown Livestock Sales, Jamestown
*Kist Livestock Auction Company, Mandan
*Lake Region Auction and Livestock Market, Inc., Devils Lake
*Linton Livestock Sales, Inc., Linton
*Lorenz Livestock Sales, Hazen
*McQuade Livestock, Wahpeton
*Minot Livestock Auction, Inc., Minot
*Missouri Slope Livestock Auction, Inc., Bismarck
*Napoleon Livestock Auction, Napoleon
*Park River Livestock Exchange, Park River
*Rugby Livestock Auction Market, Inc., Rugby
*Stockmen's Livestock Exchange, Inc., Beulah
*Stockmen's Livestock Exchange, Inc., Dickinson
*Sitting bull Auction Company, Williston
*Triple S Cattle Company, Inc., Valley City
*Turtle Lake Livestock Sales, Inc., Turtle Lake
Uecker Livestock Yards, Inc., Hettinger
*Union Stockyards Company of Fargo, West Fargo
*Watford City Livestock Auction, Inc., Watford City
*Western Livestock Company, Dickinson
*Wishek Livestock Market, Inc., Wishek

OHIO

Athens Livestock Sales, Inc., Athens
Barnesville Livestock, Barnesville
Glenn Bircher dba/Carrollton Livestock, Carrollton
Earl R. & Diane E. Carpenter dba/Bloomfield Livestock Auction, North Bloomfield
Cincinnati Union Stockyard Co., Cincinnati
Creston Livestock Sales, Inc., Creston
Delta Livestock Auction & Commission Company, Delta
Farmers Livestock Auction Co., Inc., Marietta
Farmerstown Sale, Inc., Baltic
Geauga Livestock Commission, Inc., Middlefield
Granville Livestock Sales, Inc./W. Munson, Granville
Richard L. Harshbarger dba/Degraff Livestock Sales, Degraff
Kenton Farmers Marketing Co., Kenton
Kidron Auction, Inc., Kidron
Lugbill Bros., Inc., Archbold
Lugbill Bros., Inc., Columbus
Middendorf Inc. dba/Western Ohio Livestock, Celina
Mt. Hope Auction, Div. Wayne Door Company, Mt. Hope
Tri-State Farms, Inc., dba/Interstate Farmers Livestock Company, Oxford
Muskingum Livestock Sales Company, Zanesville
William W. Osborne dba/Sugarcreek Livestock Auction, Sugarcreek
Producers Livestock Association, Bucyrus
Producers Livestock Association, Circleville
Producers Livestock Association, Coshocton
Producers Livestock Association, Eaton
Producers Livestock Association, Findlay
Producers Livestock Association, Hillsboro
Producers Livestock Association, Lancaster
Producers Livestock Association, Marysville
Producers Livestock Association, Mount Vernon
Producers Livestock Association, Springfield
Producers Livestock Association, Wapakoneta
Producers Livestock Association, Washington Court House
Producers Livestock Association, Wilmington
Scio Auction Market, Scio
Glenn Shreve and Larry C. Shreve dba/Damascus Livestock Auction, Damascus
Thomas J. Stewart & C. E. Johnson dba/Ohio Valley Livestock Company, Gallipolis
Stockyards, Inc. dba/Champaign Livestock Sales, Urbana
The Union Stock Yards Co., Hillsboro
James H. Wilson & Thomas H. Wilson dba/Peoples Livestock Exchange, Greenville
Woodsfield Livestock Sales, Inc., Woodsfield
Zanesville Community Sales Co., Inc., Zanesville

OKLAHOMA

*Ada Livestock, Ada
*Adair County Livestock Auction, Stilwell
*Antlers Livestock, Antlers
*Apache Livestock Sale, Apache
*Ardmore Livestock Auction, Ardmore
*Atoka Livestock, Atoka
*The Beaver Livestock Sale, Beaver
*Beeline Auction Yard, Glenpool
*Blackwell Livestock Auction, Blackwell
*Carnegie Livestock Auction, Carnegie
*Chandler Auction Co., Inc., Chandler
*Cherokee Sales Company, Cherokee
*Clinton Livestock Auction, Clinton
*Collinsville Livestock Exchange, Collinsville
*Covington Commission Sales Co., Covington
*Durant Livestock, Durant
*Dewey Livestock Sale Inc., Dewey
*Delaware County L/S Auction, Grove
*Enid Livestock Market, Inc., Enid
*Fairview Sale Barn, Fairview
*Farmers and Ranchers Livestock Auction, Vinita
*Farmers and Ranchers Stockyards, Comanche
*Fort Smith Stockyards, West Fort Smith
*Freeman Livestock Auction, Sulphur
*Geary Livestock Auction, Geary
*Hennessey Sale, Hennessey
*Hobart Stockyards, Hobart
*Holdenville Livestock, Holdenville
*Hollis Livestock Commission Company, Hollis
*Hugo Sales Commission Inc., Hugo
*Idabel Livestock Auction, Idabel
*Kay County Farm Center, Inc. dba/Tonkawa Auction Center, Tonkawa
*Lawton Stockyards, Lawton
*LeFlore County Livestock Auction, Wister
*Locust Grove Sale, Locust Grove
*Mangum Livestock Auction, Inc., Mangum
*Marietta Livestock Auction, Marietta
*Marlow Livestock Auction, Marlow
*Maxson Sales Company, Welch
*McAlester Union Livestock, McAlester

*Meeker Livestock Market, Meeker
*Mid-America Stockyards, Bristow
*Muskogee Stockyard, Muskogee
*Newkirk Sales Company, Newkirk
*Northeast Oklahoma Feeder Pig and Livestock Auction, Leach
*Oklahoma Auction Yards, Hominy
*Oklahoma National Stockyards Company, Oklahoma City
*Okmulgee L/S Auction and Stockyard, Okmulgee
*Panhandle Livestock Commission, Guymon
*Pauls Valley Livestock, Pauls Valley
*Pawnee Livestock Market Center, Inc., Pawnee
*Perkins Y Livestock Auction, Inc., Perkins
*Perry Livestock Center, Inc., Perry
*Poor Boy Livestock Auction, Wister
*Pryor Stockman's Auction, Pryor
*Purcell Livestock, Purcell
*Ringling Livestock Auction, Ringling
*Sallisaw Sale Barn, Sallisaw
*Sayre Livestock Auction, Sayre
*Seiling Sales Association, Inc., Seiling
*Snyder Stockyards, Snyder
*Spitler Auction, Inc., Prague
*South Coffeyville L/S Market, Inc., South Coffeyville
Stigler Sale Barn, Stigler
*Tahlequah Sale Barn, Tahlequah
*Texhoma Livestock Commission Company, Inc., Texhoma
*Tillman County Stockyards, Inc., Frederick
*Triangle Livestock Company, Alva
*Tulsa Stockyards, Tulsa
*Tulsa Cow Palace, Tulsa
*Watonga Livestock Commission, Inc., Watonga
*Waurika Livestock Market, Waurika
*Western Livestock Auction, Elk City
*Woodward Livestock Auction Market, Inc., Woodward

PENNSYLVANIA

Belleville Livestock Market, Inc., Belleville
Belknap Livestock Market, Inc., Dayton
Edgar K. Black, Skippack
K. M. Border, Dover
Carlisle Livestock Market, Inc., Carlisle
Cattle Sales, Inc. dba/Scenery Hill Stockyards, Scenery Hill
Chambersburg Livestock Sales, Inc., Chambersburg
Chesley's Sales, Inc., Northeast
Cowanesque Valley Livestock Auction, Knoxville
Wayne F. Craig & Sons, Shippensburg
Danville Cattle Co., Inc., Danville
Dewart Livestock Market, Dewart
Eighty-Four Auction Sales, Inc., Eighty-Four
Enon Valley Community Sales, Enon Valley
Fayette Stockyard, Inc., Uniontown
G & M Livestock Market, Inc., Duncansville
Greencastle Livestock Market, Inc., Greencastle
Green Dragon Livestock Sales, Ephrata
Hickory Auction and Sales, Inc., Hickory
Indiana Livestock Market, Inc., Indiana
Jersey Shore Livestock, Inc., Jersey Shore
Keister's Middleburg Auction Sales, Inc., Middleburg
Lancaster Stockyards, Inc., Lancaster
Lebanon Valley Livestock Market, Inc., Fredericksburg
Leesport Market & Auction, Inc., Leesport
Meadville Livestock Auction, Saegertown
Mercer Livestock Auction, Mercer
C. Robert Miller, Watsontown
Morrison Cove Livestock Market, Martinsburg
New Holland Sales Stables, Inc., New Holland
New Wilmington Livestock Auction, Inc., New Wilmington
Nicholson Sales Company, Nicholson
Penns Valley Livestock Auction, Inc., Centre Hall
Pennsylvania Livestock Auction, Inc., Waynesburg
Quakertown Livestock Sale, Quakertown
Sechrist Sales Company, Fawn Grove
W. R. Sellers Livestock, Greencastle
Thomasville Livestock Market, Inc., York
Tri-County Livestock Auction, Inc., Brockway
Troy Sales Co-operative, Troy
Valley Stock Yards, Inc., Athens
Vintage Sales Stables, Inc., Paradise
Wayne County Livestock Exchange, Inc., Homesdale
Weikert's Livestock, Fairfield
Wyalusing Livestock Market, Wyalusing

SOUTH CAROLINA

P. L. Bruce Livestock Market, Greenville
Central Carolina Livestock Market, Inc., Lugoff
Chesnee Livestock Co., Chesnee
Darlington Auction Market, Darlington
Farmers County Line Stockyard, Andrews
Farmers Livestock Market, Inc., Leesville
Farmers Market, Estill
Greenwood Livestock Market, Inc., Greenwood
Herndon Stockyards, Inc., Ehrhardt
Hutto Stockyards, Inc., Holly Hill
Neeses Stockyards, Neeses
Orangeburg Stockyards, Inc., Orangeburg
Saluda County Stockyards, Inc., Saluda
Spartanburg Livestock Yards, Spartanburg
Springfield Stockyards, Inc., Springfield
Taylor Stockyards, John C., Anderson
Walterboro Stockyards Co., Inc., Walterboro
York County Stockyards Sales, Inc., York

SOUTH DAKOTA

Burke Livestock Auction, Burke
Canton Livestock Sales Company, Canton
Chamberlain Livestock Sales, Inc., Chamberlain
Corsica Livestock Sales Company, Corsica
Gregory Livestock Auction Market, Gregory
Kimball Livestock Exchange, Kimball
Magness-Huron Livestock Exchange, Inc., Huron
Martin Auction Co., Inc., Martin
Sioux Falls Stockyards Company, Sioux Falls
Stockman's Livestock Auction Company, Yankton
Winner Livestock Auction Company, Winner
Yankton Livestock Auction Market, Yankton

TENNESSEE

*Algood Stockyard, Algood
*Athens Livestock Auction, Athens
*Botts & Evans Livestock Company, Union City
*Chattanooga Union, Chattanooga
Clarksville Livestock Company, Guthrie Pike
*Clarksville Livestock Market, Clarksville
*Cleveland Livestock Auction Co., Inc., Cleveland
*Clinton Livestock Auction Co., Inc., Clinton
*C & M Livestock Market, Jamestown
*Coffee County Livestock Market, Manchester
*Collierville Livestock Auction Company, Collierville
*Collins Cattle Company, Obion
*Covington Sale Co., Covington
*Crockett County Sales Co., Maury City
*Cumberland City Stockyard, Cumberland City
*De Kalb County Livestock Co., Alexandria
*Dickson Livestock Center, Dickson
*East Tennessee Livestock Center, Sweetwater
*Farmers Auction, Fayetteville
*Farmers Commission Company, Carthage
*Farmers Livestock Exchange, Union City
*Farmers Livestock Market, Inc., Greeneville
*Gamaliel, Kentucky Livestock Auction Inc., Gamaliel
*Giles County Stockyard, Pulaski
*Greeneville Livestock Market, Inc., Greeneville
*Hardin County Livestock Company, Savannah
*Jackson County Commission, Gainesboro
*Johnson City Livestock Market, Johnson City
*Jonesboro Livestock Yards, Inc., Telford
*Kingsport Livestock Auction Corp., Kingsport
*Lawrence County Stockyard, Lawrenceburg
*Lexington Sales Company, Lexington
*Lewis County Stockyard, Hohenwald
*Logan Livestock Co., Union City
*Macon County Livestock Market, Lafayette
*Middleton Sale Co., Middleton
*McNairy County Stockyards, Selmer
*Mid-South Livestock Commission Co., Columbia
*Mid State Producers, Inc., Woodbury
*Morristown Stockyard, Inc., Morristown
*Murfreesboro Livestock Market, Murfreesboro
*Newbern Sales Co., Inc., Newbern
*New Tazewell Livestock, New Tazewell
*North Central Livestock Center, Cross Plains
*Oliver Livestock Company, Union City
*Paris Livestock Commission Co., Paris
*Peoples Livestock Market, Cookeville
*Peoples Stockyard, Fayetteville
*Plateau Livestock Exchange, Crossville
*Pulaski Stockyards, Pulaski
*Rogersville Livestock Market, Rogersville
*Sampson & Maxewell Livestock Auction, Lewisburg
*Sevier County Livestock Auction Market, Seymour
*Scotts Hill Auction Company, Scotts Hill
*Shelbyville Livestock Market, Shelbyville
*Smith County Commission Co., Carthage
*Smithville Stockyard, Smithville
*Southern Livestock Auction Co., Columbia
*South Memphis Stock Yards Co., Memphis
*Southwestern Stockyards, Huntingdon
*Sparta Livestock Company, Sparta
*Tennessee Livestock Producers, Thompson Station
*Tennessee Producers, Fayetteville
*Thompson Livestock, Obion
*Trenton Sales Co., Trenton
*Tri-County Stockyards, McKenzie
*Charles B. Davis and W. B. Lackey dba/Tri-State Livestock Commission Company, Inc., Chattanooga
*Trousdale County Livestock Market, Hartsville
*Unionville Livestock Auction Co., Unionville
*Union Stockyards, Inc., Knoxville
*Warren County Livestock, McMinnville
*Wilson County Livestock Market, Lebanon
*Wilson Livestock Market, Newport
*West Tenn Auction Co., Inc., Martin

TEXAS

*Abilene Auction, Abilene

*Amarillo Livestock Auction, Amarillo
*Athens Livestock Market, Athens
*Belton Livestock Auction, Belton
*Bode's Livestock Commission, Milano
*Bonham Livestock Market, Bonham
*Bowie Livestock Commission, Inc., Bowie
*Breckenridge Stockyards, Breckenridge
*Brownwood Cattle Auction, Brownwood
*Burleson Dairy Auction, Inc., Burleson
*Caldwell Livestock Commission Company, Caldwell
*Canyon Livestock Commission, Canyon
*Cattleman's, Palestine
*Cattleman's Livestock Commission Company, Paris
*Center Auction Company, Inc., Center
*Central Texas Livestock Market, Brownwood
*Childress Livestock Auction, Childress
*Coleman Livestock Auction, Coleman
*Clarksville Livestock Exchange, Inc., Clarksville
*O. L. Colley Livestock Market, Mt. Pleasant
*Dalhart Auction Company, Dalhart
*Decatur Auction Sale, Decatur
*Denton Livestock Exchange, Inc., Denton
*El Paso Livestock Auction Company, Inc., El Paso
*Ennis Auction, Ennis
*Fort Worth Stockyards Corp., Fort Worth
*Gainesville Livestock Market, Inc., Gainesville
*Graham Livestock Commission Co., Graham
*Greenville Livestock Commission Company, Greenville
*Haskell Livestock Auction, Haskell
*Huntsville Auction Barn, Huntsville
*Jacksonville Livestock Market, Inc., Jacksonville
*J & J Livestock Commission Company, Texarkana
Johnson County Dairy Sale, Cleburne
*Kirbyville Auction Barn, Kirbyville
*Lampasas Auction, Inc., Lampasas
Livingston Livestock Auction Sale, Livingston
*Llano Livestock Auction, Llano
Lone Star Livestock Commission Company, San Antonio
*Longview Livestock Commission Company, Longview
*Lubbock Stockyards, Lubbock
*Lufkin Livestock Exchange, Lufkin
*Madison County Livestock Commission, Madisonville
*Mansfield Dairy Cattle Auction, Mansfield
*Marshall Livestock Commission Company, Marshall
*McDougal Livestock Auction Barn, Comanche
*Meridian Livestock Auction, Meridian
*Mineral Wells Stockyard Company, Mineral Wells
*Moore's Livestock Commission Company, Inc., McKinney
*Morris County Livestock Commission Company, Omaha
*Muenster Livestock Auction Commission Company, Muenster
*Nacogdoches County Livestock Arena, Inc., Nacogdoches
*Olney Livestock Auction, Olney
*Panola Livestock Commission Company, Carthage
*Paris Livestock Commission Company, Paris
*Patton Livestock, Inc., Nacogdoches
*Pilot Point Livestock Commission Co., Inc., Pilot Point
*Pittsburg Livestock Commission Co., Pittsburg,
*Port City Stockyards Co., Sealy
*Producer's Livestock Auction Company, San Angelo
*Quanah Livestock Commission Company, Quanah
*Rains County Livestock Market, Emory
*Ranchers & Farmers Livestock Market, Abilene
*Seymour Livestock Auction, Seymour
*Southwestern Livestock Market, Midland
*Sulphur Springs Stock & Dairy Commission, Sulphur Springs
*Terrell Livestock Market, Inc., Terrell
*Texarkana Livestock Commission Co., Inc., Texarkana
*Tulia Livestock Auction, Tulia
Vann-Roach Cattle Company, Inc., Fort Worth
*Vernon Stockyards Company, Vernon
Waxahachie Livestock Commission Co., Inc., Waxahachie
*Wellington Livestock Auction, Wellington
*Wichita Livestock Auction, Wichita Falls
*Wills Point Livestock Market, Wills Point
*Winnsboro Livestock Market, Winnsboro
*Wood County Livestock Commission Co., Mineola
*Woodville Livestock Commission Company, Woodville

UTAH

*Producers Livestock Auction, North Salt Lake
*Producers Salina Auction, Salina
*Richfield Auction Company, Monroe
*Smithfield Livestock Auction, Smithfield
*Uintah Livestock Commission Company, Roosevelt
*Vernal Livestock Auction, Vernal
*Weber Livestock Auction Company, Ogden

VERMONT

Addison County Commission Sales, E. Middlebury
E. S. Crosby Inc., dba/Vergennes Commission Sales, Vergennes
C. W. Gray and Sons, Inc., dba/East Thetford Commission Sale, East Thetford
Orleans Commission Sale, Orleans
Westminster Commission Sales, Inc., Westminster

VIRGINIA

*Abingdon Livestock Market, Inc., Abingdon
*Albermarle Livestock Market, Charlottsville
*Amherst County Livestock Market, Inc., Amherst
*Blackstone Livestock Market, Blackstone
*Christiansburg Livestock Market, Inc., Christiansburg
*Galax Livestock Market, Inc., Galax
*Farmers Livestock Exchange, Winchester
*Farmers Livestock Market, Ewing
*Farmers Livestock Market, Gate City
*Farmers Livestock Market, Inc., Tazewell
*Lee Farmers Livestock Market, Inc., Jonesville
*Farmville Livestock Market, Inc., Farmville
*Fauquier Livestock Exchange, Inc., Marshall
*Fredericksburg Stockyards Company, Fredericksburg
*Front Royal Livestock Sales, Inc., Front Royal
Leesburg Livestock Market, Inc., Leesburg
*Lynchburg Livestock Market, Lynchburg
*Madison Livestock Market, Inc., Madison Mills
*Monterey Livestock Sales, Inc., Monterey
*Nokesville Livestock Auction, Inc., Nokesville
*Narows Livestock Auction Market, Inc., Narrows
*Orange Livestock Market, Orange
*Petersburg Livestock Market, Petersburg
*Phenix Livestock Market, Phenix
*Pulaski Livestock Market, Dublin
*Richmond Union Stockyards, Richmond
*Roanoke-Hollins Stockyard, Hollins
*Roanoke Livestock Market, Roanoke
*Rockingham Livestock Sales, Harrisonburg
*Shanandoah Valley Livestock Sales, Harrisonburg
*SmithField Livestock Market, Inc., Smithfield
Southampton Livestock Sales, Inc., Courtland
*South Boston Livestock Market, South Boston
*South Hill Stockyard, South Hill
*Southside Stockyards, Inc., Blackstone
*Southside Stockyards, Inc., Petersburg
*Staunton Union Stockyards, Inc., Staunton
*Staunton Livestock Market, Staunton
Tappahannock Livestock Market, Inc., Tappahannock
*Tri-State Livestock Market, Inc., Abingdon
*Victoria Livestock Market, Victoria
*Virginia-Carolina Livestock and Agricultural Market, Inc., Danville
*Woodstock Livestock Market, Inc., Woodstock
*Wytheville Livestock Market, Inc., Wytheville

WISCONSIN

*Belmont Livestock Market, Inc., Belmont
Benoit NFO Livestock Collection Point, Benoit
*Bloomer Livestock Market, Inc., Bloomer
*Bob Carey Cattle Company, Inc., Mineral Point
*Clear Lake NFO Collection Point, Clear Lake
*Ellsworth NFO Collection Point, Ellsworth
*Equity Co-op Livestock Sales Assn., Altoona
*Equity Co-op Livestock Sales Assn., Bonduel
*Equity Co-op Livestock Sales Assn., Johnson Creek
Equity Co-op Livestock Sales Assn., Monroe
*Equity Co-op Livestock Sales Assn., Richland Center
*Equity Co-op Livestock Sales Assn., Sparta
*Iowa County Livstock Market Corp., Dodgeville
*Kuehne Livestock Auction Market, Seymour
*Lewis Geurkink Dairy Cattle, Baldwin
*Matthes Farms, Viola
*Midwest Livestock Producers, Ettrich
*Midwest Livestock Producers Co-op, Lomira
*Midwest Livestock Producers Co-op, Marion
Midwest Livestock Producers Co-op, Monticello
*Midwest Livestock Producers Co-op, Shullsburg
*Milwaukee Stockyards, Milwaukee
*Pehstigo Livestock Sales, Peshtigo

WASHINGTON

*Chehalis Livestock Market, Chehalis
*Davenport Livestock Marketing Center, Davenport
*Prosser Commission Co., Prosser
*Stockland Livestock Exchange, Inc., Spokane
Twin City Sale, Centralia
*Vancouver Livestock Market, Inc., Camas
Walla Walla Livestock Auction, Walla Walla

WEST VIRGINIA

*Bluegrass Market, Inc., North Caldwell

*Blueridge Livestock Sales, Inc., Charles Town
*Bridgeport Stockyards, Inc., Bridgeport
*Buckhannon Stockyards, Buckhannon
*Jackson County Livestock Market, Inc., Ripley
*Livestock Exchange, Inc., dba/Alderson Livestock Market, Alderson
*Mannington Livestock Sales, Inc., Mannington
*Moundsville Livestock Auction Company, Mounsville
*New River Livestock Market, Inc., Beckley
*Ohio County Livestock Auction, Inc., West Alexander
*Pocahontas Producers Cooperative Association, Marlinton
*Pt. Pleasant Livestock Company, Inc., Point Pleasant
*Randolph County Livestock Marketing Assn., Elkins
*South Branch Stockyard, Inc., Moorefield
*Spencer Livestock Exchange Company, Spencer
*Terra Alta Stockyard, Inc., Terra Alta
*United Livestock Sales, Parkersburg
*Weston Livestock Sales Company, Inc., Weston

WYOMING

*Big Horn Livestock Exchange, Sheridan
*Douglas Livestock Exchange, Douglas
*Lander Livestock Auction, Lander
*Lusk Livestock Exchange, Lusk
*Nield Market, Afton
*Powell Auction Market, Powell
*Prosser Livestock Market, Inc. dba/Greybull Livestock Comission Co., Greybull
*Riverton Livestock Auction Co., Riverton
*Stockgrowers Livestock Auction Co., Worland
*Stockman's Livestock Auction, Torrington
*Torrington Livestock Commission Co., Torrington

Effective date. The foregoing notice shall become effective February 3, 1978.

This action imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. The action should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 25th day of January 1978.

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

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

[FR Doc. 78-2576 Filed 2-2-78; 8:45 am]

[3410-30]

Food and Nutrition Service

Aiken v. USDA

Implementation of Court Order

As a result of a court order issued in *Aiken v. USDA*, a telegram was sent to all State agencies on December 1, 1977, directing them to disregard Section 2313 of the Food Stamp Certification Handbook (FNS(FS) Instruction 732-1) insofar as it requires a collateral contact for certification pending verification and insofar as it limits the use of the certification pending verification procedure to one time during a six month period. The order also requires that USDA publish the text of the telegram in the FEDERAL REGISTER.

In compliance with this order, and to assure that this information is available to all participating households and other affected persons, the text of the telegram sent to all State agencies is printed below.

Dated: January 27, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRECEDENCE	SECURITY CLASSIFICATION
FOOD AND NUTRITION SERVICE	ACTION: INFO:	
ACCOUNTING CLASSIFICATION: 805-14	DATE PREPARED: 11/16/77	TYPE OF MESSAGE: ☒ SINGLE ☐ BOOK ☐ MULTIPLE ADDRESS
FOR INFORMATION CALL		
NAME: DEBBIE GILBERT	PHONE NUMBER: 447-8156	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: PBS

DEC 1 1977

ALL FNS ADMINISTRATORS
ALL STATE WELFARE COMMISSIONERS

RE: AIKEN V. USDA COURT SUIT

A COURT ORDER ISSUED BY THE US DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA IN AIKEN V. USDA, ET AL., CIV. NO. 5-75-76 TJM, HAS ENJOINED USDA FROM ENFORCING THE PROVISIONS OF SECTION 2313 OF FNS (FS) INSTRUCTION 732-1 INSOFAR AS IT REQUIRES A COLLATERAL CONTACT FOR CERTIFICATION PENDING VERIFICATION AND INSOFAR AS IT LIMITS THE USE OF THE CERTIFICATION PENDING VERIFICATION PROCEDURE TO ONE TIME DURING A SIX-MONTH PERIOD. HENCEFORTH CERTIFICATION SHALL "BE MADE FOR 30 DAYS WITHOUT VERIFICATION OF ELIGIBILITY FACTORS WITH RESPECT ONLY TO HOUSEHOLDS WHICH REPORT AN INCOME SO LOW THAT THEY HAVE NO PURCHASE REQUIREMENT AND WHICH APPEAR, ON THE BASIS OF OTHER INFORMATION FURNISHED, TO BE ELIGIBLE FOR PARTICIPATION." (7 CFR 271.4(a)(2)(iii)) THEREFORE, ELIGIBILITY WORKERS CAN NO LONGER REQUIRE A COLLATERAL CONTACT BEFORE GRANTING CERTIFICATION PENDING VERIFICATION TO HOUSEHOLDS ELIGIBLE FOR THIS PROVISION AND CAN NO LONGER LIMIT THE NUMBER OF TIMES A HOUSEHOLD MAY BE CERTIFIED PENDING VERIFICATION. HOWEVER, AFTER EACH

SECURITY CLASSIFICATION

PAGE NO: 1 | NO. OF PGS: 2

STANDARD FORM 14
REVISED AUGUST 1957
GSA FPMR (41 CFR) 101-35.206

☆ U.S. GOVERNMENT PRINTING OFFICE: 1974-530-141

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRECEDENCE	SECURITY CLASSIFICATION
FOOD AND NUTRITION SERVICE	ACTION: INFO:	
ACCOUNTING CLASSIFICATION: 805-14	DATE PREPARED:	TYPE OF MESSAGE: ☐ SINGLE ☐ BOOK ☐ MULTIPLE ADDRESS
FOR INFORMATION CALL		
NAME:	PHONE NUMBER:	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

ONE-MONTH CERTIFICATION PENDING VERIFICATION, THE HOUSEHOLD MUST PROVIDE FULL VERIFICATION OF ITS CIRCUMSTANCES BEFORE THE STATE AGENCY GRANTS ANY FURTHER CERTIFICATION.

TO COMPLY WITH THIS COURT ORDER STATE AGENCIES MUST IMMEDIATELY NOTIFY ALL LOCAL FOOD STAMP OFFICES OF THIS CHANGE IN POLICY TO TAKE EFFECT AT THE LOCAL LEVEL WITHIN 30 DAYS OF THE DATE OF THIS TELEGRAM AND ASSURE THAT ALL ELIGIBILITY WORKERS ARE FULLY AWARE OF THE CHANGE REGARDING CERTIFICATION PENDING VERIFICATION. WITHIN 30 DAYS OF THE DATE OF RECEIPT OF THIS TELEGRAM, STATE AGENCIES MUST MAIL TO FNS REGIONAL OFFICES A REPORT CONFIRMING THAT THE STATE AGENCY HAS SENT THE NOTICE REQUIRED BY THE TELEGRAM TO ALL LOCAL OFFICES, INDICATING THE DATE OR DATES SUCH NOTICE WAS SENT TO SUCH OFFICES, AND TRANSMITTING A COPY OF THE NOTICE SENT TO LOCAL OFFICES. IN ADDITION, STATE AGENCIES MUST IMMEDIATELY BEGIN THE ADMINISTRATIVE PROCEDURES NECESSARY TO AMEND THEIR FOOD STAMP MANUALS TO COMPLY WITH THE NEW POLICY. PAGE CHANGES MUST BE SUBMITTED TO FNS REGIONAL OFFICE FOR APPROVAL AS SOON AS POSSIBLE. PROCEDURES FOR GRANTING RETROACTIVE BENEFITS PURSUANT TO THE ORDER WILL BE FORTHCOMING. Louis D Stephens

ADMINISTRATOR

SECURITY CLASSIFICATION

PAGE NO: 2 | NO. OF PGS: 2

STANDARD FORM 14
REVISED AUGUST 1957
GSA FPMR (41 CFR) 101-35.206

☆ U.S. GOVERNMENT PRINTING OFFICE: 1974-530-141

[FR Doc. 78-2789 Filed 2-2-78; 8:45 am]

[3410-15]

Rural Electrification Administration

CHUGACH ELECTRIC ASSOCIATION, INC., ANCHORAGE, ALASKA

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a request for financing from Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501. The statement covers a 67.8 MW simple cycle combustion turbine generating unit at Beluga, Alaska, one 60 MW steam turbine unit at Beluga along with waste heat boilers, an 18 MW gas turbine at Bernice Lake, a double circuit 230 kV line between Reed and the Chugach University Station, a 230 kV line between Point MacKenzie and Mule Creek, a 230 kV underwater cable across Knik Arm, a 230 kV line from Six Mile Creek to Junction, reinsulation of 138 kV transmission line to 230 kV between Point MacKenzie and Teeland, reinsulation of two parallel lines 44 miles long from 138 kV to 230 kV between Beluga and Point MacKenzie, removal of 26.5 miles of 115 kV line belonging to the Alaska Power Administration, and associated substations and switching facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310 or at the borrower's address indicated above. Final action may be taken with respect to this matter after March 6, 1978.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 26th day of January, 1978.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc. 78-2873 Filed 2-2-78; 8:45 am]

[3410-34]

Office of the Secretary

TERMINATION OF THE DECLARATION OF EMERGENCY BECAUSE OF THE SPREAD OF HOG CHOLERA IN THE UNITED STATES

Whereas, on October 11, 1972, the Secretary of Agriculture did declare that the disease known as hog cholera existed in the United States constituting a real danger to producers, shippers, slaughterers, and others concerned with the livestock industry and to the National economy, and

Whereas, the Secretary of Agriculture did declare that an emergency existed and authorized the transfer of funds from other Agencies and Corporations of the Department to control and eradicate the disease wherever found, and

Whereas, the Department of Agriculture independently and in cooperation with States and political subdivisions thereof, along with farmers' associations, and similar organizations and individuals, did pursue a program to control and eradicate hog cholera in the United States, and

Whereas, there has not been a hog cholera outbreak in the United States since August 1, 1976,

Now, therefore, I hereby declare the emergency because of the spread of hog cholera terminated and further proclaim that the United States is now hog cholera free.

BOB BERGLAND,
Secretary of Agriculture.

JANUARY 31, 1978.

[FR Doc. 78-3033 Filed 2-2-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission originally scheduled February 16-18, 1978, FR Doc. 78-1916 on page 3147 of the FEDERAL REGISTER has been cancelled.

Dated at Washington, D.C., January 31, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-2974 Filed 2-2-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director, Office of Field Services, Office of the Executive Director.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-3014 Filed 2-2-78; 8:45 am]

[6325-01]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Executive Assistant to the Chair (Compliance and Enforcement), Office of the Chair.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-3015 Filed 2-2-78; 8:45 am]

[6325-01]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chair (Systemic Program), Office of the Chair.

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

[FR Doc. 78-3016 Filed 2-2-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. on February 16, 1978 and will end at 4:30 p.m. on February 17, 1978 in the U.S. Customs Court House, 1 Federal Plaza, New York, N.Y.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss immigration policies and their impact on citizens and other persons.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., January 31, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-2973 Filed 2-2-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENT OF LABOR

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 Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-2923 Filed 2-2-78; 8:45 am]

[6325-01]

UNITED STATES INFORMATION AGENCY

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the United States Information Agency to fill by noncareer executive assignment in the excepted service the position of General Counsel.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-2924 Filed 2-2-78; 8:45 am]

[3510-25]

UNITED STATES DEPARTMENT OF COMMERCE

Industry and Trade Administration

[File No. 23(72)-8]

HANS-JURGEN FILTER ET AL.

Order Conditionally Restoring Export Privileges

In the matter of Hans-Jurgen Filter, Schollenhaldenstrasse 20, D-7100 Heilbronn; Petitioner; Peter Lorenz et al., Respondents.

Hans-Jurgen Filter, together with Peter Lorenz and affiliated companies, were denied all export privileges until May 31, 1990. 40 FR 29314 (July 11, 1975), 42 FR 10331 (Feb. 22, 1977). Filter petitioned for restoration of export privileges.

The Hearing Commissioner considered the petition for restoration. He remarked concerning the record evidence and the report by the director, Compliance Division, showing that petitioner-respondent fully cooperated with the government of the Federal Republic of Germany in its investigations and efforts to terminate unlawful export traffic with the U.S.S.R., that petitioner is now employed in a position where breach of the export regulation is most unlikely, that he has observed the terms and conditions of the 1975 denial order and is not now suspect. He is of the opinion that petitioner can be expected to faithfully observe all regulations if export privileges are extended to him. The Commissioner recommended restoration of export privileges subject to a reasonable period of probation.

I have considered the report and recommendations of the Commissioner. I find that restoration to export privileges subject to a period of probation is consistent with the purposes of the Export Administration Act of 1969, as amended, and the regulations issued thereunder, 15 CFR 368 et seq. *Accordingly, it is ordered:*

Respondent, Hans-Jurgen Filter, is restored to all U.S. export privileges subject, however, to a period of probation which shall extend to and expire on May 31, 1982. The terms of probation are that respondent shall faithfully comply with all U.S. export laws and regulations failing in which the Director, with or without prior notice, may revoke the probation and deny all export privileges for such period as is deemed appropriate.

This Order is effective immediately; it does not relieve Peter Lorenz et al. from the Denial Orders cited above.

Dated: January 27, 1978.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc. 78-3004 Filed 2-2-78; 8:45 am]

[3510-25]

INTERNATIONAL FERTILITY RESEARCH PROGRAM

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 77-00389. Applicant: International Fertility Research Program, Highway 54, Research Triangle park, N.C. 27709. Article: Tubal Ligation Applicators and Ligation Clips. Manufacturer: Gerhard HUG GmbH, West Germany. Intended use of article: The article is intended to be used for testing to determine extent of tubal occlusion, side effects including tissue rejection, change in menstrual patterns and pain and, most importantly efficacy in preventing pregnancy. In particular emphasis will be placed on comparison of mechnical (i.e., noncautery) methods of ligation including tubal rings and clips. The objectives of the studies are to show procedure complications such as immediate pain and post operative pain, ease of application on interval and post-partum patients, instrument dependability, blood loss, bowel injury, and instrument related morbidity and long term complications such as pregnancy, change in the menstrual patterns, other gynecological problems, or tissue reaction/rejection.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's use is in clinical research tests of several tubal ligation devices and procedures for ef-

fectiveness and safety. This type of study requires the specific design and construction of the article without the use of metal. The Department of Health, Education, and Welfare advises in its memorandum dated December 12, 1977 that (1) the specific design and construction of the article without the use of metal are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's planned comparative trials.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-2987 Filed 2-2-78; 8:45 am]

[3510-25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for duty-free entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Ave. NW., Washington, D.C. 20230.

Docket No. 77-00352. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: IMS-3F Ion Microprobe. Manufacturer: Cameca Instruments, France. Intended use of article: The article will be used to determine the trace element concentrations and isotopic ratios on small (1-10μ) sample areas of natural minerals and ores and synthetic laboratory minerals. Experiments will be conducted to obtain an understanding of the processes governing geochemical distribution of the elements in terrestrial and lunar materials. In particular, the article will be used (a) to study the fine-scale (micron) distribution of trace elements (<10ppm) between coexisting phases (minerals), in natural and laboratory samples, and (b) fine scaled variations in isotopic ratio caused either by fractionation or radiogenic processes. The article will also be used by graduate students doing Ph.D. thesis studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a high (5000) mass resolution and the capability for direct-ion-imaging. The most closely comparable domestic instrument is the ion microprobe analyzer manufactured by Applied Research Laboratories (ARL). The domestic instrument does not provide the high (5000) mass resolution and the capability for direct-ion-imaging. The National Bureau of Standards advises in its memorandum dated December 19, 1977 that (1) both features of the article described above are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

We, therefore, find that the ion microprobe analyzer manufactured by ARL is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2988 filed 2-2-78; 8:45 am]

[3510-25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, LINCOLN LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00039. Applicant: MIT-Lincoln Laboratory, 244 Wood Street, Lexington, Mass. 02173. Article: Type CO.10.1 Carcinotron (Backward-Wave Oscillator) w/275 to 290 GHZ Tuning Range and 100 MV Output. Manufacturer: Thomson CSF, France. Intended use of article: The article is intended to be used as a component of a submillimeter heterodyne radiometer being used for the purpose of carrying out laboratory demonstrations of the feasibility of observing rocket plumes at high altitudes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 270 to 290 gigahertz frequency range. The National Bureau of Standards (NBS) advises in its memorandum dated January 8, 1978 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2989 Filed 2-2-78; 8:45 am]

[3510-25]

MEMORIAL HOSPITAL, PAWTUCKET, R.I., ET AL.

Notice of Consolidated Decision on Applications for Duty Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5

p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00005. Applicant: The Memorial Hospital, Prospect Street, Pawtucket, R.I. 02860. Article: Electron Microscope, Model HS-9 and accessories. Manufacturer: Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in a study of the attachment of virus particles to specific site locations on the surface of cells. The majority of the work will be done with shadow casted replicas coupled with the examination of negatively stained materials. Application received by Commissioner of Customs: October 5, 1977. Article ordered: March 31, 1977.

Docket No. 78-00011. Applicant: The University of Texas System Cancer Center, M.D. Anderson Hosp. & Tumor Inst., Science Park, Research Div., Buescher State Park, P.O. Box 418, Smithville, Tex. 78957. Article: Electron Microscope, Model EM 201, Plate Camera and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research directed toward identification of environmental carcinogens and elucidation of their mode of action at both the molecular and cellular levels. Some of the projects are as follows:

(1) Cellular selection and its relationship to histopathological changes observed during carcinogenesis.
(2) Metabolic alterations induced by chemical carcinogens.
(3) Alterations in plasma membrane structure, dynamics and antigenic properties during carcinogenesis.
(4) Virus-chemical carcinogen interactions.
(5) Carcinogen-DNA interactions.
(6) Detection of chemical carcinogen induced chromosome damage.
(7) Changes in cell-to-cell association during carcinogenesis.
(8) Toxic effects of chemical carcinogens.

In addition, the article will be used in the following routine applications; (1) Screening of cell cultures for contamination by mycoplasma; (2) determining the epithelial or mesenchymal origin of primary cell cultures; (3) assessment of cellular integrity following dispersion of solid tissues by enzymatic digestion; and (4) evaluation of the purity of preparations of subcellular organelles. Application received by Commissioner of Customs: October 12, 1977.

Docket No. 78-00014. Applicant: University of Arizona, College of Agriculture, Building No. 36, Tucson, Ariz. 85721. Article: Electron Microscope, Model H-500 including Dessicator Kit and Anti-contamination Device. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for the study of nematode ultrastructure and development, the cytochemical localization of enzymes in plant and animal pathogens, taxonomic and structural studies of plant viruses and the influence of herbicides on microtubule and membrane formation in plants. Other uses include meat tenderization studies and collagen state in meat products. In addition, the article will be used in training graduate students in its use when this expertise will benefit their research program. The article will also be used in two courses in electron microscopy; one dealing with the techniques of electron microscopy and the other with pathological ultrastructure of plants and animals. Application received by Commissioner of Customs: October 12, 1977.

Docket No. 78-00022. Applicant: University of Illinois, Center for Electron Microscopy, 99 Bevier Hall, Urbana, Ill. 61801. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used in research on the temperature sensitive mutants of Murine Leukemia Viruses, electron microscopic analysis of plasmids by a modification of the Klineschmidt technique and examination of freeze fracture replicas of colon chloroplasts in the intestine of notobiotic animals. The article will also be used as the primary teaching instrument in the advancement graduate level course "Transmission Electron Microscopy Laboratory, Biology/Chemistry 429." Application received by Commissioner of Customs: October 20, 1977. Article ordered: June 15, 1977.

Docket No. 78-00030. Applicant: The Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia, Pa. 19129. Article: Electron Microscope, Model JEM-100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of developing and regenerating brain and virus-infected cells. The ultrastructural changes of neurons during development and the ultrastructure modifications of single cells infected with virus will be studied. Experimental modifications of the developing and mature brain and drug treatments of virus-infected cells will be followed by study of the brain and cells with the article. The article will also be used to train graduate and medical students in the use of the electron microscope in the course "Anatomical Techniques in Biological Research." Application received by Commissioner of Customs: October 28, 1977.

Docket No. 78-00032. Applicant: University of Kentucky—Tobacco & Health Research Institute, Lexington, Ky. 40506. Article: Electron Microscope, Model EM 400. Manufacturer: Philips Electronics Instrument NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the ultrastructural aspects of the pathology of pulmonary tissues and for high resolution analysis of the ultrastructure of mitochondria and other cell organelles. Application received by Commissioner of Customs: October 31, 1977. Article ordered: August 26, 1977.

Docket No. 78-00033. Applicant: Mercy Hospital and Medical Center, 4077 Fifth Avenue, San Diego, Calif. 92103. Article: Electron Microscope, Model Corinth 500 and Accessories. Manufacturer: AEI Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine human tissues as they relate to diagnostic electron microscopy. These will include a wide variety of neoplasms, liver, renal and muscle tissues. In addition, the instrument will be used to identify viral particles or inclusions from tissues or from tissue scrapings and exudates. Primarily, the properties of the tissues to be examined are those of normal and abnormal human cells, and extracellular material (usually products of cells). Ultrastructural features of cells in disease or neoplastic states in comparison to their normal state will be examined. The article will also be integrated in the pathology resident training program providing residents with an indepth knowledge of ultrastructural pathology in relation to diseases in general and diagnostic electron microscopy. Application received by Commissioner of Customs: October 31, 1977. Article ordered: October 12, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are in-

tended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2993 Filed 2-2-78; 8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00395. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Ariz. 85705. Article: Repair of Klystron VRT-2124B6 SN70032. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency in the range between 140-170 gigahertz. The National Bureau of Standard (NBS) advises in its memorandum dated December 27, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-2990 Filed 2-2-78; 8:45 am]

[3510-25]

UNIVERSITY OF CHICAGO—ARGONNE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00002. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Carcinotron, Model CO4OB (Millimeter Backward Wave Oscillator). Manufacturer: Thomson—CSF, France. Intended use of article: The article is intended to be used in proton polarized target (PPT) facilities which are used to conduct high energy physics (HEP) research on the scattering produced by high energy K's and 0 etc., on a proton polarized target, i.e., material which has a large fraction of its protons pointing in the same direction. HEP experiments to be conducted will include the measurement of A and R and the scattering amplitides and phases of weak reasonances.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 68.85 to 71.00 gigahertz frequency range. The National Bureau of Standards (NBS) advised in its memorandum dated December 9, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-2991 Filed 2-2-78; 8:45 am]

[3510-25]

WASHINGTON UNIVERSITY SCHOOL OF MEDICINE, ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before February 23, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00059. Applicant: Washington University—School of Medicine, 660 S. Euclid Avenue, St. Louis, Mo. 63110. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section cells, tissues, and virus obtained from biopsy and autopsy of animals and humans and tissue cultures used in research of the cancer process. The experiments to be conducted will be quite varied; i.e., the role of various types of viral particles in oncogenesis, the cell-cell contact inhibition phenomenon, examination of tumor tissues, both biopsys and autop-

sy, for viral particles, general ultrastructural effects on a cell by various viral and other carcinogenic agents. The experiments will also include cytochemical and immunochemical studies to localize specific enzymatic and immunologic sites during the cancer process. The article will also be used for training faculty and graduate students. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00060. Applicant: Chemical Industry Institute of Toxicology, 3800 Electronics Drive, Raleigh, N.C. 27604. Article: LKB 2250-041/PMV Cryo Microtome, Type 450 MP and Accessories. Manufacturer: PMV, Palmstiernas Mekaniska Verkstad AB, Sweden. Intended use of article: The article is intended to be used for investigations of autoradiographic drug and chemical distribution of whole animals as well as fetal distribution of teratogenic compounds; histochemical studies of hormone and enzyme localization in cells and tissues of large specimens; metabolism studies of drugs and toxic or carcinogenic environmental agents; gross morphology and light microscopy examination of whole human organs and animals to measure tumor metastasis. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00084. Applicant: Albert Einstein College of Medicine of Yeshiva University/Kennedy Ctr. (502), 1410 Pelham Parkway, Bronx, N.Y. 10461. Article: JEM-100CX/SEG Electron Microscope, accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine surgically removed portions of the peripheral (PNS) and central nervous system (CNS) of experimental animals, as well as neural tissue cultures, intoxicated with a variety of chemicals and environmental pollutants (e.g., As and Pb). The objectives pursued in these scientific investigations include the definitive identification of specific ultrastructural changes brought about in vital cellular components of the PNS and CNS as a consequence of exposure to various neurotoxic agents. Another objective to be pursued involves localization and determination of the relative concentration of some of these agents in such altered neural tissues by energy dispersive x-ray microanalysis and related electron energy loss modalities. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00085. Applicant: Eye and Ear Institute of Louisiana, 145 Elk Place, New Orleans, La. 70112. Article: LKB 8800A Ultrotome III Ultramicrotome with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal human and microbiological materials which have been embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic animal and human tissues, cyto and histochemical studies on viral and subcellular organelle localization in cells and tissues, membrane interactions as host-parasite interfaces, and subcelluar changes in cells induced by changes in their biochemical and physical environments. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00086. Applicant: Washington University, Department of Chemistry, St. Louis, Mo. 63130. Article: JNM-FX-100 High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System. Manufacturer: JEOL Analytical Instruments Inc., Japan. Intended use of article: The article is intended to be used in conducting the following experiments: (i) routine observation of ^{1}H and ^{13}C spectra, (ii) observation of a wide variety of other nuclei (^{2}D, $[^{2}H]$, ^{14}N, ^{15}N, ^{17}O, ^{31}P, ^{10}B, ^{19}F, ^{29}Si, for example), (iii) measurement of relaxation parameters (T_1 and $T_{1\rho}$) and (iv) special experiments (rapid spinning of solid samples at the "magic angle"). Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00087. Applicant: University of Illinois at the Medical Center, Office of Business Affairs, P.O. Box 6998, Chicago, Ill. 60680. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for a variety of research studies which include the following:

Synaptogenesis in the Trigeminal Mesencephalic Nucleus (Oral Anatomy).
Separation of Neurons and Glia by Density Gradient Centrifugation (Biology Chemistry).
Study of the Fine Structure of Pigment Cells During Development of the Chick Retina, with Emphasis of Differences between Nuclear and Peripheral Retinal Areas. (Anatomy).
Nucleolus and Nuclear Differentiation in the Oral Epithelium of Zink Deficient Rats. (Oral Pathology).
The Ultrastructure of Normal Primate Lung and Lung in Shock (Surgery).
The Ultrastructure of Nuclear Histones in Melanocytes and Melanoma (Surgery).
Neonatal and other Incremental Lines in Human Enamel (Oral Histology).
Study of the Fine Structure of Developing Neuromuscular Junctions in the Chick (Anatomy).
Dentinogenesis in Frog's Teeth (Oral Histology).
The Maturation of Rat Incisor Enamel (Oral Histology).
Fixation of Tissues by Metallizable Chloro-s-triozines (Oral Pathology).
Localization of Salivary Gland Virus Particles in SGV-Sensitive Cell Lines (Oral Pathology).
Search of Virus Particles from Spontaneously Transformed Normal Calvarium derived Tissue Culture Cells to Transplantable Neoplasms in Mice. (Oral Pathology).
Odontoblastic Process in Sclerotic end Formation. (Oral Histology).
DNA Synthesis in the Alloxan Diabetic Kidney (Anatomy).
Chemical and Physical Properties of Feline Leukemia and Sarcoma Virus (Pathology).
Fine Structural Aspects of Ganglion Cell Differentiation of Chick Retina (Anatomy).

In addition, the article will be used for training faculty, students and technical personnel who require EM capability for research. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00088. Applicant: University of Hawaii, Institute of Astronomy, 2680 Woodlawn Drive, Honolulu, Hawaii 96822. Article: Mechanical telescope. Manufacturer: Ingg. De Bartolomeis, Italy. Intended use of article: The article is intended to be used for basic astronomical research in the infrared region of the electromagnetic spectrum. The scientists and advanced students who use the article will obtain observational data which can be used to advance the general understanding of the solar system, stars, galaxies, and the cosmology of the universe. The initial research emphasis will be to conduct investigations of the planet Jupiter by the two Voyager spacecrafts in 1979. In addition, the article will be used part time for the University of Hawaii Physics and Astronomy graduate program. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00089. Applicant: University of California, Santa Barbara, 45517 Central Receiving, Santa Barbara, Calif. 93106. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section neural tissue, principally tissue specimens from the retinas of a variety of vertebrates and some invertebrates. The experiments to be conducted will include ultrastructural studies on vertebrate photoreceptors and the process of outer segment renewal in mammalian cones; studies on the synaptology of the retina and brain of vertebrates; and some histochemical studies contemplated concerning enzyme localization within the pigment epithelium of the retina. The article will also be used in the training of undergraduate and graduate students in the techniques of light and electron microscopy in the course Biol-

ogy 199 and 596, Independent Studies in the Biological Sciences and Directed Reading and Research. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00090. Applicant: Washington University School of Medicine, Department of Pediatrics, St. Louis Children's Hospital, 500 South Kingshighway, P.O. Box 14871, St. Louis, Mo. 63178. Article: LKB 8800A Ultrotome Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathological animal tissues, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. Human biopsy tissue removed at surgery will be examined to identify structural abnormalities useful in diagnosing disease states. The article will also be used in the courses: "Pediatric Neurology Research" and "Pathology Research (Bio 590)" to train students in the use and application of electron microscopy and to use the electron microscope in solving individual research problems. Application received by Commissioner of Customs: January 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2994 Filed 2-2-78; 8:45 am]

[3510-25]

WORCESTER POLYTECHNIC INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00318. Applicant: Worcester Polytechnic Institute/Alden Research Laboratory, 30 Shrewsbury Street, Holden, Mass. 01520. Article: Miniature Propeller Flowmeter. Manufacturer: Delft Hydraulics Laboratory, Netherlands. Intended use of Article: The article is intended to be used for measurement of current patterns specifically, investigations of spatial and temporal velocity variations of water flow having poor water quality. Typical experiments concern the influence of water currents on sediment transport, thermal plumes, fish behavior, coastal engineering and the design of various types of hydraulic structures. The article will be used by undergraduate students for special projects, thesis, and for research as part of graduates research assistantships.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a minature size propellar (15 millimeter (mm) in diameter with a 50 mm pitch) and also provides 60 pulses per revolution with measurement up to 15 hertz, a calibrated velocity range of 2.5 to 120 centimeter per second (cm/sec), and operation in water with a conductivity ranging from 450 to $20{,}000 \times 10^{-6}$ $ohms^{-1}$ cm^{-1}. The national Bureau of Standards advises in its memorandum dated November 17, 1977 that (1) the combination of specifications of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2992 Filed 2-2-78; 8:45 am]

[3510-03]

Maritime Administration

[Docket No. S-594]

PARTICIPATION BY VESSELS BUILT WITH CDS IN THE CARRIAGE OF ALASKAN OIL IN THE DOMESTIC TRADE

Notice of Application by Gulf Oil Corp.

Notice is hereby given that an application has been filed on behalf of Gulf Oil Corp. (Gulf Oil), owner of the SS *American Independence*, for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the vessel in the carriage of oil from Valdez, Alaska, to a point off the west coast of Panama.

The *American Independence* is a 265,000 dwt tanker, built with construction-differential subsidy, and is under time charter to Sohio Petroleum Co. (Sohio). Sohio intends to use the vessel in the Alaska-Panama trade for approximately 12 voyages during two six-month periods. The vessel is expected to arrive at Valdez, Alaska, on or about March 16, 1978, to commence Alaska service.

A previous application for the *American Independence* to engage in this service was published in the FEDERAL REGISTER issue of September 8, 1978 (42 FR 45018), in Docket No. S-576. At the request of Gulf Oil, no further action was taken on the application.

Interested parties may inspect Gulf Oil's application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in Part 250 of Chapter II, Title 46 of the Code of Federal Regulations published in the FEDERAL REGISTER issue of June 29, 1977 (42 FR 33035), and desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received by February 8, 1978. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidies (CDS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: February 1, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-3122 Filed 2-2-78; 8:45 am]

[3510-11]

Travel Service

TRAVEL ADVISORY BOARD

Rescheduled Meeting

On January 23, 1978, notice was given that the Travel Advisory Board would meet on February 24, 1978 (43 FR 3149). Notice is hereby given that the Travel Advisory Board meeting has been rescheduled for March 3, 1978, at 10 a.m., in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, the U.S. Travel Service, Room 1860, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4752, will respond to public requests for information about the meeting.

FABIAN CHAVEZ, JR.,
Assistant Secretary for Tourism, Department of Commerce.

[FR Doc. 78-2960 Filed 2-2-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CHANGES IN OFFICIALS OF THE GOVERNMENT OF COLOMBIA AUTHORIZED TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS FROM COLOMBIA

JANUARY 31, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Two new officials of the Government of Colombia have been authorized to issue export visas and certifications for exempt cotton, wool, and man-made fiber textile products from Colombia.

SUMMARY: The Government of Colombia has notified the United States Government that Julia Emma de Buitrago and Martha Cecilia Munoz de Gomez are being added to the previously published list of officials who are authorized to issue export visas and certifications for exemption for cotton, wool and man-made fiber textile products exported to the United States from Colombia (See 42 F.R. 57334). A complete list of Colombian officials currently authorized to issue export visas and exempt certifications accompanies this notice.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On July 26, 1976, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (41 F.R. 30707), which established an export visa requirement and certification for exemption of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of Colombia. The Government of Colombia has requested that two new officials be recognized as authorized to issue export visas and certifications for exemption. The list that follows this notice includes the names of all Colombian officials currently authorized to issue export visas and certifications for exemption of cotton, wool and man-made fiber textile products exported to the United States.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

OFFICIALS AUTHORIZED BY THE GOVERNMENT OF COLOMBIA TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Soledad Acevedo Fonseca
Maria Cristina Acosta-Mesa
Maria Cristina Aguirre
Hernando Arciniegas-Serna
Julia Emma de Buitrago
Desideria Caceres Rondon
Silvio Castro Lamprea
Julian Contreras Trivino
Eduardo Forero-Peralta
Joaquin Gutierrez Isaza
Gloria Maria Lopez Naranjo
Dora Luz de Cobo
Martha Cecilia Munoz de Gomez
Jaime Neira Baena
Elizabeth Ordonoz L.
Jaime Ospina Duque
Norma Parra-Cardona
Joffre Pelaez-Mejia
Manuel Arturo Posada Gutierrez
Rafaela Vergara Echavez
Enrique White Salazar

[FR Doc. 78-2995 Filed 2-2-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1978 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: February 3, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On September 16, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 46570) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1978:

SIC 7699, Repair & Maintenance of Electric Typewriters At the following locations:

1. Railroad Retirement Board, 844 North Rush Street, Chicago, Ill.
2. HEW, 300 South Wacker Drive, Chicago, Ill.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-3027 Filed 2-2-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

January 6 through January 13, 1978

Notice is hereby given that during the period January 6, 1978, through January 13, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of

the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

Dated: January 25, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

PROPOSED DECISIONS AND ORDERS

Atlantic Richfield Co., Ventura County, Calif., FEE-4104, crude oil

Atlantic Richfield Co. (Arco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Arco to sell the crude oil which it produces from its offshore lease located on Rincon Island, in Ventura County, Calif., at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in Part.

Beacon Oil Co., Hanford, Calif., FEE-4459, crude oil

Beacon Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.62 and 211.67. The exception request, if granted, would permit Beacon to include the crude oil which it blends with fuel oil in its "crude oil runs to stills" for purposes of the Old Oil Entitlements Program. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Fords Brook, Inc., Allegheny County, N.Y., FEE-4834, crude oil

Fords Brook, Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Fords Brook to sell all the crude oil which it produces from the Petre property at exempt prices. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

International Retail Corp., Towson, Md., FEE-4838, motor gasoline

International Retail Corp. filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would assign Mobil Oil Co. as the new base period supplier of motor gasoline to the State of Delaware to replace the Texaco Oil Co. On January 12, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Johnson Oil Co., Inc., Battle Creek, Iowa, DOE-0390, propane

Johnson Oil Co., Inc. filed an Application for Exception. The request, if granted, would relieve Johnson of the requirement that it file Form P315-M-O ["Monthly Survey of Propane Sales Volume to Ultimate Consumers"]. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

McGoldrick Oil Co., Shreveport, La., FEE-4798, crude oil

McGoldrick Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit McGoldrick to sell the crude oil it produces from six properties at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order in which it denied the exception request with respect to five properties. However, the DOE determined that exception relief should be granted which permits McGoldrick to sell 100 percent of the crude oil produced for the benefit of the working interest owners from the Mamie West C-1 Unit at upper tier ceiling prices.

M. J. Mitchell, Dallas, Tex., DXE-0360, crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to Mitchell and would permit Mitchell to sell certain guantities of the crude oil produced from the Mitchell State Minnelusa Sand Unit at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order in which the DOE determined that the exception request be denied.

Stoltz, Wagner and Brown Oil and Gas Producers, Midland, Tex., DEE-0106, crude oil

Stoltz, Wagner and Brown Oil and Gas Producers filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Stoltz to sell the crude oil it produces from the Edna No. 1 Well and the Wanda No. 1 Well at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the Stoltz request should be granted in part with respect to the Edna No. 1 and the Wanda No. 1 wells.

Company	Case No.	Plant	Location	Amount of price increase (dollars per gallons)
Cities Service Co	DXE-0278	Adair	Terry County, Tex	$.0363
Do	DXE-0279	Bluitt	Roosevelt County, N. Mex	.0913
Do	DXE-0281	Citronelle	Mobile County, Ala	.0352
Do	DXE-0282	Garrett	Kay County, Okla	.0449
Do	DXE-0283	Kimball	Kimball County, Nebr	.0310
Do	DXE-0284	May	Kleberg, Tex	.0574
Do	DXE-0285	Midway	Kingman County, Kans	.0444
Do	DXE-0286	Moncrief	Franklin County, Tex	.0482
Do	DXE-0287	Myrtle Springs	Van Zandt County, Tex	.1086
Do	DXE-0288	Panola	Panola County, Tex	.0358
Do	DXE-0289	Red Fish Bay	San Patricio, Tex	.0091
Do	DXE-0290	Rio Grande	Starr County, Tex	.0514
Do	DXE-0291	Robstown	Nueces County, Tex	.0570
Do	DXE-0292	St. Amelia	St. James Parish, La	.0882
Do	DXE-0293	Seiling	Dewey County, Okla	Denied
Do	DXE-0294	West World	Crockett County, Tex	.0434
Coastal States Gas Corp	DXE-0243	Albany	Shackelford County, Tex	.0494
Do	DXE-0244	Almeda	Harris County, Tex	.0057
Do	DXE-0245	Bay City	Matagorda County, Tex	.0071
Do	DXE-0246	Corpus Christi	Nueces County, Tex	.0123
Do	DXE-0247	Freer	Webb County, Tex	.0269
Do	DXE-0249	Mission	Hidalgo County, Tex	.0115
Do	DXE-0250	San Antonio	Bexar County, Tex	.0051
Getty Oil Co	DXE-0208	Bay Springs	Jasper County, Miss	.0228
Do	DXE-0209	Buena Vista Hills	Kern County, Calif	.0227
Do	DXE-0210	Cameron	Cameron Parish, La	.0555
Do	DXE-0211	Cymric	Kern County, Calif	.0275
Do	DXE-0212	Dollarhide	Andrews County, Tex	Denied
Do	DXE-0213	Kermit	Winkler County, Tex	.0148
Do	DXE-0214	Kettleman Hills	King County, Calif	.0136
Do	DXE-0215	Marlow	Stevens County, Okla	.1234
Do	DXE-0216	New Hope	Franklin County, Tex	.0217
Do	DXE-0217	Normanna	Bee County, Tex	.0308
Do	DXE-0218	Old Ocean	Brazoria County, Tex	.0198
Do	DXE-0219	Palacios	Matagorda County, Tex	.0484
Do	DXE-0220	South Pecan Lake	Cameron Parish, La	.0210
Do	DXE-0221	Stevens-Calidon	Kern County, Calif	Denied
Do	DXE-0222	Ventura	Ventura County, Calif	.0250
Do	DXE-0223	West Bernard	Warton County, Tex	.0560
Gulf Oil	DXE-0312	Azalea	Midland County, Tex	.0672
Do	DXE-0313	Milfay	Creek County, Okla	.0890
Do	DXE-0314	Sand Hills	Crane County, Tex	.0494
Mobil Oil Corp	DXE-0264	Union-Adena	Morgan County, Colo	.0434
Do	DXE-0265	Bryans Mills	Cass County, Tex	.0341
Do	DXE-0266	Cotton Valley	Webster Parish, La	.0155
Do	DXE-0267	Cow Island	Vermilion Parish, La	.0052
Do	DXE-0268	Elwood	Santa Barbara County, Calif.	.0167
Do	DXE-0269	Greeley	Kern County, Calif	.0882
Do	DXE-0270	Hagist	Duval County, Tex	.0105
Do	DXE-0271	Heyser	Victoria County, Tex	.1534
Do	DXE-0272	Gulf-Knox	Grady County, Okla	.0154
Do	DXE-0273	Postle Hough	Texas County, Okla	.0131
Do	DXE-0274	Putnam Oswego	Dewey County, Okla	.0117
Do	DXE-0275	R. M. Stephens	Claiborne Parish, La	.0183
Do	DXE-0276	Vanderbilt	Jackson County, Tex	.0777
Do	DXE-0277	Wilcox	Lavaca County, Tex	.0132
Ruth Anne Ashby Storey	DXE-0201	R. M. Stephens	Claiborne Parish, La	.0253
Texaco, Inc	DXE-0334	Apache	Caddo County, Okla	.0182
Do	DXE-0335	Blessing	Matagorda County, Tex	.0595
Do	DXE-0336	Delhi	Richland Parish, La	.0068
Do	DXE-0337	Elmwood	Beaver County, Okla	.0090
Do	DXE-0338	Houma	Terrebonne Parish, La	.0163
Do	DXE-0339	Humble	Harris County, Tex	.0211
Do	DXE-0340	Krotz Springs	St. Landry Parish, La	.0234
Do	DXE-0341	Old Ocean	Brazoria County, Tex	.0186
Do	DXE-0342	Paradis	St. Charles Parish, La	.0061
Do	DXE-0343	Pledger	Brazoria County, Tex	.0061
Do	DXE-0344	Wilcox	Lavaca County, Tex	.0129
Do	DXE-0366	Coalinga Nose	Fresno County, Calif	.0073
Do	DXE-0367	Headlee Cycling	Ector County, Tex	.0149
Do	DXE-0368	Headlee Gas	Ector County, Tex	.0109
Do	DXE-0369	Lamesa	Dawson County, Tex	.0501
Do	DXE-0370	Lockridge	Ward County, Tex	.0495
Do	DXE-0371	Mermentau	Acadia Parish, La	.0418
Do	DXE-0372	North Cowden	Ector County, Tex	.0121
Do	DXE-0373	Ozona	Crockett County, Tex	.0082
Do	DXE-0374	Pampa	Gray County, Tex	.0092
Do	DXE-0375	Toca	St. Bernard Parish, La	.0242

[FR Doc. 78-2971 Filed 2-2-78; 8:45 am]

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

[6560-1]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 847-7]

ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Administrator's Toxic Substances Advisory Committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Administrator's Toxic Substances Advisory Committee through January 25, 1980, unless otherwise sooner terminated, will be filed at the Library of Congress.

DOUGLAS M. COSTLE,
Administrator.

JANUARY 25, 1978.

[FR Doc. 78-2946 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-5]

ANNUAL COMPREHENSIVE REVIEW OF EPA ADVISORY COMMITTEES

In the process of conducting the Agency's annual comprehensive review of Federal advisory committees, we are making provisions for open and public participation in the review process to the maximum extent consistent with an expeditious review. Therefore, the purpose of this notice is to seek public advice regarding EPA advisory committees, as listed below:

1. Administrator's Toxic Substances Advisory Committee.
2. Clean Air Scientific Advisory Committee.
3. Effluent Standards and Water Quality Information Advisory Committee.
4. FIFRA Scientific Advisory Panel.
5. Management Advisory Group to the Municipal Construction Division.
6. National Air Pollution Control Techniques Advisory Committee.
7. National Drinking Water Advisory Council.
8. Science Advisory Board.
9. State-Federal FIFRA Implementation Advisory Committee.
10. State-Federal Water Programs Advisory Committee.

In conducting the annual comprehensive review, a determination must be made regarding each committee as to whether: (1) The Agency has a compelling need for it; (2) the Committee's membership is truly balanced; and (3) the Committee has conducted its business as openly as possible consistent with the law and their mandate. In consideration of these three items, we hereby invite comments from interested members of the public on the need for and performance of EPA's advisory committees.

It is requested that individuals wishing to comment should submit their responses by February 17, 1978, to: Mrs. Mary Anne Beatty, Committee Management Officer, U.S. Environmental Protection Agency, Room 405-B Waterside Mall West (PM-213), 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0866.

Dated: January 21, 1978.

WILLIAM DRAYTON, Jr.,
Assistant Administrator for Planning and Management.

[FR Doc. 78-2947 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 851-3]

ENVIRONMNENTAL IMPACT STATEMENTS

Notice of Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availablity of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from January 23, 1978, through January 27, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (March 20, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 31, 1978.

PETER L. COOK,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Final

Eldorado National Forest, Timber Plan, several counties in California, January 23: Proposed is the implementation of the 10-year Eldorado National Forest Timber Management Plan. The plan summarizes the present timber situation, interprets policy on a local basis, identifies and classifies lands as to suitability for timber production and sets harvest priorities. Timber would be harvested from El Dorado, Amador, Placer, and Alpine Counties, with a feasible average yearly harvest ranging from 174.0 M Cunits to 207.4 M Cunits. Comments made by: USDA, EPA, COE, USDI, State and regional agencies, organizations, groups, and individuals. (ELR Order No. 80068.)

Superior National Forest, Proposed Land Exchange, St. Louis, Cook, and Lake Counties, Minn., January 25: Proposed is a land-for-land exchange of 7,093.72 acres of land held by Lake-Forest Enterprises, Inc., a land agent for Erie Mining Co., for 3,749.58 acres of land in the Superior National Forest, Erie Mining Co. proposes to dam a portion of the Upper Partridge River. The lands proposed for transfer to the National Forest are wild, undeveloped forest lands. The transfer would result in additional lake and river frontage, timber wolf habitat, and consolidation of public lands. Adverse effects include inundation of a forest environment. Comments made by: EPA, COE, USDA, FHWA, DOI, State and local agencies, concerned groups and individuals. (ELR Order No. 80076.)

Breitenbush Area, Geothermal Development, Marion and Linn Counties, Oreg., January 24: The proposed action is the leasing of national forest lands (Willamette and Mt. Hood National Forests) in the area known as the Breitenbush Known Geothermal Resource Area for Development of Geothermal Resources. The Known Geothermal Resource Area and lands covered by lease applications cover a total of 44,283 acres. Development of the lands will be subject to controls designed to minimize adverse impacts on visual, recreational, water, wildlife, soil, timber, and mineral materials resources (342 pages). Comments made by: EPA, DOI, ERDA, DOC, COE, FPC, HEW, HUD, USDA, State and local agencies, groups and individuals. (ELR Order No. 80075.)

SOIL CONSERVATION SERVICE

Final

Kickapoo Nations Watershed Project, Oklahoma and Lincoln Counties, Okla., January 24: Proposed is the implementation of the Kickapoo Nations Watershed Plan in Oklahoma and Lincoln Counties, Okla. The

project provides for flood prevention, municipal water supply, and recreation. The works of improvement include land treatment supplemented by 19 floodwater retarding structures, one flood water retarding—municipal water and recreation structure, and recreational facilities. Construction related impacts will result. Comments made by: DOD, DOC, HEW, DOI, EPA, FPC, State and local agencies. (ELR Order No. 80074.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Small Boat Harbor, Agat, Guam, U.S. Territory, January 25: The Agat Small Boat Harbor Project is a Federal and Territory-planned and funded project to evaluate present and future boating needs of the Island of Guam to develop effective and environmentally acceptable plans for harbor facilities to meet these needs. Six alternative plans were considered. Each alternative should attract islandwide boaters to the Agat Bay Area, encourage greater boat ownership among local residents, enhance recreational boating and sports and semicommercial fishing opportunities, and provide an indirect, long-range stimulus to the local economy. (ELR Order No. 80079.)

Final

Green Bay Harbor, Operation and Maintenance, Green Bay and Brown Counties, Wis., January 24: This statement proposes the continuation of operation and maintenance activities for the Green Bay Harbor in Wisconsin. It is anticipated that 1,200,000 cubic yards of sediment classified as unsuitable for unrestricted disposal by Region V, EPA will be removed during an 8-year period beginning 1978. A confined disposal facility for this dredged material, with an incorporated effluent filter, will be constructed on a 55 acre water site in Green Bay, approximately 800 feet off-shore of Bay Beach Park. Adverse impacts will be increased levels of air pollution and disturbance of wildlife (Chicago District). Comments made by: USDA, DOC, DOI, EPA, State and local agencies, groups, and individuals. (ELR Order No. 80070.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Walnut Grove Woods, Memphis, Shelby County, Tenn., January 24: Proposed is a subdivision approximately 900 acres located in East Shelby County, Tenn., along Wolf River east of Memphis City limits. It is proposed to develop the site in single-family, multifamily, commercial, and office uses, in accordance with existing zoning regulations. Adverse impacts include endangered species habitat; increased stormwater runoff; and increased noise levels and air quality. Five families would be displaced (HUD-RO4-EIS-77-17D). (ELR Order No. 80073.)

Countryside Subdivision, League City, Galveston County, Tex., January 24: Proposed is a development of 570 acres into a planned community composed of single-family homes located in Galveston County, Tex. The project is expected to be beneficial in transforming a large tract of land currently farmed into an urban community providing for League City's strong demand for housing. The population growth will inevitably result in the transition of some rural land to urban for approximately 5,800 people. Adverse impacts include increased loading of solid waste disposal sites, increased demand for fossil fuels through heavy dependence upon the automobile for transportation (HUD-RO6-EIS-78-20). (ELR Order No. 80069.)

Draft

Lakemeer Subdivision, Tenn., January 24: Proposed is a residential community on approximately 667 acres located northeast of Memphis, Tenn. Development plans include single-family, multifamily, and commercial land uses. Focal point of the development will be a 35-acre fishing lake surrounded by single-family lots with a 1.5 acre park to provide fishing and picnic areas. Adverse impacts include no endangered species habitat; noise levels and air quality generally remains within acceptable limits (HUD-RO4-EIS-77-16D). (ELR Order No. 80072.)

Pecan Grove Plantation Subdivision, Fort Bend County, Tex., January 27: The proposed action is for the HUD to accept for HUD-FHA Home Mortgage Insurance purposes under section 203(h) of the National Housing Act of 1934. Some 1400 acres of land located in the northeastern portion of Fort Bend County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single-family dwellings, approximately 4,300 units. The overall environmental impact is expected to be beneficial in that a large tract of land would be transformed into a residential subdivision. This project will provide housing for some 17,000 people (HUD-RO6-EIS-78-3D).

Cypress Point Subdivision, Harris County, Tex., January 27: Proposed is the development of 230 acres into a planned community composed of single-family homes with some commercial reserves in Harris County, Tex. The overall environmental impact of this project is expected to be beneficial in that it would transform a large tract of land, the majority of which is lying fallow, into a planned community. This development provides for the planning and controlling of a wide range of living accommodations for approximately 3,700 people (HUD-RO6-EIS-78-5D). (ELR Order No. 80084.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Office of Environmental and Economic Impact Assessment. Room N-3673, Washington, D.C. 20210, 202-523-7076.

Final

Benzene, Occupational Exposure Standard, January 27: Proposed is the regulation of employee exposure to benzene by setting a permissible exposure limit of 1 part benzene per million parts of air (1 ppm) as an 8-hour time-weighted average. The proposal also provides for employee exposure measurements, methods of compliance, protective clothing and equipment, medical surveillance, training, signs and labels, employee observation of monitoring, and recordkeeping, beneficial impact on the workplace environment is anticipated. Comments made by: DOT, ERDA, HEW, DOL, State and local agencies, groups and individuals. (ELR Order No. 80082.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Draft

Sundesert Nuclear Plant Units 1 and 2, Riverside County, Calif., January 27: This DEIS was prepared by the Nuclear Regulatory Commission, and the Department of the Interior. Proposed is the issuance of a construction permit to San Diego Gas & Electric Co. for construction of the Sundesert Nuclear Plants Units 1 and 2. The plant is located in Riverside County, Calif.; approximately 8.9 km (5.5 miles) west of the Colorado River and 25.7 km (15.9 miles) southwest of Blythe, Calif., and will emply two pressurized-water reactors (PWR's) to produce up to 2,785 megawatts thermal (MWT) for each unit (NUREQ-0405). (ELR Order No. 80081.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Development Projects, Lihue Airport, Kauai County, Hawaii, January 25: Lihue Airport is located in the southeastern coast of the Island of Kauai, Kauai County, Hawaii, approximately 2 miles east of the town of Lihue. The basic objectives of the expansion development are to reduce the impact of aircraft operations on schools and residential areas to the south of the airport and to provide a highly desired precision instrument approach capability. (ELR Order No. 80078.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

TN-1, McMinnville to Sparta, Warren, Van Buren, and White Counties, Tenn., January 25: The proposed action consists of the construction of approximately, 20 miles of State Route 1 from just east of McMinnville to Sparta; in Warren, White, and Van Buren Counties, Tenn. The proposed project extends northeasterly from a point at the end of the newly constructed section of TN-1, just west of the intersection of TN-1 and TN-30, to an eastern terminus at TN-111 near Sparta. The proposed highway is classified as a principal arterial in Tennessee's "1985 Statewide Functional Highway Classification Plan" and is planned as a four-lane facility (FHWA-TN-EIS-77-09-D). (ELR Order No. 80077.)

Final

Inner Loop, U.S. 54 to I-35W, Wichita, Sedgwick County, Ill., January 24: Proposed is the construction of a freeway with termini at U.S. 54 in the vicinity of Seneca Avenue and at 9th Street at I-35W in the city of Wichita, Kans. The project would provide a combination 4 to 6 lane, full control access facility with a design speed of 55 mph. Adverse effects include the acquisition

of 87 to 98 acres for right-of-way. From 381 to 540 dwelling units and from 69 to 76 businesses will be relocated (region 7). Comments made by: FEA, HUD, EPA, HEW DOD, DOC, FPC, CEQ, DOT, State and local agencies, groups and individuals. (ELR Order No. 80071.)

LR 1061, Blair County, Pa., January 26: The proposed highway improvement consists of a 14.5 mile portion of L.R. 1060 (T.R. 220), located in Logan and Antis Townships, Pa., as part of the Appalachian development highway system. The project will displace a number of people and will result in increased noise and erosion. A 4(F) statement is included concerning a public park. Comments made by: USDA, DOC, DOT, EPA, FEA, HEW, State and local agencies. (ELR Order No. 80080.)

[FR Doc. 78-3056 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-7]

MODIFICATION OF SECONDARY TREATMENT REQUIREMENT

Public Meeting

The Environmental Protection Agency (EPA) will hold a public meeting on February 22, 1978 in San Francisco to receive comments on implementation of section 301(h) of the Federal Water Pollution Control Act as amended (section 44 of the Clean Water Act of 1977, Pub. L. 95-217). Section 301(h) authorizes EPA to modify the requirement of secondary treatment for BOD, suspended solids and pH in an existing discharge into marine waters from a publicy owned treatment works if certain criteria are met.

The Federal Water Pollution Control Act required publicy owned treatment works to provide secondary treatment of their wastewaters by July 1, 1977. Coastal publicly owned treatment works who discharge their wastewater through ocean outfalls have argued that the reduction of BOD, suspended solids and pH resulting from secondary treatment is not necessary to protect the marine environment because of the dilution achieved in some deep marine waters. Under amendments adopted by Congress in 1977, those publicly owned treatment works which can show that an existing deep marine discharge requires less than secondary treatment for BOD, suspended solids and pH may be eligible, after case-by-case review, for a modification of the requirement to provide secondary treatment.

The purpose of this meeting is to receive the public's views on how EPA should interpret and apply the statutory criteria which an applicant must meet in order to obtain a modification of the secondary treatment requirement. In order to modify the requirement for secondary treatment, an applicant, in an application filed prior to September 24, 1978, must demonstrate to the satisfaction of the Administrator of EPA that eight criteria have been met. The eight statutory criteria are:

(1) There is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a)(6) of this Act;

(2) Such modified requirements will not interfere with the attainment or maintenance of that water quality which assures protection of water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on the water;

(3) The applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable;

(4) Such modified requirements will not result in any additional requirement on any other point or nonpoint source;

(5) All applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;

(6) To the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;

(7) There will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit;

(8) Any funds available to the owner of such treatment works under title II of this Act will be used to achieve the degree of effluent reduction required by section 201 (b) and (g)(2)(A) or to carry out the requirements of this subsection.

Section 301(h) of the Federal Water Pollution Control Act applies only to "marine" discharges. The term "marine" discharge is defined as:

> * * * a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement and other hydrological and geological characteristics which the Administrator determines necessary to allow compliance with paragraph (2) of this subsection, and section 101(a)(2) of this Act.

Subsection 101(a)(2) of the Act calls for achievement by 1983 of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water wherever attainable.

EPA is interested in receiving public comment on how the eight statutory criteria for a modification from the secondary treatment requirement should be interpreted. A number of questions will arise in determining whether an applicant is eligible for consideration under section 301(h) and has made a satisfactory demonstration of compliance with the eight criteria. Public comment on the following questions of interpretation of the criteria would be particularly helpful in developing proposed regulations implementing section 301(h):

1. The first criteria (section 301(h)(1)) requires an applicable water quality standard specific to the pollutant (BOD, suspended solids and pH) for which the modification is requested. State water quality standards applicable to marine waters are often not in terms of BOD, suspended solids, and pH. Should State water quality standards which regulate related or surrogate parameters, such as dissolved oxygen, turbidity, light transmission, etc., be used to show compliance?

2. Should the evaluation of water quality in the second criteria (section 301(h)(2)) consider only the impact of a discharge if a modification of the secondary treatment requirement is approved or should the evaluation compare the impact of the discharge if a modification is approved to the impact which would have resulted from secondary treatment?

3. In the second criteria (section 301(h)(2)), how should a "balanced, indigenous population" be defined? What methods should be used to determine that a balanced, indigenous population exists in marine waters?

4. Should the law be interpreted to require that the concentration of toxic pollutants (heavy metals, chlorinated hydrocarbons, etc.) in the discharge granted a modification be no greater than the concentration which would occur with secondary treatment?

5. Should compliance with the fifth criteria (section 301(h)(5)) require a publicly owned treatment works to have an enforceable pretreatment program at the time of the application?

6. Should the law be interpreted to require publicly owned treatment works which treat only domestic wastes to be evaluated differently than publicly owned treatment works which treat large amounts of industrial wastes?

This public meeting is being held prior to proposal of a regulation implementing section 301(h). To the extent possible, EPA will consider public comments made at the meeting, as well as written comments submitted prior to the meeting, in developing the proposed regulations. Any comments which are not considered prior to proposal will be considered in developing the final regulations.

The public meeting will be held on February 22 at 9:30 a.m. in the following location with registration beginning at 9 a.m.

EPA Region IX, Sixth Floor Conference Room, 215 Fremont, San Francisco, Calif. 94015.

If additional information on this public meeting is needed, please contact:

Richard Coddington, Deputy Director of the Water Division, EPA Region IX, 215 Fremont, San Francisco, Calif. 94105, 415-556-7686.

Information may also be obtained from:

Ms. Lisa Friedman, U.S. EPA, Office of General Counsel, Water Quality Division, Room 511, 401 M Street SW., Washington, D.C. 20460, 202-755-0753.

Persons wishing to make statements at the public meeting are requested to provide three copies of their statement. Written comments submitted prior to the public meeting should be sent in triplicate (if possible) to Lisa Friedman at the address listed above.

Dated: January 27, 1978.

SWEP T. DAVIS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-2948 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-6; OPP-30000/25A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Ethylene Dibromide; Extension of Period for Submission of Rebuttal Evidence and Comments

On December 1, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide product containing the ingredient 1,2-dibromoethane. This notice was published in the FEDERAL REGISTER on December 14, 1977 (42 FR 63134). The regulations governing rebuttal presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)).

A request for an additional 60 days in which to present evidence to the Agency has been received from one of the major registrants who was affected by the notice of presumption. The requester has specified a need for additional time to collect and analyze data and other information in order to adequately rebut and respond to the notice.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to the notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until April 3, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/25A". Comments and information received on or before April 3, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after April 3, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of Federal Register Section at the above address from 8:30 a.m. to 4 p.m. Monday through Friday. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Room 447, East Tower, EPA, during the same hours.

Dated: January 27, 1978.

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

[FR Doc. 78-2949 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-8]

TOXIC SUBSTANCES

Fully halogenated Chlorofluoroalkanes; Correction

In FR Doc. 78-920 appearing at page 1986 in the FEDERAL REGISTER of Friday, January 13, 1978, the fourth paragraph under "Supplementary Information" appearing on pages 1986 and 1987 is corrected in the fifth line of that paragraph by substituting the words "foamed polystyrene" for the word "styrofoam."

Dated: January 27, 1978.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 78-2964 Filed 2-2-78; 8:45 am]

[6705-01]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 808]

FARM CREDIT ADMINISTRATION OFFICERS

Delegation of Authority to Act as Governor in the Event That the Governor is Absent or Not Able to Perform the Duties of His Office for any Other Reason (Revocation of FCA Order No. 804)

JANUARY 27, 1978.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Senior Deputy Governor;

(2) Deputy Governor, Office of Supervision;

(3) Deputy Governor and Chief Examiner;

(4) Deputy Governor, Office of Administration;

(5) Deputy Governor, Office of Finance and Research;

(6) Chief of Staff of Senior Deputy Governor;

(7) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 804, dated June 28, 1977 (42 FR 34365).

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc. 78-2996 Filed 2-2-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 895]

APPLICATIONS ACCEPTED FOR FILING

Common Carrier Services Information

JANUARY 30, 1978.

By the Chief, Common Carrier Bureau:

The applications listed herein have been found, upon initial review, to be acceptable for filing. The commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31

days following the date of this notice, except for radio applications not requiring a 30-day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

JANUARY 30, 1978.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20617-CD-P-78 South Shore Radio-Telephone, Inc. (KTS201) C.P. for additional facilities to operate on 158.70 MHz at a new site described as location No. 4: Oak Brook Towers, Oak Brook, Ill.

20623-CD-P-78 Mobilefone Northwest (new), C.P. for a new 1-way signaling station to operate on 152.24 MHz to be located at Pendleton Airport, Pendleton, Oreg.

20694-CD-P-78 Radiotelephone Owatonna, Inc. (new), C.P. for a new station to operate on 152.09 MHz to be located 3 miles south of U.S. highway 4, on County Road approximately 2 miles south of Meriden, Minn.

20696-CD-P-78 Professional Communications, Inc. (new), C.P. for a new 1-way signaling station to operate on 158.70 MHz to be located on Road No. 4, Carter Hill Road, Corry, Pa.

20697-CD-P/ML-78 Communications Specialists, Inc. d.b.a. Radio Telpage (KTS276) C.P. to relocate facilities operating on 158.70 MHz located at 124 Southgate Road, Dothan, Ala.

20698-CD-P-(2)78 Mobilphone-Paging Radio Corp. (KRS653) C.P. for additional facilities to operate on 72.64 MHz, Control at location No. 1: Falmouth Street, 300 yds from Ashby Street, Johnston, R.I.; and 158.70 MHz, base at a new site described as location No. 4: 2121 West Main Road Portsmouth, R.I.

20699-CD-P-78 General Telephone Co. of Indiana, Inc. (KSJ800) C.P. to change antenna system and relocate facilities operating on 152.54 MHz located at 2059 Crisman Road, Portage, Ind.

20700-CD-P-78 Electro-Craft, Inc. (KWU248) C.P. for additional facilities to operate on 152.24 MHz located at a new site described as location No. 2: Summit of Bald Mountain, 2.6 miles west of Lead, S. Dak.

20701-CD-P-78 Waco Communications, Inc. (KLF635) C.P. for additional facilities to operate on 152.24 MHz located at a new site described as location No. 2: 817 South First Street, Temple, Tex.

20702-CD-P-78 Summit Communications, Inc. (new), C.P. for a new station to operate on 152.12 MHz to be located 800 feet east of highway 231 at southern boundary of Rensselaer, Ind.

20704-CD-ML-78 Electro-Craft, Inc. (KOP323) Modification of license to change frequency from 152.09 MHz to 152.15 MHz.

20705-CD-P-78 Electro-Craft, Inc. (KOP323) C.P. for additional facilities to operate on 152.09 MHz located at a new site described as location No. 2: Summit of Bald Mountain 2.6 miles west of Lead, S. Dak.

20706-CD-P-78 Consolidated Telephone Co. (new), C.P. for a new 1-way signaling station to operate on 158.10 MHz to be located 10 miles northwest of Brainerd, Minn.

20707-CD-P-78 Comex, Inc. (KCC797) C.P. to change antenna system, replace transmitter and change frequency from 459.325 MHz to 72.70 MHz at location No. 1: Uncanoonuc Mountain, near Goffstown, N.H.

20708-CD-TC-(5)-78 Indiana Telephone Corp. consent to transfer of control from Helen E. Schultz, transferor, to Continental Telephone Corp., transferee. Stations: KSJ797, Seymour, Ind.; KSJ775, Madison, Ind.; KSJ798, Jasper, Ind.; KSJ799, Salem, Ind.; and KUS303, North Vernon, Ind.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

Wyoming

Commercial Communications, Inc. (New), 20146-CD-P-(6)-78.

David R. Williams d.b.a. Industrial Communications (New), 21986-CD-P-(6)-77.

OFFSHORE RADIO TELEPHONE SERVICE

50003-CG-P-78 The Offshore Telephone Co. (new). C.P. for a new subscriber station to operate on 492.450 MHz to be located 110 miles south of Patterson, La., block 364A, GM.

50004-CG-P-78 The Offshore Telephone Co. (new). C.P. for a new central office station to operate on 489.450 MHz to be located 100 miles south of Franklin, La., block 296B, GM.

50005-CG-P-78 The Offshore Telephone Co. (new). C.P. for a new central office station to operate on 489.400 MHz to be located 25 miles south of Grand Cheniere, La., block 48C, GM.

50006-CG-P-78 The Offshore Telephone Co. (new). C.P. for a new subscriber station to operate on 492.400 MHz to be located 47 miles south of Grand Cheniere, La., block 238A, GM.

50007-CG-P/ML-78 The Offshore Telephone Co. (WBY632). C.P. for additional facilities to operate on 488.425, 488.450, 488.475, 488.500, 488.525, 488.550, 488.575, 488.600, 488.625, 488.650, 488.675, & 488.700 MHz located within the territory of the grantee.

RURAL RADIO SERVICE

60090-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new). C.P. for a new rural subscriber station to operate on 158.55MHz located at Dooherty Ridge Road off Skyline Boulevard, 3½ Miles north highway 9, California.

60091-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new). C.P. for a new Rural subscriber station to operate on 158.55 MHz located on Long Ridge Road off Skyline Boulevard, 3½ miles north of highway 9, California.

60092-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new). C.P. for a new Rural Subscriber station to operate on 158.55 MHz located at Portola Heights Road off Skyline Boulevard, 3½ miles north of highway 9, California.

60093-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new). C.P. for a new rural subscriber station to operate on 158.55 MHz located at Portola Heights Road off Skyline Boulevard, 3½ miles north of highway 9, California.

60094-CR-P-78 Copper Valley Telephone Cooperative, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located northeast of Valdez, at mile 35, Richardson Highway, Valdez, Ark.

60095-CR-P-78 Copper Valley Telephone Cooperative, Inc. (new). C.P. for a new central office station to operate on 152.51 MHz located northeast of Valdez, at mile 27, Richardson Highway, Valdez, Ark.

60096-CR-P/L-78 Continental Telephone Co. of the West (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located at range 26E, township 32 south, section 33, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1112-CF-P-78 Roanoke & Botetourt Telephone Co. (new). Troutville Route 220 Daleville (Botetourt), Va. Lat. 37°25'03" N., Long. 79°53'51" W. C.P. for a new station on frequency 11055V MHz on azimuth 194.4 degrees toward Roanoke, Va.

1114-CF-P-78 Mountain States Telephone & Telegraph Co. (KXR20), 1326 Sheridan Avenue Codey (Park), Wyo. Lat. 44°31'33" N., Long. 109°03'38" W. C.P. to add a new point of communication on frequency 11075V MHz on azimuth 247.0 degrees toward Cody, passive reflector 2 to Cody passive reflector 3 on azimuth 35.2 degrees to Skytel, Wyo., on azimuth 260.8 degrees.

1115-CF-P-78 Same (new). Skytel 2.6 miles west of Wapiti (Park) Wyo. Lat. 44°27'31" N., Long. 109°29'16" W. C.P. for a new station on frequency 11525V MHz on azimuth 80.6 degrees toward Cody passive reflector 3 to Cody passive reflector 2 on azimuth 215.8 degrees to Cody, Wyo. on azimuth 66.9 degrees.

1124-CF-P-78 Chesapeake & Potomac Telephone Co. (KIX55), 224 Luck Avenue SW., Roanoke (Roanoke), Va. Lat. 37°16'09" N., Long. 79°56'42" W. C.P. to add a new point of communication on frequency 11265V MHz on azimuth 14.4 degrees toward Troutville, Va.

MAJOR AMENDMENT

2343-CF-P-77 Multipoint Television Distributors, Inc. (WCT 936) Keystone Peak, 15 miles west of Green Valley, Ariz. (Lat. 31°52'37" N., Long. 111°12'52" W.): Application amended to change transmit station name from Number One Radio, Inc. to that above; change receive station site and to change transmitter equipment—5945.2V MHz toward Tucson, Ariz.

CORRECTIONS

893-CF-P-78 South Central Bell Telephone Co. (KLT64), 314 Main Street Starkville (Oktibbeha), Miss. Lat. 33°27'48" N., Long. 88°48'42" W. Correct entry to read 6100.9H. All other particulars remain the same as reported on Public Notice No. 891, January 3, 1978.

[FR Doc. 78-2966 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21310; RM-1847; RM-1984; RM-2742]

FM QUADRAPHONIC BROADCASTING: ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

Notice of Inquiry

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments to a Notice of Inquiry concerning FM quadraphonic broadcasting. Consumer Electronics Group of the Electronic Industries Association states the additional time is necessary so that it can prepare reply comments to comments which are extensive and highly technical.

DATE: Reply comments must be received on or before March 31, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

Adopted: January 25, 1978.

Released: January 31, 1978.

Order extending time for filing reply comments (43 FR 1542).

By the Chief, Broadcast Bureau: 1. On June 22, 1977, the Commission adopted a *Notice of Inquiry* in the above-entitled proceeding. The date for filing comments has expired and the date for filing reply comments is presently January 30, 1978.[1]

2. On January 17, 1978, counsel for the Consumer Electronics Group of the Electronic Industries Association ("EIA-CEG") requested a 90-day extension of time in which to file reply comments. Counsel states that even in the best of circumstances careful review of the 15 volumes of comments in this proceeding would require additional time in order to formulate reply comments. He adds that the problem has been aggravated because of the difficulty which EIA-CEG members and others are experiencing in their efforts to review the filed comments since the duplicate volumes in this docket are incomplete and the original volumes of comments are often unavailable because they have been removed for reproduction.

3. On the basis of the reasons represented in the above-mentioned request for extension of time, we are persuaded that some additional time is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in this proceeding. However, because we have already granted two previous extensions, we believe sixty days is sufficient in which to complete the preparation of reply comments.

4. Accordingly, *It is ordered,* That the request for extension of time for filing reply comments submitted by the Consumer Electronics Group of the Electronic Industries Association is granted to the extent that the present deadline for filing reply comments is extended through March 31, 1978, and is denied in all other respects.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3028 Filed 2-2-78; 8:45 am]

[6712-01]

PERSONAL USE RADIO ADVISORY COMMITTEE

Meeting

The Personal Use Radio Advisory Committee (PURAC) will meet February 22 and 23, 1978, at the Sheraton International Inn, 11810 Sunrise Valley Drive, Reston, Va.

The main purpose of the meeting will be to coordinate all the task area plans for their final reports to be completed before PURAC is dissolved in April.

A general meeting beginning at 9 a.m. February 22 will consider partial or preliminary reports from each of three task areas: General Mobile Radio Service, User Rule Compliance, and Local Interference. The remainder of the time will be devoted to task area meetings.

The general public is welcome to attend, but only PURAC members will be eligible to debate and vote.

Any PURAC member who is unable to attend may designate proxies with a signed statement identifying the member who will vote for him.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3021 Filed 2-2-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1881]

THELMA QUILLIAM d.b.a. AEROMARINE FORWARDING

Order of Revocation

The bond issued in favor of Thelma Quilliam d.b.a. Aeromarine Forwarding, 225 Harris Court, South San Francisco, Calif. 94080, FMC No. 1881, was cancelled effective January 27, 1978.

By letter dated December 30, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1881 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 27, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1881 issued to Thelma Quilliam d.b.a. Aeromarine Forwarding be returned to the commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License

[1] By *Order* released August 16, 1977 (Mimeo 87835), the dates for filing comments and reply comments were extended to December 16, 1977, and January 16, 1978, respectively. By *Order* released December 27, 1977 (Mimeo 93067), the dates for filing comments and reply comments were extended to December 28, 1977, and January 30, 1978, respectively.

No. 1881 be and is hereby revoked effective January 27, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Thelma Quilliam d.b.a. Aeromarine Forwarding.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-2956 Filed 2-2-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST UNION BANCORPORATION

Proposed Retention of Ownership of St. Louis Union Trust Co.

First Union Bancorporation, St. Louis, Mo., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of St. Louis Union Trust Co., St. Louis, Mo., and indirect control of First Union Trust Co. in Kansas City, Kansas City, Mo. Notice of the application was published on December 23, 1977, in the St. Louis Globe-Democrat, a newspaper circulated in St. Louis, Mo., and on December 24, 1977, in the Kansas City Star, a newspaper circulated in Kansas City, Mo.

Applicant states that the proposed subsidiary would engage in the activities that may be performed by a trust company and investing funds for its own account in market instruments, including equity securities which do not include more than 5 percent of the outstanding voting shares of any company. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1978.

Board of Governors of the Federal Reserve System, January 27, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-2997 Filed 2-2-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of March 1978:

ALCOHOL TRAINING REVIEW COMMITTEE

Date and time: March 2-4; 9 a.m.
Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Type of meeting: Open—March 2, 9 to 11 a.m. Closed—Otherwise.
Contact—Ms. Jeanne Trumble, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1056.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism.
Agenda: From 9 a.m. to 11 a.m., March 2, the Committee will be open for reports and announcements fo administrative and program developments. Otherwise, the Committeee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of (Pub. L. 92-463 (5 U.S.C. Appendix I)).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

Date and time: March 2-4; 9 a.m.
Place: Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Va. 22209.
Type of meeting: Open—March 2, 9 to 10 a.m. Closed—Otherwise.
Contact—Harriet Germun, Room 10C-05, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3367.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 a.m. to 10 a.m., March 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of (Pub. L. 92-463 (5 U.S.C. Appendix I)).

EPIDEMIOLOGIC STUDIES REVIEW COMMITTEE

Date and time: March 7-8; 9 a.m.
Place: Maryland Room, Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C. 20036.
Type of meeting: Open—March 7, 9 to 10 a.m. Closed—Otherwise.
Contact—Lavinia Walsh, Room 10C-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3774.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 a.m. to 10 a.m., March 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of (Pub. L. 92-463 (5 U.S.C. Appendix I)).

Substantive program information may be obtained from the contact person listed above. The NIAAA Information contact who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: January 30, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-2963 filed 2-2-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 77P-0339]

INTERNATIONAL DIAGNOSTICS TECHNOLOGY

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Immunology. Device Classification Panel that the Anti-DNA Antibody, Immunofluorescent Solid Phase and control (FIAX™ Anti-DNA Antibody Test) be reclassified from class III (Premarket Approval) to class II (Performace Standards). This recommendation was made after review of a reclassification petition filed by International Diagnostic Technology (IDT), Santa Clara, Calif. under section 513(f) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the *petitioner. If the device is reclassified, the reclassification will be announced in the* FEDERAL REGISTER.

DATE: Comments by March 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Srikrishna Vadlamudi, Food and Drug Adminisration, Bureau of Medical Devices (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On September 14, 1976, International Diagnostic Technology (IDT), Santa Clara, Calif. submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the FIAX™ Anti-DNA Antibody Test. After reviewing the information in the premarket notification, the commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclasified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On July 18, 1977, International Diagnostic Technology (IDT) submitted a reclassification petition for the device under section 513(f)(2) of the act. On September 26, 1977, the Immunology Device Classification Panel (panel) reviewed the petition and recommened that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Anti-DNA Antibody Test." The device is used for the detection and quantitation of Anti-DNA Antibodies in human serum or plasma. The presence of anti-DNA antibodies is an indication of Systemic Lupus Erythematosus (SLE), a tissue disorder characterized by skin eruptions, pain in the joints, fever, and other constitutional symptoms. A positive result from the use of this device indicates the need for further diagnosis for SLE.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. Hazards to life or health may result when the device does not perform properly.
3. The test is based on a solid-phase immunoassay using a fluorescent label.
4. Immobilized DNA is reacted with Anti-DNA in diluted serum.
5. Anti-DNA attached to immobilized DNA is reacted with fluorescently labeled anti-human immunoglobulins.
6. A fluorescent label affixed to Anti-DNA is measured in a fluorometer.
7. It is possible to develop a standard or set of standards to control the safety or effectiveness of the device.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

The usefulness of the FIAX™ Anti-DNA Kit in the screening of patients with auto-immune diseases was investigated along with the FARR assay and Amersham/Searle kits. A comparison was also made for the usefulness of the device for therapeutic monitoring. To determine the safety and effectiveness of the device, it was used on sera from 236 patients. An agreement (197 out of 236, or 84 percent) exists between the results obtained with FIAX™ Anti-DNA Antibody system and the reference methods FARR™ RIA non-kit assay and Amersham/Searle kits used for DNA antibody determination for Systemic Lupus Erythematosus (SLE). In addition, 19 samples that read negative by the two reference methods and positive by FIAX™ proved to be samples from SLE patients. Immunofluorometric quantitation of anitibody activity to DNA in human serum or plasma has been demonstrated in the FIAX™ system to be equally as sensitive, specific, and precise as other commercially available devices.

RISKS TO HEALTH

The panel noted that there is a danger of erroneous results from the use of the FIAX™ Anti-DNA Kit owing to lack of specificity and sensitivity (resulting in false positives and false negatives). This may lead to misdiagnosis and unnecessary treatment or lack of treatment. Lack of specificity results when the Anti-DNA antibody cross-reacts with other proteins of the cell and plasma. Therefore, the panel recommended that the device be classified into class II and that a standard directed to the specificity and sensitivity of the device be developed. The panel recommended that development of this standard be a high priority.

RESTRICTIONS

The panel recommended that this device be used in conjunction with other methods of diagnosis, including other diagnostic tests, examination of medical history, and observation of symptoms.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 25, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2709 Filed 2-2-78; 8:45 am]

[4110-03]

[Docket No. 77P-0151]

HOWMEDICA, INC.

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Gastroenterological and Urological Device Classification Panel that

the Night Drain Adaptor, Feather-Lite™ Urinary Diversion Pouch, Feather-Lite™ Semi-Disposable I.B. Pouch, and Ostomy Pouch not be reclassified from class III (Premarket Approval) to class II (Performance Standards) or class I (General Controls). This recommendation was made after review of a reclassification petition filed by Howmedica, Inc., New York, N.Y., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATES: Comments by March 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Dennis J. Cotter, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910; 301-427-7226.

SUPPLEMENTARY INFORMATION: On August 13 and 27 and October 26, 1976, Howmedica, Inc., New York, N.Y., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market devices it calls (1) Ostomy Pouch, (2a) Feather-Lite™ Urinary Diversion Pouch, (2b) Feather-Lite™ Semi-Disposable I.B. Pouch, and (2c) Night Drain Adapter. After reviewing the information in the premarket notifications, the Commissioner of Food and Drugs determined that the devices are not substantially equivalent to any devices that were in commercial distribution before May 28, 1976; nor are the devices substantially equivalent to any devices placed in commercial distribution since that date and subsequently reclassified. The reason for this decision was the use of an arsenic-containing compound (10, 10'-oxybisphenexarsine) as an additive to the vinyl plastics of which the devices are made. The additive is intended to inhibit microbial degradation of vinyl plastic materials. Upon this determination, these devices are automatically classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On June 9, 1977, Howmedica, Inc., submitted to FDA a reclassification petition for the devices under section 513(f)(2) of the act. On June 25, 1977, the Gastroenterological and Urological Device Classification Panel (panel) reviewed the petition and recommended that the devices not be reclassified into class II or class I.

To determine the proper classification of the devices, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the devices the names (1) "pouch, colostomy" and (2) "bag, urinary, ileostomy (with or without adaptor)." A colostomy pouch is described as a medical device that is a bag used as a receptacle for collection of colostomy output, i.e., for collecting human waste in a patient who has had his or her large intestine surgically removed. This category will include ostomy pouches not otherwise classified. An ileostomy urinary bag (with or without adaptor) is described as a medical device in the shape of a bag that is affixed to the outside of the body in which waste from the ileum (small intestine) or urine is collected. It is used in cutaneous ureterostomies (to collect urine from the kidney after the ureter is surgically brought to the skin surface), cutaneous ileostomies (to collect contents of the small intestine after the small intestine or a special prothesis is brought to the skin surface), and exteriorization of the bladder (to collect urine from the bladder after the ureter is surgically brought to the skin surface). The adaptor is used to connect a bag to a larger container when the patient is confined to bed. The panel recommended that all devices meeting these descriptions that require an arsenic-containing compound to be in direct contact with the body, and those substantially equivalent, remain in class III.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.

2. The device is potentially hazardous to life or good health when properly used.

3. The device is in physical contact with the body.

4. The device is not powered by a nonmanual external or internal source.

5. The material used for contact with the body is not biocompatible.

6. The device does have potential hazards that can be avoided by promulgation of Federal regulations applicable to the device.

7. The device may be potentially hazardous to a fetus and/or gonads.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

The panel recommended rejection of the petition for reclassification because insufficient data exist to support the safe use of the arsenic-containing compounds in the ostomy devices.

The panel and FDA staff had the following concerns about the experimental design and some of the studies submitted by Howmedica, Inc., in support of the petition for reclassification:

1a. Ileal content, urine, or urine substitutes of a physiological pH were not used for experiments in determining the leachability of arsenic from the material.

b. Extractability testing was not carried out at physiological temperatures.

2. The adequacy of informed consent, because the patient permission statement was too vague for the patients to appreciate possible risks from the product: the statement said that the material causes irritations, sensitization, or other types of pathology, but did not mention possible risk of cancer from the arsenic compound.

3a. One experiment result showed decreased sperm production in laboratory animals. Further investigations were not carried out.

b. Individuals responsible for the patient studies and the volunteers who participated in the studies may not have been informed of the decreased sperm production that had occurred in the laboratory animals.

4. For a dermotoxicity test, the material was not rubbed into the skin of the laboratory animals, but was merely placed on the skin.

5. In one animal study, moderate to severe intraepithelial inflammatory infiltration (inflammation associated with deposit of material in tissue) with superficial necrosis (deterioration of surface bone tissue) was noted.

6. In one animal group tested, the incidence of test animal mortality increased when doses of the material applied to the skin were increased.

7. The potential for arsenic leaching from the material was not satisfactorily evaluated.

HAZARDS TO HEALTH

The panel expressed grave concern about the potential hazards presented by arsenic compounds, used in the product, that come in direct contact with the body because:

1. Ostomy bags are constantly in contact with the patient's skin.

2. Ileostomy patients may be in contact with the material for 40 to 50 years.

3. Arsenic is a known carcinogen and accumulates in the body. Prolonged

exposure to arsenic may cause cancer (especially skin cancer, although the possibility of cancer of the gastro-intestinal tract and the stoma (the opening established in the abdominal wall by colostomy and other surgery) is also to be considered).

4. The incidence of cancer due to physiological contact with arsenic may not be apparent for 5 or more years.

Dated: January 25, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2708 Filed 2-2-78; 8:45 am]

[4110-03]

[Docket No. 77P-0341]

SYVA

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the EMIT™ Lidocaine Assay Kit be reclassified from class III (Premarket Approval) to class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Syva, Palo Alto, Calif., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by March 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Bureau of Medical Devices (HFK—440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On April 19, 1977, Syva, Palo Alto, Calif., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the "EMIT™ Lidocaine Assay Kit." After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 4, 1977, Syva submitted a reclassification petition for the device under section 513(f)(2) of the act. On October 6, 1977 the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the panel assigned to the device the name, "enzyme immunoassay, lidocaine" and described the device as a kit for enzyme immunoassay of serum or plasma. The device is used to detect the level of lidocaine in the human serum or plasma. Lidocaine is a drug used to treat irregular heartbeat, especially in the emergency treatment of heart failure; an excess of lidocaine can result in convulsions due to respiratory failure. If the use of this device indicates an excess of lidocaine, the physician will adjust the dosage prescribed for a patient.

SUMMARY OF THE REASONS FOR THE RECOMMENDATIONS

The panel made the following determinations in support of its recommendation: 1. The device is not an implant, nor is it life-sustaining or life-supporting.

2. The device is not potentially hazardous to life or good health when properly used.

3. The device is an in vitro diagnostic product. The device is used to quantitate the levels of lidocaine in human serum or plasma by enzyme immunoassay. A step-by-step protocol for use by the analyst has been included. The type of instrument to be used with the device has also been included. Performance data on accuracy, precision, and quantitation of interfering substances have been included. The device has performance characteristics that should be maintained at a satisfactory level.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, it was used in two clinical studies on a series of 142 samples of human sera. The same sera samples were run with a currently accepted methodology of gas liquid chromatography (GLC). The data showed that there is a good agreement from two field clinical studies and also from in-house studies. The panel believe that these studies adequately support the precision claims of the product. The coefficient of variation was .10. The sample-to-sample variation was found to be within an acceptable range. The cross-reactivity with other chemically related compounds was adequately quantitated.

RISKS TO HEALTH

The panel noted that there is a risk of erroneous results from the use of this device owing to lack of specificity and sensitivity. Erroneous results can lead to improper dosage of the patient, and an excess dosage can result in convulsions due to respiratory failure. The panel recommended that the device be classified into class II, that a standard be developed directed toward the specificity and sensitivity of the device, and that development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 26, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2827 Filed 2-2-78; 8:45 am]

[4110-03]

[Docket No. 77N-0145]

X-OTAG PLUS TABLETS

Hearing on Refusal to Approve Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a formal evidentiary public hearing and a prehearing conference on factual issues on the proposed refusal to approve an abbreviated new drug application (ANDA) described below for a drug product for human use called X-Otag Plus, submitted by Cord Laboratories, Inc./Tutag Pharmaceuticals, Inc.

DATES: Prehearing conference March 6, 1978, beginning at 10 a.m. Written

notices of participation must be received by March 6, 1978.

ADDRESSES: The prehearing conference and hearing will be held in the FDA Hearing Room, Room 4A-35, 5600 Fishers Lane, Rockville, Md. 20857. Written notices of participation identified by the above-designated docket number should be submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857 (to ease identification, the envelope containing the notice should be clearly labeled "X-Otag Plus Hearing").

FOR FURTHER INFORMATION CONTACT:

Tenny Neprud, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 29, 1977 (42 FR 21847), the Director of the Bureau of Drugs issued a notice of opportunity for hearing on a proposal to refuse approval of the abbreviated new drug application (ANDA 85-445) filed by Cord Laboratories, Inc./Tutag Pharmaceuticals, Inc., 2599 West Midway Boulevard, Broomfield, Colo. 80020 (hereinafter called Tutag) for the drug product X-Otag Plus Tablets (orphenadrine citrate 50 milligrams in combination with acetaminophen 325 milligrams) and for the abbreviated new drug application (ANDA 85-632) filed by Inwood Laboratories for the drug product Orphengesic. This notice pertains only to X-Otag Plus Tablets; the agency's conclusion on Orphengesic will be issued later.

On May 26, 1977, Tutag filed a request for a hearing, and on June 27, 1977 it submitted data and arguments in support of its request. The Commissioner of Food and Drugs has reviewed the submissions and has concluded that an evidentiary hearing should be held on the factual issues set out in this notice. The presiding officer at the hearing will be Administrative Law Judge Daniel J. Davidson. A prehearing conference is scheduled for March 6, 1978, in the FDA hearing room at the address given above. Parties to the hearing will be the Bureau of Drugs and Tutag.

The proposed factual issues set out in Tutag's hearing request illustrate a misconception of the purpose of an ANDA. Tutag apparently believes that an ANDA is something different from a new drug application (NDA). Tutag seems to argue that FDA, by authorizing use of an ANDA, is, in effect, declaring that the drug involved is "generally recognized as safe and effective" within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)), as long as certain manufacturing and bioavailability data have been submitted. Such a declaration would, if the requirements of 21 U.S.C. 321(p)(2) had been met, make the drug in question not a "new drug," as defined by the statute. The Commissioner rejects this theory. While FDA's position on what an ANDA represents was stated clearly in the notice of opportunity for hearing, the Commissioner recognizes that one statement, made by FDA in the past, and quoted in the notice of opportunity for hearing herein, may have led to the confusion evidenced by Tutag's submission, i.e., that "an ANDA is appropriate only for those drugs which from a generic standpoint are generally recognized as safe and effective when they are properly labeled and manufactured," (42 FR 21851; April 29, 1977). This statement did not, however, as is clear from the context in which it is quoted, represent an agency position that approval of an ANDA was a declaration that the drug involved was "generally recognizd as safe and effective." To the extent that the statement may be construed as supporting such a position, it is explicitly disavowed.

As stated in the notice of opportunity for hearing, an ANDA is a form of new drug application, which is deemed to include, by reference, safety and effectiveness data that have already been reviewed and found adequate. The Commissioner has not provided for and would not, within the limits of his statutory authority, be able to provide for, the approval of new drug applications that did not include, either physically or by reference, the safety and effectiveness data required by section 505 of the act (21 U.S.C. 355).

Should there be any further question on this point, it would be resolved by reference to the DESI (Drug Efficacy Study Implementation) notice, upon which approval of an ANDA would be based. In such notices (see, e.g., the notice concerning Norflex Tablets, in the FEDERAL REGISTER of March 11, 1974 (39 FR 9487)), the drugs involved are often declared to be "new drugs" even though those drugs are found to have evidence of effectiveness sufficient to justify approval of a new drug application, thus allowing use of an ANDA for those drugs (*cf. Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S.C. 609, 631 (1973); "The Act is designed so that drugs on the market, unless exempt, will have mustered the requisite scientifically reliable evidence of effectiveness long before they are in a position to drop out of active regulation by ceasing to be a 'new drug' "). It would, of course, be anomalous for the agency, by approving an ANDA, to declare a drug not to be a new drug upon the basis of a FEDERAL REGISTER announcement that the drug was a new drug. A DESI notice finding evidence of effectiveness, such as the one for Norflex Tablets relied upon by Tutag, is relevant only to this extent: It is a finding that a new drug application is appropriate for the particular drug involved in that notice, for the uses considered by that notice.

Accordingly, the Commissioner concludes that a hearing will be granted on the following factual issues, which reflect the statutory criteria, and are those that were identified in the notice of opportunity for hearing:

1. Whether the ANDA for X-Otag Plus contains adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, as required by 21 U.S.C. 355(d)(1).

2. Whether the results of testing show that X-Otag Plus is safe for use under the conditions proposed in its proposed labeling, in accord with 21 U.S.C. 355(d) (2) and (4).

3. Whether, when evaluated on the basis of the information submitted as part of the ANDA and any other information before the Commissioner with respect to X-Otag Plus, there is substantial evidence, as defined in 21 U.S.C. 355(d) and 21 CFR 314.111(a)(5), that X-Otag Plus will have the effect it purports or is represented to have under its proposed conditions of use, pursuant to 21 U.S.C. 355(d)(5).

Since X-Otag Plus is a fixed-combination prescription drug for humans, its use may only be approved if the drug is found to comply with §300.50 (21 CFR 300.50). Accordingly, a fourth issue for this hearing is the following:

4. Whether each component of X-Otag Plus makes a contribution to the claimed effects and the dosage of each component (amount, frequency, duration) is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling of the drug.

In the notice of opportunity for hearing, it was stated that, if a hearing were granted, any remaining issue about the approvability of the ANDA would be included in the notice of hearing. The review of the ANDA has been completed, and various additional deficiencies have been noted. Accordingly, the Commissioner identifies as additional issues for hearing the following:

5. Whether the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of X-Otag Plus are adequate to preserve its identity, strength, quality, and purity within the meaning of 21 U.S.C. 355(d)(3) and of applicable regulations.

6. Whether, based on a fair evaluation of all material facts, such labeling is false and misleading in any particular, within the meaning of 21 U.S.C. 355(d)(5) and of applicable regulations.

The deficiencies identified in this regard are stated in a letter to Tutag. If, as often with deficiencies of this type, Tutag can remedy the problems,

these issues will, of course, be made moot. The Commissioner encourages this type of amicable settlement, but recognizes Tutag's right to dispute these issues at the hearing if it desires.

The notice of opportunity for hearing included the issue of whether or not X-Otag Plus is a "new drug" within the meaning of 21 U.S.C. 321(p). Tutag did not request a hearing on this issue, stating specifically that the "new drug" issue "is not involved in this proceeding." Tutag cannot, of course, prevent the Commissioner from acting through an administrative proceeding to declare a drug to be a new drug, simply by refusing to acknowledge the Commissioner's doing so. Here there was a formal announcement in the FEDERAL REGISTER that the FDA was declaring X-Otag Plus to be a new drug; there was a specific notice of an opportunity for a hearing on this issue; and no request for a hearing was made. The Commissioner is, therefore, declaring X-Otag Plus to be a "new drug." This declaration is parallel to and consistent with the finding of the District Court for Colorado in *United States* v. *An Article of Drug * * * X—Otag Plus,* Civil Action Nos. 77-F-248, 77-F-719 (November 9, 1977), on appeal, No. 77-1946 (10th Cir.). The Commissioner's position is that a drug may be declared to be a new drug either by a Federal Court in a judicial enforcement proceeding or by the Commissioner through an administrative proceeding. X-Otag Plus is a rare example of a situation in which the same declaration has been made in both forums. In the normal course of events, there would be no administrative declaration of new drug status to follow a judicial finding on this issue. The Commissioner is incorporating into the record that supports his decision on X-Otag Plus's "new drug" status the transcript of the court's proceedings in Colorado. The Commissioner concludes that the transcript fully supports the conclusion that X-Otag Plus is a new drug.

Another result of the unique circumstances involved with X-Otag Plus is that in the enforcement proceeding much testimony and documentary evidence has already been presented on questions that will be relevant to the administrative hearing on the approvability of the ANDA for X-Otag Plus. The enforcement proceeding was before a United States District Judge, and the circumstances in which evidence was presented, and in which the opportunity to cross-examine and otherwise challenge that evidence was accorded, provided the parties procedural safeguards that are identical to those present in an FDA administrative hearing. The Commissioner has no desire to see a duplication of the court enforcement proceeding in the administrative hearing. He is therefore directing the Administrative Law Judge to incorporate in his hearing record, to be treated identically with evidence which the Administrative Law Judge himself receives at the hearing, the transcript of the court proceeding. Thus the parties will be allowed to rely upon any testimony introduced in the court proceeding, and the parties will not be expected, for example, to have the same witnesses testify to the same facts or opinions as were presented in the court proceeding.

The Administrative Law Judge will be expected to exclude any such testimony on the grounds that it is repetitious. There will, of course, be no bar to the presentation of the same witnesses as were used in the court proceeding, as long as their testimony does not repeat testimony previously given. Similarly, there will be no bar to the presentation of testimony that was ruled irrelevant or otherwise inadmissible by the Judge in the court proceeding. The Administrative Law Judge will, of course, be free to exclude any such testimony if he finds that it is not, for the purposes of this proceeding, admissible. Although certain testimony in the court proceeding will be irrelevant to the administrative proceeding, the parties will be free to point out the lack of relevance in arguments, whether presented orally or in writing, to the Administrative Law Judge.

Pursuant to § 12.85 (21 CFR 12.85), the Bureau of Drugs of FDA has filed with the Hearing Clerk a narrative statement setting forth its position on the issues for hearing and a summary of the types of evidence intended to be introduced in support of its position at the hearing. The Bureau has also filed with the Hearing Clerk copies of the ANDA, published studies, and all other data bearing on the issues raised herein.

Interested persons may obtain a copy of the narrative statement from the office of the Hearing Clerk, at the address given above. Such persons may also examine the data on X-Otag Plus at the office of the Hearing Clerk, from 9 a.m. to 4 p.m., Monday through Friday.

The hearing will be in the FDA Hearing Room on a date to be set at the prehearing conference. Written notices of participation must be filed with the Hearing Clerk, not later than March 6, 1978.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard on matters relevant to the issues under consideration. Participants other than the Bureau of Drugs shall disclose data and information pursuant to § 12.85 by April 4, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)) and 21 CFR 314.200(g) and under authority delegated to him (21 CFR 5.1), the Commissioner orders that a public hearing be held on the issues set out in this notice.

Dated: January 30, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-2962 Filed 2-2-78; 8:45 am]

[4110-08]

National Institutes of Health

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE

Amended Meeting

Notice is hereby given of a change in meeting date of the Carcinogenesis Program Scientific Review Committee, National Cancer Institute, February 9-10, 1978, which was published in the FEDERAL REGISTER on January 13, 1978, (43 FR 2008).

This meeting will now be held on February 10, 1978, only, in Room 4C18, Landow Building, 7910 Woodmont Avenue, Bethesda, Md. The meeting will be open to the public from 8:30 a.m. to 9 a.m. Attendance by the public will be limited to space available.

Dated: January 27, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-3082 Filed 2-2-78; 8:45 am]

[4110-02]

Office of Education

EMERGENCY SCHOOL AID ACT

Notice of Closing Date for Receipt of Applications for the Magnet Schools, University/Business Cooperation; Neutral Site Planning; and Special Compensatory Projects for Fiscal Year 1978

Under the authority of the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)), the Commissioner of Education invites local educational agencies to submit applications for the following types of assistance.

1. Magnet Schools, University/Business Cooperation Projects
2. Neutral Site Planning Projects
3. Special Compensatory Projects

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages.

Closing date: March 31, 1978.

A. *Applications sent by mail:* Applications sent by mail should be addressed to U.S. Office of Education, Application Control Center, Attention:

13.589 for Magnet Schools, University/Business Cooperation Projects; Attention: 13.590 for Neutral Site Planning Projects; and Attention: 13.532H for Special Compensatory Projects, Washington, D.C. 20202.

Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 27, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand-delivered applications:* An application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms:* Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, 400 Maryland Avenue SW., Washington, D.C. 20202.

The Commissioner anticipates that a total of $33,500,000 will be available to support projects solicited by this notice. Of this amount, $750,000 will be reserved for neutral site planning activities, $19,250,000 will be available for activities relating to magnet schools or university/business cooperation, and $13,500,000 will be reserved for special compensatory projects.

D. *Project periods:* Grants made pursuant to this notice will be for activities starting no earlier than July 1, 1978, and ending no later than September 30, 1979, but in no case for more than a 12-month period.

E. *For further information contact:* Dr. Thomas W. Fagan, Chief, Special Projects Branch, Equal Educational Opportunity Programs, 400 Maryland Avenue SW., Room 2017, Washington, D.C. 20202. Telephone 202-245-2465.

F. *Applicable regulations:* Grant awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under the Emergency School Aid Act (45 CFR Part 185) and, in particular;

(i) Regulations relating to Magnet Schools, University/Business Cooperation and Neutral Site Planning, including any amendments to those regulations adopted pursuant to the notice of proposed rulemaking published in this issue of the FEDERAL REGISTER; and

(ii) Regulations for Special Compensatory Projects adopted pursuant to the notice of proposed rulemaking published in the FEDERAL REGISTER on December 2, 1977 (42 FR 61402); and

(2) The Office of Education general provisions regulations (45 CFR Parts 100, 100a and appendixes), except to the extent that those regulations are inconsistent with 45 CFR Part 185.

(20 U.S.C. 1601-1619.)

(Catalog of Federal Domestic Assistance No. 13.589—Magnet Schools, University/Business Cooperation; 13.590—Neutral Site Planning; and 13.532—Special Projects—Emergency School Aid.)

Dated: January 19, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-2912 Filed 2-2-78; 8:45 am]

[4110-02]

GRADUATE AND PROFESSIONAL OPPORTUNITIES PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1978

Notice is hereby given that pursuant to the authority contained in Title IX, parts A and B, of the Higher Education Act of 1965, as amended, applications will be accepted from institutions of higher education for a fellowship allocation and/or institutional grant under the Graduate and Professional Opportunities Program. The purpose of this program is to provide opportunities for graduate or professional study, considering the need to serve underrepresented minority groups, through establishing or improving graduate and professional programs in institutions of higher education and providing fellowships for graduate and professional study for careers in which there is national need.

Closing date: April 21, 1978.

A. *Application forms and information:* Application forms are being prepared but are not yet available. We anticipate the application forms and program information packages will be ready for mailing on or about February 17, 1978.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages.

B. *Applications sent by mail:* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention 13.530, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than April 17, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered applications:* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. *State commission comments:* An application for an institutional grant shall provide assurances that the institution has notified the appropriate State Commission (established or designated under section 1202 of the Higher Education Act of 1965, as amended) and that the State Commission has been given the opportunity to offer recommendations on the application to the institution and to the Commissioner.

E. *Program information:* There is appropriated $3.25 million for the two programs, which are new and have never been funded before. Of the total, $2.75 million will be allocated to fund approximately 345 fellowships pursuant to Title IX-B, and $500,000 will finance grants to 15 to 30 institutions of higher education pursuant to Title IX-A.

An institution may apply for a specific number of fellowships and/or an institutional grant. The single application form and instructions pertaining to both programs will be contained in the application package to be sent to all interested applicants.

F. *For further information contact:* Dr. Donald N. Bigelow, U.S. Office of Education, 400 Maryland Avenue SW., (ROB-3, Room 3060), Washington, D.C. 20202. Telephone 202-245-2347.

G. *Applicable regulations:* The regulations applicable to this program are the Office of Education General Provisions for Programs (45 CFR Part 100a) and the proposed regulations for Graduate and Professional Study Fellowships and Institutional Grants published on October 11, 1977, in the FEDERAL REGISTER (42 FR 54926) and included in the application package.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance Number 13.580; Graduate and Professional Opportunities Program.)

Dated: January 27, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-2972 Filed 2-2-78; 8:45 am]

[4110-02]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Extension of Closing Date for Receipt of Applications

Notice is given that the January 12, 1978, deadline for filing new grants applications under the Women's Educational Equity Act Program published in the FEDERAL REGISTER on October 12, 1977, is extended to February 15, 1978. The closing date for continuation grants only remain April 14, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(a) *Applications sent by mail:* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.565A for general grants and 13.565B for small grants, Washington, D.C. 20202.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 10, 1978, for new grants, and April 10, 1978, for continuations, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(b) *Hand-delivered applications:* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications for new grants will not be accepted after 4 p.m. on the closing date.

(c) *Program information:* Applications for general and small grant awards for the Women's Educational Equity Act Program are being accepted from public agencies, private nonprofit organizations, or individuals to promote educational equity for women under 45 CFR Part 160f. Applications for general grants are being accepted both from new applicants and from current multi-year grantees seeking continuations of their projects. Applications for new general and small grants must be received by the Application Control Center on or before the closing date. Continuation applications should be received by the Application Control Center on or before the closing date in order to be assured of consideration for funding.

In fiscal year 1978, $8,085,000 will be available for approximately 30 small grants, 35 new general grants and 14 continuing projects. Small grants are not to exceed $15,000 each; general grant awards will range from approximately $35,000 to $175,000, with the average award expected to be about $95,000. It is expected that approximately one-half of all awards will be single-year grants, and one-half will be multi-year grants. Nothing in this paragraph is intended as a limitation binding the Office of Education to any particular pattern of distribution, except as may be required by statute or regulation.

(d) *Preapplication:* No preapplication will be required for fiscal year 1978.

(e) *State comment:* Concurrently with the submission of its application to the Commissioner, a local educational agency (LEA) must provide a copy of its application to the State educational agency (SEA) of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its application to the Office of Education a copy of the dated cover letter used to forward a copy of its application to the SEA. An SEA wishing to submit advice and comment on any LEA application originating within its State may do so by forwarding that advice and comment to the Women's Program Staff (see address in paragraph (f) below). Advice and comments received from SEAs will be considered in reviewing applications if they are received no later than March 2, 1978, for LEA applications for new general and small grants, and no later than April 26, 1978, for LEA applications for continuation general grants.

(f) *For further information and forms contact:* Women's Program Staff, U.S. Office of Education, Room 2145, 400 Maryland Avenue SW., Washington, D.C. 20202. 202-245-2181.

(g) *Applicable regulations:* The regulations applicable to this program include (1) the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a) and (2) the Women's Educational Equity Act Program Regulations (45 CFR Part 160f, 42 FR 33005 (June 28, 1977)). (20 U.S.C. 1866)

(Catalog of Federal Domestic Assistance Number 13.565, Women's Educational Equity Act Program)

Dated: February 1, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-3144 Filed 2-2-78; 11:06 am]

[4110-12]

Office of the Secretary

OFFICE OF THE DEPUTY UNDER SECRETARY FOR INTERGOVERNMENTAL AFFAIRS

Statement of Organization Functions, and Delegation of Authority

Part A, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, has been amended to add a new Chapter ABC (Office of the Deputy Under Secretary for Intergovernmental Affairs). The new Statement reads as follows:

Section ABC.00—Mission. The Deputy Under Secretary for Intergovernmental Affairs serves as the principal advisor and Assistant to the Secretary and Under Secretary on intergovernmental affairs, with the responsibility for facilitating the coordination and implementation of Administration and Secretarial initiatives as they pertain to intergovernmental affairs at the Headquarters, region, State, local and community levels. The Deputy Under Secretary for Intergovernmental Affairs is the central point of reference in the Department for problems and questions involving these matters. The Deputy Under Secretary for Intergovernmental Affairs provides leadership, coordination, evaluation, and administrative direction to the Principal Regional Officials.

Section ABC.10—Organization. The Office of the Deputy Under Secretary for Intergovernmental Affairs is under the direction of and control of the Deputy Under Secretary for Intergovernmental Affairs, who reports directly to the Secretary and Under Secretary.

Section ABC.20—Functions. Deputy Under Secretary for Intergovernmental Affairs:

1. Undertakes a variety of assignments for the Secretary and Under Secretary in the area of intergovernmental affairs. As required, intervenes on behalf of the Secretary or Under Secretary on critical intergovernmental problems which are beyond the authority of the Principal Regional Officials (PRO) or which cross program/agency/department lines.

2. Advises on State and local impact of proposed Departmental action whether in legislation, regulation, or administrative decision.

3. Serves as the point of contact between the Principal Regional Officials and the Secretary and Under Secretary.

4. Responds to Secretarial initiatives having regional, State and local implications by directing the PROs to take specific actions and by advising as to emphasis to be placed on given activities.

5. Ensures a full and timely opportunity for the PROs to contribute to the planning, development and implementation of Department policies. Ensures the effective policy review of the intergovernmental concerns of the Principal Operating Components (POCs) and the regional offices.

6. Resolves intergovernmental problems and situations that cut across the POCs in the regions. Recommends actions to the Secretary and Under Secretary for resolving problems such as in-service and program integration and delivery, and assures appropriate implementation of cross-program policies in the regions.

7. Formulates and recommends Departmental policies on the delivery of services to States and communities. Provides advice on shaping HEW assistance to meet specific needs. Serves as a focal point for coordinated HEW efforts to deal with community problems as a whole.

8. Has primary responsibility to ensure consistency of approach, administration, and action of multiagency programs as they impact on State and local governments. In this regard, provides policy leadership for the Department in several program areas with special intergovernmental focus: e.g., Intergovernmental Personnel Act, Joint Funding and Simplification Act, and Partnership Grant Program.

9. Represents the Secretary and Under Secretary in contacts with officials of other Federal agencies, Congressional committees, Members of Congress, officials of State and local governments, and non-governmental organizations in functions which cut across program lines. Strengthens relationships and collaborates with Governors, their key officials, county and city officials, and others on the effects of national goals and programs in health, education, and welfare.

10. Serves as liaison with the White House on matters of intergonernmental concern through the Assistant to the President for Intergovernmental Affairs.

Section ABC.30—Order of Succession. In the absence or disability of the Deputy Under Secretary for Intergovernmental Affairs, the Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs acts for him. In the absence or disability of both the Deputy Under Secretary and the Special Assistant, the Secretary or Under Secretary will designate the Acting Deputy Under Secretary for Intergovernmental Affairs.

Section ABC.40—Delegation of Authority. [Reserved]

Dated: January 23, 1978.

Approved:

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-2985 Filed 2-2-78; 8:45 am]

[4110-12]

THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women will meet on Tuesday, February 28, 1978 from 2 p.m. to 5 p.m., and from 7 p.m. to 10 p.m., and on Wednesday, March 1, 1978 from 9 a.m. to 3 p.m., in Room 705-A, HEW—Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include work projects and plans for 1978 activities.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: January 30, 1978.

SUSAN C. LUBICK,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 78-2986 Filed 2-2-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14870-B]

ALASKA

Native Claims Selection

On December 5, 1974, Kaktovik Inupiat Corp., for the Native village of Kaktovik, filed selection application F-14870-B under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 638, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Kaktovik area.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title. In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 22,812 acres, is considered proper for acquisition by Kaktovik Inupiat Corp. and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 2 S., R. 24 E.,
Secs. 1 to 24, inclusive, all;
Secs. 29 to 32, inclusive, all. Containing approximately 17,632 acres.
T. 2 S., R. 23 E.,
Secs. 25 to 28, inclusive, all;
Secs. 33 to 36, inclusive, all. Containing approximately 5,120 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14870-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 16 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

b. (EIN 17 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. ch. 2, sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;

4. The terms and conditions of the agreement dated August 6, 1976, between the Secretary of the Interior, Arctic Slope Regional Corp., Kaktovik Inupiat Corp., and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Kaktovik Inupiat Corp., serialized F-14870-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Pursuant to section 14(f) of the Alaska Native Claims Settlement act, conveyance of the subsurface estate of the lands described herein shall be granted to Arctic Slope Regional Corp. when conveyance is granted to Kaktovik Inupiat Corp. for the surface estate, and shall be subject to the same conditions as the surface conveyance. Kaktovik Inupiat Corp. is entitled to conveyance of 92,160 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement act. Upon conveyance of the 22,812 acres described herein, a total of approximately 88,592 acres, of which 65,774 acres lie within the Arctic National Wildlife Range, will have been conveyed to that corporation. The remaining entitlement will be conveyed at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service if this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 6, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

If an appeal is taken, the adverse parties to be served are:

Kaktovik Inupiat Corp., P.O. Box 73, Kaktovik, Alaska 99747.

Arctic Slope Regional Corp., P.O. Box 129, Barrow, Alaska 99723.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-2954 Filed 2-2-78; 8:45 am]

[4310-84]

[F-14834-A]

ALASKA

Native Claims Selection

On December 28, 1973, Atkasook Corp., for the Native village of Atkasook, filed selection application F-14834-A under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Atkasook area.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 2,300 acres, is considered proper for acquisition by Atkasook Corp. and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 13 N., R. 21 W.,
Secs. 19 and 20, those portions of tracts 1 and 2 of ANCSA 3(e) application F-22435 lying therein;
Secs. 29 to 32, inclusive, those portions of tract 2 of ANCSA 3(e) application F-22435 lying therein. Containing approximately 2,300 acres.

Upon conveyance of the above lands, all of sections 19, 20, and 29 through 32 will have been conveyed to Atkasook Corp.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

(1) A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

(2) A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

(3) The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

(4) Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement map in case file F-14834-EE, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 1 C5, D1) An easement for an existing access trail fifty (50) feet in width through village lands to public lands to the north and south. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(b) (EIN 3 C3, C5, D1, D9, L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high-water mark on all banks and an easement on the entire bed of Meade River. Purpose is to provide for public use of waters having highly significant present recreational use.

(c) (EIN 5 C5, D9) An easement for a campsite and a landing site for public access and safety on the site of the existing airstrip at Atkasook. Said easement is to be three thousand (3,000) feet in length and extending two hundred (200) feet northerly of and parallel to the centerline of the existing airstrip, and extending five hundred (500) feet southerly of and parallel to said

centerline. (Total dimensions of the easement are three thousand (3,000) feet by seven hundred (700) feet.)

(d) (EIN 6 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with right to do all things necessary in connection therewith.

(e) (EIN 7 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those protions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

(f) In addition to the foregoing, the United States incorporates by reference the agreement of May 14, 1974, between the United States Department of the Navy, Arctic Slope Regional Corp. and four Arctic Slope village corporations, and reserves those easements necessary to implement said agreement. A copy of the agreement is located in Bureau of Land Management file F-14834-EE.

The grant of lands shall be subject to:

(1) Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

(2) Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 43 U.S.C. ch. 2, sec. 6(g) (1970)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

(3) Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

(4) The terms and conditions of the agreement of August 6, 1976, between the Secretary of the Interior, Arctic Slope Regional Corp., Atkasook Corp., and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in Bureau of Land Management easement case file for Atkasook Corp., serialized F-14834-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Atkasook Corp. is entitled to conveyance of 69,120 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act. Upon conveyance of the 2,300 acres described herein, a total of approximately 68,652 acres, all lying within the National Petroleum Reserve in Alaska (formerly Naval Petroleum Reserve Numbered 4), will have been conveyed to that corporation; the remaining entitlement will be conveyed at a later date. It should be noted that no interim conveyance will be issued to Arctic Slope Regional Corp. for the subsurface estate of the lands herein described, since the lands involved are located within the National Petroleum Reserve in Alaska. Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that when a village corporation selects the surface estate to lands within the National Petroleum Reserve in Alaska, the regional corporation may make in lieu selections of the subsurface estate, in an equal acreage, from other lands withdrawn by subsection 11(a) of the act.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

(1) Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

(2) Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 6, 1978 to file an appeal.

(3) Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501

If an appeal is taken, the adverse parties to be served are: Atkasook Corp., Atkasook/Meade River, Alaska; and Arctic Slope Regional Corp., P.O. Box 129, Barrow, Alaska 99723.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-2952 Filed 2-2-78; 8:45 am]

[4310-84]

ALASKA

Native Claims Selection

On December 12, 1975, Sealaska Corp. filed applications under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 43 U.S.C. 1601), for certain lands in the Tongass National Forest, Alaska. The lands described below are, as of the date of filing, segregated subject to valid existing rights, from all forms of appropriation under the public land laws. The applications cover a portion of the subdivisions described below.

COPPER RIVER MERIDIAN (PROTRACTED)

Serial No.	Description	Approximate acreage
AA-10439	T. 66 S., R. 87 E., in sec. 1.	74
AA-10439	T. 65 S., R. 87 E., in sec. 36.	74
AA-10440	T. 79 S., R. 96 E., in sec. 19.	9
AA-10441	T. 79 S., R. 94 E., in sec. 17.	7
AA-10442	T. 61 S., R. 83 E., in sec. 31.	25
AA-10443	T. 82 S., R. 98 E., in sec. 11.	18
AA-10444	T. 73 S., R. 89 E., in secs. 19 and 24.	17
AA-10445	T. 79 S., R. 96 E., in sec. 5.	20
AA-10446	T. 73 S., R. 84 E., in sec. 12.	12
AA-10447	T. 74 S., R. 86 E., in sec. 31.	5
AA-10448	T. 66 S., R. 86 E., in sec. 24.	3
AA-10449	T. 66 S., R. 86 E., in sec. 24.	3
AA-10450	T. 65 S., R. 85 E., in secs. 17 and 20.	108
AA-10451	T. 82 S., R. 98 E., in sec. 11.	11
AA-10452	T. 79 S., R. 94 E., in sec. 20.	2
AA-10453	T. 66 S., R. 79 E., in sec. 26.	2
AA-10454	T. 81 S., R. 84 E., in sec. 2.	26
AA-10455	T. 70 S., R. 78 E., in sec. 33.	3.5
AA-10456	T. 77 S., R. 85 E., in sec. 5.	0.5
AA-10457	T. 77 S., R. 83 E., in sec. 19.	0.2
AA-10458	T. 77 S., R. 85 E., in secs. 22, 23, 26, and 27.	80
AA-10459	T. 77 S., R. 85 E., in sec. 32.	2
AA-10460	T. 77 S., R. 85 E., in secs. 22 and 27.	13
AA-10461	T. 81 S., R. 84 E., in secs. 1, 2, and 12.	176
AA-10462	T. 83 S., R. 85 E., in sec. 14.	32
AA-10463	T. 70 S., R. 79 E., in sec. 9.	8
AA-10464	T. 68 S., R. 78 E. in sec. 36.	13
AA-10465	T. 80 S., R. 87 E. in sec. 31.	86
AA-10466	T. 80 S., R. 86 E. in secs. 36 and 31.	4.5
AA-10466	T. 80 S., R. 87 E. in secs. 36 and 31.	4.5
AA-10467	T. 81 S., R. 85 E. in secs. 27, 28 and 34.	76
AA-10468	T. 69 S., R. 80 E. in sec. 16.	20
AA-10469	T. 83 S., R. 89 E. in sec. 3.	10

COPPER RIVER MERIDIAN (PROTRACTED)—Continued

Serial No.	Description	Approximate acreage
AA-10470	T. 74 S., R. 76 E. in sec. 14.	14
AA-10471	T. 73 S., R. 78 E. in sec. 7.	5
AA-10472	T. 72 S., R. 78 E. in sec. 11.	26
AA-10473	T. 66 S., R. 77 E. in secs. 14 and 23.	18
AA-10474	T. 66 S., R. 77 E. in sec. 11.	5
AA-10475	T. 66 S., R. 77 E. in sec. 14.	8
AA-10476	T. 70 S., R. 79 E. in sec. 32.	0.5
AA-10477	T. 70 S., R. 79 E. in sec. 29.	3
AA-10478	T. 69 S., R. 79 E. in secs. 13 and 14.	33
AA-10479	T. 62 S., R. 73 E. in sec. 8.	10
AA-10480	T. 60 S., R. 71 E. in sec. 32.	5
AA-10481	T. 58 S., R. 73 E. in sec. 11.	11
AA-10482	T. 62 S., R. 72 E. in secs. 19 and 24.	31
AA-10483	T. 57 S., R. 71 E. in secs. 15 and 16.	9
AA-10484	T. 58 S., R. 63 E. in sec. 17.	14
AA-10485	T. 57 S., R. 73 E. in secs. 14 and 23.	3
AA-10486	T. 49 S., R. 62 E. in secs. 14 and 15.	10
AA-10487	T. 57 S., R. 71 E. in sec. 18.	1
AA-10488	T. 60 S., R. 65 E. in sec. 4.	9
AA-10489	T. 51 S., R. 59 E. in sec. 5.	19
AA-10490	T. 49 S., R. 58 E. in sec. 10.	3
AA-10491	T. 54 S., R. 63 E. in secs. 17 and 18.	15
AA-10492	T. 49 S., R. 58 E. in sec. 8.	2
AA-10493	T. 57 S., R. 71 E. in secs. 23 and 24.	9
AA-10494	T. 64 S., R. 72 E. in sec. 30.	13
AA-10495	T. 57 S., R. 64 E. in sec. 35.	8
AA-10496	T. 58 S., R. 69 E. in sec. 11.	7
AA-10497	T. 57 S., R. 71 E. in secs. 16 and 21.	32
AA-10498	T. 53 S., R. 60 E. in sec. 2.	28
AA-10499	T. 58 S., R. 71 E. in sec. 19.	1
AA-10500	T. 52 S., R. 60 E. in sec. 26.	2
AA-10501	T. 62 S., R. 72 E. in sec. 36.	2
AA-10502	T. 49 S., R. 58 E. in sec. 22.	7
AA-10503	T. 40 S., R. 65 E. in sec. 29.	14
AA-10504	T. 48 S., R. 65 E. in sec. 31.	9
AA-10505	T. 36 S., R. 63 E. in sec. 20.	7
AA-10506	T. 52 S., R. 68 E. in sec. 29.	10
AA-10507	T. 54 S., R. 68 E. in sec. 6.	6
AA-10508	T. 29 S., R. 58 E. in secs. 24 and 25.	79
AA-10508	T. 29 S., R. 59 E. in sec. 30.	
AA-10509	T. 30 S., R. 58 E. in sec. 14.	4
AA-10510	T. 27 S., R. 59 E. in sec. 27.	10
AA-10511	T. 39 S., R. 69 E. in sec. 24.	22

COPPER RIVER MERIDIAN (PROTRACTED)—Continued

Serial No.	Description	Approximate acreage
AA-10512	T. 29 S., R. 59 E. in sec. 30.	7
AA-10513	T. 51 S., R. 66 E. in sec. 7.	9
AA-10514	T. 47 S., R. 73 E. in sec. 26.	5
AA-10515	T. 50 S., R. 65 E. in sec. 22.	16
AA-10517	T. 48 S., R. 74 E., in secs. 29, 30, 31 and 32.	10
AA-10518	T. 42 S., R. 69 E., in sec. 19.	11
AA-10519	T. 52 S., R. 68 E., in secs. 29 and 30.	44
AA-10520	T. 53 S., R. 68 E., in sec. 21.	35
AA-10521	T. 30 S., R. 59 E., in sec. 29.	40
AA-10521	T. 30 S., R. 59 E., in secs. 19 and 20.	40
AA-10522	T. 42 S., R. 66 E., in secs. 2 and 35.	15
AA-10523	T. 42 S., R. 63 E., in sec. 20.	1
AA-10524	T. 42 S., R. 62 E., in sec. 9.	2
AA-10525	T. 42 S., R. 62 E., in sec. 14.	11
AA-10526	T. 44 S., R. 54 E., in sec. 35.	2.5
AA-10527	T. 42 S., R. 63 E., in sec. 16.	3
AA-10528	T. 42 S., R. 62 E., in sec. 8.	12
AA-10529	T. 23 S., R. 34 E., in sec. 21.	27
AA-10530	T. 32 S., R. 40 E., in sec. 11.	195
AA-10531	T. 22 S., R. 23 E., in secs. 20 and 29.	20
AA-10532	T. 25 S., R. 35 E., in sec. 31.	26
AA-10533	T. 25 S., R. 35 E., in sec. 29.	3
AA-10534	T. 28 S., R. 34 E., in secs. 23 and 26.	50

In accordance with Departmental regulation 43 CFR 2653.5(h), notice of these selections is being published once in the FEDERAL REGISTER and once a week for three (3) consecutive weeks, in the Southeast Alaska Empire, Juneau. Any party claiming a property interest in the selected lands may file their protest with the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. All protests must be filed on or before March 6, 1978.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-2952 Filed 2-2-78; 8:45 am]

[4310-84]

[Serial No. A 7950]

ARIZONA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal, as Modified; Correction

In the December 22, 1977 FEDERAL REGISTER vol. 42, pages 64148-64149, Document No. 77-36430, the legal description in the New Water Mountain Area described as T. 4 N., R. *14* W., is corrected to read T. 4 N., R. *16* W.

Dated: January 26, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-2961 Filed 2-2-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Executive Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Tex. 78744.

The applicant requests a permit to conduct scientific research on the endangered species found to inhabit the state and Gulf coast of Texas. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1866. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 78-3012 Filed 2-2-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Lilburn Randolph Shaw, General Delivery, Buford, Wy. 82052.

The applicant requests a permit to capture one immature peregrine falcon (*Falco peregrinus tundrius*) per year for hand raising and eventual release to the wild in order to enhance survival of the species.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1861. Interested

persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3010 Filed 2-2-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Notice of receipt of Application

Applicant: Steven D. Rebuck, Box 24, Star Route, Dornsife, Pa. 17823.

The applicant wishes to apply for a captive self-sustaining population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR section 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1778. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3011 Filed 2-2-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Notice of Receipt of Application

Applicant: W. E. Arrington, Inc., P.O. Box 881, Idaho Falls, Idaho 83401.

The applicant wishes to apply for a captive self-sustaining population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR section 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1816. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3009 Filed 2-2-78; 8:45 am]

[4310-31]

Geological Survey

SAFETY AND POLLUTION-PREVENTION STANDARDS PROGRAM

The comment period is extended to March 3, 1978, for the proposal that the U.S. Geological Survey adopt ANSI/ASME Generic Quality Assurance and Laboratory Accreditation Standards OCS-1-1977 and OCS-2-1977.

Several requests have been received to extend the February 2, 1978, due date for written comments on the proposed adoption of the above Standards as published in the FEDERAL REGISTER on January 3, 1978 (vol. 43, No. 1, FR 39).

In consideration of these requests and the relatively short comment period of the original Notice, the Geological Survey hereby extends the comment period to March 3, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-3130 Filed 2-2-78; 8:45 am]

[4310-70]

National Park Service

BIG THICKET NATIONAL PRESERVE, TEX.

Availability of Proposed Plan for Visitor Use and General Development Negative Declaration

Proposals for the visitor use and general development of the Big Thicket National Preserve were outlined in a Workbook of Alternatives and discussed at four public workshops April 19 through 22, 1976, then further refined and presented in a Proposal/Assessment widely distributed and available for review and comment from January 24 to March 31, 1977.

The National Park Service has now prepared a plan which considers the past public involvement and review input and which is based on a sound planning process rationale. The plan is designed to implement measures soon that will serve both long and short-term needs in preserving and protecting the fragile and widely scattered Preserve resources and at the same time provide for visitor use and enjoyment of the Preserve lands.

The plan describes locations for district offices and a visitor center/headquarters. It also lists the visitor use facilities proposed for each of the 12 units of the Preserve. An Analysis of Public comments received is included as Appendix A and proposed Special Regulations for the Preserve are Appendix B.

Copies of the plan will be sent to all persons, agencies and organizations that commented on the Proposal/Assessment and are available at the following locations: Big Thicket National Preserve, 6725 Eastex Freeway, P.O. Box 7408, Beaumont, Tex. 77706; Southwest Regional Office, National Park Service, 1100 Old Santa Fee Trail, P.O. Box 728, Santa Fe, New Mexico 87501; and National Park Service, Room 10-G-3, Fritz G. Lanham Federal Center, 819 Tayler Street, Fort Worth, Tex. 76102. Copies of the Proposal/Assessment are also still available at the above locations.

It is the conclusion of the National Park Service that the plan outlined is not a major Federal action that will significantly affect the environment and the controversiality of the issues has been mitigated through adjustments to the plan. It is also determined that the minor changes in the plan that were not described in the Proposal/Assessment do not require a revision in the Proposal/Assessment. More detailed plans and specifications will be prepared and the plan will be implemented as soon as possible. No environmental statement will be prepared. Anyone wishing to comment on the plan or on the proposed Special Regulations should address them to the Superintendent at the Beaumont address on or before March 6, 1978.

Dated: January 23, 1978.

JOHN E. COOK,
Regional Director Southwest
Region, National Park Service.

[FR Doc. 78-2983 Filed 2-2-78; 8:45 am]

[4310-70]

[Order No. 1, Amdt. No. 1]

PROCUREMENT SPECIALIST, BOSTON NATIONAL HISTORICAL PARK

Delegation of Authority Regarding Execution of Contracts and Purchase Orders

2. Procurement Specialist. The Procurement Specialist, Boston National Historical Park may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment or services, excluding construction, in conformance with applicable regulations and statutory authority and sub-

ject to availability of appropriated funds. This authority may be exercised by the Procurement Specialist, in behalf of any area administered by the Superintendent, Boston National Historical Park.

(National Park Service Order No. 77 (38 FR 7478) as amended: North Atlantic Region Order No. 2 (77 FR 15330): Boston National Historical Park Order No. 1 (76 FR 35160).)

Dated: December 20, 1977.

HUGH D. GURNEY,
Superintendent,
Boston National Historical Park.

[FR Doc. 78-2981 Filed 2-2-78; 8:45 am]

[4310-70]

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10 a.m. on Thursday, February 23, 1978, at Federal Hall, 26 Wall Street, New York, N.Y. The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The members of the Commission are:

Marian Heiskell, Chairlady, New York, N.Y.
Archibald S. Alexander, Bernardsville, N.J.
John F. Haggerty, Forest Hills, N.Y.
Orin Lehman, New York, N.Y.
Gordon N. Litwin, Little Silver, N.J.
Terrence D. Moore, Newark, N.J.
Sheldon Pollack, New York, N.Y.
Barbara Reach, New York, N.Y.
Richard J. Sullivan, Hoboken, N.J.
Nathaniel Washington, Newark, N.J.
Joseph B. Williams, Brooklyn, N.Y.

The matters to be discussed at this meeting include: 1. Superintendent's report on General Administrative and Management matters.

2. Reports by standing Advisory Commission Sub-Committees.

3. Narrative of events and actions regarding storm damage at Sandy Hook Unit.

4. Assistant Superintendent, Co-op Activities report on the status and future of YACC and Job Corps programs at Gateway National Recreation Area.

5. Presentation by Harpers Ferry Center on the draft Interpretive Prospectus Plan.

6. New business.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any members 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 Herbert Cables, Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, N.Y. 11234, Area Code 212-252-9150. Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: January 26, 1978.

HERBERT S. CABLES, Jr.
Superintendent.

[FR Doc. 78-2984 Filed 2-2-78; 8:45 am]

[4310-70]

HERBERT HOOVER NATIONAL HISTORIC SITE, IOWA

Boundary Clarification

There appeared in the FEDERAL REGISTER in Vol. 37, No. 160 on Thursday, August 17, 1972, a Notice of the Establishment of the Herbert Hoover National Historic Site. In that notice the area established was depicted on map numbered 43220.001C dated October, 1971, which map is on file in the administrative offices for the Herbert Hoover National Historic Site and in the offices of the National Park Service, Department of the Interior, Washington, D.C.

The exact boundaries of the area set out in map numbered 43220.001C have caused some problems in clarification.

Now, therefore, in order to clarify the authorized boundaries of the Herbert Hoover National Historic Site, the following description is published:

A portion of land in Sections 7 and 8, T 79 N, R 4 W of the 5th Prime Meridian, in Cedar County, in the state of Iowa, more particularly described as follows:

Commencing at a brass cap in concrete at the intersection of the centerlines of Main and Downey Streets, in the City of West Branch, Iowa, which marks the northwest corner of said Section 8; thence S 0°53'02" E, 119.70 feet along the centerline of Downey Street to the point of beginning; thence N 86°07'40" E, 33.05 feet to a point in the east right-of-way line of Downey Street marked by a standard NPS brass cap in concrete stamped BDY-31; thence N 89°05'46" E, 111.92 feet to a standard NPS aluminum monument stamped BDY-32; thence N 0°53'02" W, 85.00 feet to a point in the south right-of-way line of Main Street marked by a standard NPS brass cap in a concrete sidewalk, stamped BDY-33; thence N 89°05'46" E, 551.73 feet along said south right-of-way line of Main Street to a point in the east right-of-way line of Second Street marked by a standard NPS aluminum monument stamped BDY-1; thence S 1°00'56" E, 645.57 feet along the east right-of-way line of Second Street to a standard aluminum monument stamped BDY-2; thence S 88°58'27" W, 161.85 feet crossing Second Street and along the lot line between lots G and F, Block 3, Cameron Addition to the city of West Branch, to the northwest corner of Lot F marked by a standard NPS aluminum monument stamped BDY-3; thence S 1°00'56" E, 109.99 feet along the west line of said lot F to its southwest corner marked by a standard NPS aluminum monument stamped BDY-4; thence S 88°58'27" W, 205.57 feet along the south line of lot B, of said Block 3, marked by a standard NPS aluminum monument stamped BDY-5; thence S 0°52'45" E, 165.00 feet to a standard NPS aluminum monument stamped BDY-6; thence S 89°00'48" W, 8.91 feet to a standard NPS aluminum monument stamped BDY-7; thence S 0°56'55" E, 250.49 feet to a point in the centerline of First Street marked by a standard NPS brass cap in concrete stamped BDY-8; thence S 89°05'03" W, 157.35 feet along the lot line between lots 4 and 5, Block 31, Cameron Addition to the City of West Branch, to a standard NPS aluminum monument stamped BDY-9; thence S 0°53'00" E, 433.32 feet to a standard NPS aluminum monument stamped BDY-10; thence S 89°24'22" W, 164.99 feet to a point in the centerline of Downey Street which lies S 0°53'02" E, 1637.28 feet from said northwest corner of Section 8; thence continuing S 89°24'22" W, 65.00 feet to a standard NPS aluminum monument stamped BDY-11; thence S 0°56'16" E, 286.09 feet to a standard Iowa Department of Transportation iron rail marking the right-of-way line of Freeway I-80; thence S 28°53'30" W, 90.20 feet to a standard Iowa D.O.T. iron rail marking said right-of-way line; thence S 44°31'51" W, 520.75 feet to a standard Iowa D.O.T. iron rail marking said right-of-way line; thence Southwesterly 321.15 feet along a non-tangent curve concave northwesterly in said right-of-way line having a radius of 683.96 feet, through a central angle of 26°54'10", to a standard Iowa D.O.T. iron rail; thence S 86°37'27" W, 1029.44 feet along said non-tangent right-of-way line to a standard Iowa D.O.T. iron rail; thence westerly 751.78 feet along a non-tangent curve concave northerly in said right-of-way line having a radius of 5569.69 feet, through a central angle of 7°44'01", to a standard Iowa D.O.T. iron rail; thence N 84°20'12" W, 114.76 feet to a point in said non-tangent right-of-way line which lies N 0°57'32" W, 228.10 feet from the center of said Section 7; thence continuing N 84°20'12" W, 383.18 feet along said right-of-way line to a standard Iowa D.O.T. iron rail; thence westerly 312.69 feet along a non-tangent curve concave northerly in said right-of-way line having a radius of 5589.69 feet, through a central angle of 3°12'19", to a point from which a radial line bears N 13°51'25" E; thence N 0°57'32" W, 0.69 feet to a standard NPS aluminum monument stamped BDY-19; thence continuing N 0°57'32" W, 968.48 feet to a standard NPS aluminum monument stamped BDY-POL; thence continuing N 0°57'32" W, 1358.26 feet to a standard NPS aluminum monument stamped BDY-20; thence continuing N 0°57'32" W, 5.51 feet to a point in the southerly right-of-way line of State Highway No. 1; thence N 87°08'43" E, 571.43 feet along said southerly right-of-way line of State Highway No 1 to a standard Iowa D.O.T. iron rail; thence continuing N 87°08'43" E, 113.88 feet along said right-of-way line to a point which lies

N 0°57'32" W, 44.84 feet from a standard NPS aluminum monument stamped BDY-21; thence N 88°27'16" E, 505.10 feet to a point which lies S 38°19'53" E, 2.18 feet from a standard NPS aluminum monument stamped BDY-22; thence S 38°14'26" E, 467.10 feet (through a ⅝" iron rod at 385.43 feet) to a standard NPS aluminum monument stamped BDY-23; thence N 87°21'51" E, 571.92 feet to a 3"x6" white stone buried 3 inches below ground; thence N 86°38'04" E, 290.73 feet to a standard NPS aluminum monument stamped BDY-25; thence N 86°57'34" E, 577.81 feet to a standard NPS aluminum monument stamped BDY-26 at the southwest corner of Block 45 of Steers Plat; thence N 1°15'03" W, 230.38 feet along the west line of said Block 45 to its northwest corner, marked by a standard NPS brass cap in concrete stamped BDY-27; thence N 88°30'53" E, 151.99 feet along the north line of said Block 45 to its northeast corner, marked by a standard NPS brass cap in concrete stamped BDY-28; thence N 64°33'17" E, 37.07 feet to a point in the back of curb line projected westerly, marked by a standard NPS brass cap in concrete stamped BDY-29; thence N 88°30'51" E, 202.99 feet along the back of curb on the north side of Wetherell Street to a point in the west right-of-way line of Downey Street marked by a standard brass cap in concrete stamped BDY-30; thence N 86°07'40" E, 33.04 feet to the point of beginning.

Dated: January 25, 1978.

WILLIAM J. WHALEN,
Director.

[FR Doc. 78-2982 Filed 2-2-78; 8:45 am]

[4310-70]

MINING PLAN OF OPERATION AT GLEN CANYON NATIONAL RECREATION AREA

Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of section 9.17 of 36 CFR Part 9, K. D. & R., Inc., has filed a plan of operations in support of proposed mining activities on lands embraced by mining claim locations within the Glen Canyon National Recreation Area. This plan is available for public inspection during normal business hours at the Glen Canyon National Recreation Area Headquarters, 333 North Navajo, Page, Ariz.

Dated: January 9, 1978.

TEMPLE A. REYNOLDS,
Superintendent, Glen Canyon National Recreation Area.

[FR Doc. 78-2978 Filed 2-2-78; 8:45 am]

[4310-70]

[Order No. 4]

REDWOOD NATIONAL PARK, ADMINISTRATIVE OFFICER AND PROCUREMENT ASSISTANT

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

SECTION 1. *Administrative officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriated funds.

SEC. 2. *Purchasing agent.* The purchasing agent may execute and approve contracts not in excess of $10,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriated funds.

SEC. 3. *Revocations.* This order supersedes Order No. 2, as published in Vol. 37 FR 125, dated June 11, 1972.

(National Park Service Order No. 77 (38 FR 7478) dated March 22, 1973, as amended; Order No. 7 (37 FR 6326) dated March 28, 1972, as amended; Order No. 3 (40 FR 230) dated November 28, 1975, as amended.)

Dated: December 21, 1977.

GEORGE VONDER LIPPE,
Superintendent, Redwood National Park.

Dated: January 6, 1978.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

[FR Doc. 78-2980 Filed 2-2-78; 8:45 am]

[4310-70]

[Order No. 1, Amdt. 5]

SUPERINTENDENTS, ET AL., ROCKY MOUNTAIN REGION

Delegation of Authority

Rocky Mountain Region Order No. 1, approved February 27, 1974, and published in the FEDERAL REGISTER of April 5, 1974 (39 FR 12369), as amended, sets forth in section 1 exceptions and restrictions on the authority delegated to Superintendents. This amendment adds paragraph (o) to read as follows:

SECTION 1. *Superintendents* * * * (o) Authority for assignment of incidental pilots.

Section 2 sets forth limitations on redelegations of authority. This amendment changes Section 2, paragraphs (c), (d), (e), and (g) to read as follows:

SEC. 2. *Delegation* * * * (c) *Regional chief, branch of contracting.* The regional chief, branch of contracting may execute, approve, and administer contracts not in excess of $200,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the regional chief, branch of contracting in behalf of any office or area for which the Rocky Mountain regional office serves as the field finance office.

(d) *Regional contract specialist.* The regional contract specialist may execute, approve and administer contracts not in excess of $100,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Regional Contract Specialist in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(e) *Regional purchasing agents.* The regional purchasing agents may execute, approve and administer contracts not in excess of $50,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Regional Purchasing Agents in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(g) *Field land acquisition officers.* Field land acquisition officers and inholding realty specialists are authorized to execute the land acquisition program in their assigned area, including contracting for acquisition of lands and related property and acceptance of offers to sell to or exchange with the United States, land or interest in lands, when the amount does not exceed $250,000, and to approve claims for reimbursement under Pub. L. 91-646 when the amount does not exceed $5,000. Said authority will be exercised in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (33 FR 7478) as amended.)

Dated: November 29, 1977.

GLEN T. BEAN,
Acting Regional Director, Rocky Mountain Region.

[FR Doc. 78-2979 Filed 2-2-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation 337-TA-39]

CERTAIN LUGGAGE PRODUCTS

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in con-

nection with the above styled investigation at 10 a.m. on February 16, 1978, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. On or before February 14, 1978, the parties will have completed service of prehearing statements by order of the Presiding Officer. The purpose of this prehearing conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing on complainant's temporary exclusion order request in this proceeding will commence at 10 a.m. on February 21, 1978, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this notice upon all parties of record, and shall publish this notice in the FEDERAL REGISTER.

Issued January 27, 1978.

DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-3048 Filed 2-2-78; 8:45 am].

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

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 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate, or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of January 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JANUARY 27, 1978

Name of Applicant and Location of Enterprise	Principal Product or Activity
Sunshine Management, Chico, Calif.	Prepared food.
HMC Corp., Contoocook, N.H.	Sales and manufacture of sawmill machinery parts.
Retail Delivery Service, Inc., Dover, N.J.	Provide consolidated package delivery.
Simonton's Aluminum Products Co., Pennsboro, W. Va.	Manufacture of aluminum thermal windows, doors and carports.
Arthur E. and Shirley L. Thomas, Selinsgrove, Pa.	Producer of boneless beef, primal cuts, bolognas, sausages, and carcass beef.
Park Center, Inc., Rainelle, W. Va.	Lease of rental property.
Kimba, Inc., Lansing, W. Va.	Motel.
Wheeling-Pittsburg Steel Corp.	Manufacture of tie plates, rail sections, and beam sections.
Brier Motor Inn, Inc., Lewisburg, W. Va.	Motel and restaurant complex.
Seymour R. and Bernard Kaplan, Montgomery County, Pa.	Nursing home.
Mountaineer Crawler Service, Inc., Lanark, W. Va.	Repair of tracks and undercarriages of crawler equipment and parts.
Skyling, Ltd.(tenant of town of Heath Springs) Heath Springs, S.C.	Manufacture of children's outwear.
Dickerson Stores, Inc., Cochran, Ga.	Retailer of hardware.
ICF Corp., Fort Pierce, Fla..	Manufacture of sweater yarns.
Russell Oil Company, Inc., Booneville, Miss..	Bulk oil distributor.
E-Z Lounger, Inc., Booneville, Miss..	Furniture store.
Middle South Wood Preserving Co., Inc., Learned, Miss.	Treating of railroad crossties.
Gulf View Haven, Inc., Bay St. Louis, Miss.	Intermediate nursing service.
Dixie Ag Services, Inc., Rolling Fork and Valley Park, Miss.	Sales of tractors, parts, and farm supplies.
Formby's Refinishing Products, Inc., Olive Branch, Miss.	Manufacture and distribution of furniture care products, such as refinisher, paint remover, tung oil varnish, furniture cleaner, etc.
J. C. Long Fruit Co., Haines City, Fla.	Packaging of fresh fruit and produce.
West Kentucky Development, Inc., Murray, Ky.	Campground and related facilities.
Drexwell W. Henry, Cumberland, Ky.	Supermarket.
Oconomowoc Canning Co., Oconomowoc, Cobb, DeForest, Waunakee, Merrill, Poynette, Sun Prairie, Wis.	Processor of vegetables.
Stanley Harding, Jr., New Castle, Ind.	Saw mill and manufacture of prefabricated modular homes.
Zeigler Building Materials, Inc., Batesville, Ind.	Retail sale of lumber and building materials.
Barbara Ann Brunt, Monroe, Wis.	Community shopping center.
Coyote Truck Line, Inc., Westfield, Ind.	Transport of freight.
Pioneer Properties, Inc., Plover, Wis.	Motel.
Village Green Homes, Inc., Etna Green, Ind.	Manufacture of modulo homes and offices.
Snapp Electric Inc., Schofield, Wis.	Engineering and motor repair services and sales of new motors, lamps and supplies.
Holcomb Farm Center, Inc., Holcomb, Ill.	Processing and distribution of grain.
Walnut Grain Co., Walnut, Ill.	Drying and storage of grains.
Voyageur Hills Inn., Reddsburg, Wis.	Motel and restaurant.
Delawter Equipment, Rochester, Ind.	Sales of lawn, garden, farm equipment.
C. B. S. Homes (tenant of city of La Crescent), La Crescent, Minn.	Component-home manufacturing.
Bake-Rite Baking Co., Plover, Wis.	Manufacture of bakery products.
Marlin Mills, Inc., Marlin, Tex.	Manufacture of carpets and rugs.

Name of Applicant and Location of Enterprise	Principal Product or Activity
K. S.-H. Enterprises, Inc., Newport, Ark.	Rice drying and storage, fertilizer sales, soybean storage, and rice marketing.
Atkins Pickle Co., Inc., Atkings, Ark.	Storage and packing pickled vegetables.
Lortscher Agri Service, Inc., Bern, Kan.	Manufacture of prepared animal feed.
Charles M. Mitchell, Sikeston, Mo.	Developing, building and selling homes to moderate income families and a general real estate brokerage.
Indian Hills Health Center, Inc. of Cameron, Cameron Mo.	Nursing home.
Weld County Air Services, Inc., Greeley, Colo.	Aircraft maintenance and service.
A-Basin, Inc., Dillon, Colo.	Ski area and related facilities.
Mandan Super 8, Mandan, N. Dak.	Motel.
Hillside Community Hospital of Ukiah, Ukiah, Calif.	Hospital services.
Reservation Ranch, Kerby and Grants Pass, Oreg.	Manufacture of rough and surface lumber.

[FR Doc. 78-2885 Filed 2-2-78; 8:45 am]

[4510-30]

FEDERAL-STATE EXTENDED BENEFITS

Supplemental Notice on Michigan

A notice published in the FEDERAL REGISTER on Friday, January 27, 1978 (43 FR 3773), announced the National "off" indicator for extended benefit periods in the States, and the ending of extended benefit periods in all but 10 States, effective on January 28, 1978. On the basis of data received later from the State of Michigan it has been determined that that State also will continue to have an extended benefit period remaining in effect after January 28, 1978, and that extended benefit periods will therefore end in all but 11 States on that date.

Therefore, supplementing the notice proviously published, extended benefit periods will continue in effect after January 28, 1978, in the States of Alaska, Hawaii, Maine, Michigan, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Washington.

Signed at Washington, D. C., on January 30, 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-3050 Filed 2-2-78; 8:45 am]

[4510-28]

Office of the Secretary

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 12th day of January 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bond Stores, Inc. (workers)	New Brunswick, N.J.	Dec. 22, 1977	Dec. 20, 1977	TA-W-2,919	Men's apparel.
Byron Clothing Mfg. Co., Inc. (workers).	Somerville, Mass	Dec. 27, 1977	Dec. 19, 1977	TA-W-2,920	Men's coats, suits, jackets and rainwear.
Eagle Clothes, Inc. (Window Trimmers & Helpers Union).	Brooklyn, N.Y.	Dec. 20, 1977	Dec. 15, 1977	TA-W-2,921	Men's suits, sportcoats, and slacks.
Embassy Apparel, Inc. (ILGWU).	Glen Falls, N.Y.	Dec. 29, 1977	Dec. 20, 1977	TA-W-2,922	Single-needle men's and ladies' shirts.
Fabric Fire Hose Co. (workers).	Sandy Hook, Conn	Dec. 27, 1977	Dec. 19, 1977	TA-W-2,923	Plastic, rubber and fabric covered fire hoses.
Great Bay Sportswear, Inc. (ILGWU).	Camden, N.J.	Dec. 29, 1977	Dec. 22, 1977	TA-W-2,924	Women's sportswear.
Howard-Ripley Clothes Corp. (Window Trimmers & Helpers Union).	Brooklyn, N.Y.	Dec. 20, 1977	Dec. 15, 1977	TA-W-2,925	Men's suits, sportcoats and trousers.
McKeesport Connecting RR. (United Transportation Union).	McKeesport, Pa	do	do	TA-W-2,926	Transports raw materials into and within the National Tube Works of U.S. Steel Corp.
Nelly Don, Inc. (workers) Nevada plant.	Nevada, Mo	Dec. 29, 1977	Dec. 10, 1977	TA-W-2,927	Women's apparel.
Uniroyal Tire Co., Division of Uniroyal, Inc. (URW).	Los Angeles, Calif	Dec. 27, 1977	Dec. 22, 1977	TA-W-2,928	Radial passenger cars and trucks tires.
Vapor Lite Laboratories (workers).	Woburn, Mass	Dec. 30, 1977	Dec. 28, 1977	TA-W-2,929	Glass bushings, bulbs, and beads used in microwave ovens.
Vi-Mil, Inc. (workers)	East Boston, Mass	Dec. 22, 1977	Dec. 19, 1977	TA-W-2,930	Military outer clothing.
Wabash Transformer Division of Wabash Inc. (workers).	Farmington, MO	Dec. 27, 1977	Dec. 20, 1977	TA-W-2,931	Television transformers exclusively for Zenith Television.
Wheeling-Pittsburgh Steel Corp. (workers).	Louisville, Ky	do	Dec. 22, 1977	TA-W-2,932	District sales office.

[FR Doc. 78-2642 Filed 2-2-78; 8:45 am]

[4510-28]

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of January 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date recieved	Date of petition	Petition No.	Articles produced
Interlake, Inc., Riverdale plant (USWA).	Riverdale, Ill	Dec. 19, 1977	Dec. 19, 1977	TA-W-2,933	Flat rolled products and packaging materials and all other steel products.
Interlake, Inc., Newport Works (USWA).	Newport and Wilder, Ky	do	do	TA-W-2,934	All flat rolled products and all steel products.
Oregon Steel Mills, Division of Gilmore Steel Corporation (USWA).	Portland, Oreg	Dec. 8, 1977	Dec. 6, 1977	TA-W-2,935	Steel plate.
Republic Steel Corp., Mahoning Valley District (USWA).	Yougstown, Ohio	Dec. 19, 1977	Dec. 15, 1977	TA-W-2,936	Carbon steel bars and all other steel products.
U.S. Steel Corporation, Gary Works (workers).	Gary, Ind	Dec. 20, 1977	Dec. 17, 1977	TA-W-2,937	Industrial engineering of steel products.
Wheeling-Pittsburgh Steel Corp., Wheeling Fabricating Plant.	Wheeling, W.Va	Dec. 22, 1977	Dec. 19, 1977	TA-W-2,938	Structural steel framing and utility buildings.

[FR Doc. 78-2646 Filed 2-2-78; 8:45 am]

[4510-28]

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 23d day of January 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp. (workers).	Cambridge, Mass	Jan. 3, 1978	Dec. 29, 1977	TA-W-2,939	Steel reinforcing bars.
Bloomsburg Mills, Inc., (company), Lock Haven plant.	Lock Haven, Pa	do	Dec. 27, 1977	TA-W-2,940	Woven apparel fabrics.
Consolidated Rail Corp., Martinsferry yard office (workers).	Martinsferry, Ohio	do	Dec. 28, 1977	TA-W-2,941	Transports steel freight from Wheeling-Pittsburgh plants nearby.
Dorado Fabrics, Inc. (workers).	Philadelphia, Pa	do	Dec. 29, 1977	TA-W-2,942	Doubleknit fabrics.
GAF Corp., Felt Products Chemical Group, Franklin plant (workers).	Franklin, Mass	Dec. 29, 1977	Dec. 22, 1977	TA-W-2,943	Pressed felt for consumer and industiral uses.
Leemar Corp. (ILGWU)	Camden, N.J	do	do	TA-W-2,944	Dresses and ladies' sportswear.
Malden Knitting Mills, Inc. (workers).	Malden, Mass	Jan. 9, 1978	Jan. 4, 1978	TA-W-2,945	Men's sweaters.
Northern Engineering Laboratories (workers).	Burlington, Wis	Jan. 5, 1978	Dec. 31, 1977	TA-W-2,946	Quartz crystal units.

[FR Doc.78-2647 Filed 2-2-78;8:45 am]

[4510-27]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners, and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Bob Evans of Kentucky, Inc., Burkesville, Ky.; 10-30-77 to 10-29-78 (women's uniforms).

Continental Apparel Mfg. Co., Inc., DeFuniak Springs, Fla.; 10-24-77 to 10-23-78 (ladies' pants and blouses).

Crane Mfg. Co., Marionville, Mo.; 12-27-77 to 12-26-78 (ladies' and men's jeans).

Elder Mfg. Co., Webb City, Mo.; 10-31-77 to 10-30-78 (men's and boys' shirts).

R. Fox, Ltd., Belleville, Ill.; 11-28-77 to 11-27-78 (men's slacks).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-77 to 12-18-78 (men's and boys' shirts).

McCreary Mfg. Co., Stearns, Ky.; 12-8-77 to 12-7-78 (men's shirts).

Monticello Mfg. Co., Inc., Monticello, Ky.; 12-8-77 to 12-7-78 (men's and boys' shirts).

Rector Sportswear Corp., Rector, Ark.; 11-15-77 to 11-14-78 (men's pants).

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, La.; 10-12-77 to 10-11-78 (men's shirts and pants).

Saxon Trouser Mfg. Co., Scranton, Pa.; 9-25-77 to 9-24-78 (men's pants).

Stapleton Garment Co., Inc., Stapleton, Ga.; 9-23-77 to 9-22-78 (men's and boys' pants).

Sullcraft Mfg. Co., Inc., Dushore, Pa.; 10-25-77 to 10-24-78; 10 learners (men's and boys' pajamas).

Toll-Gate Garment Corp., Hamilton, Ala.; 10-13-77 to 10-12-78 (men's shirts).

Wyoming Valley Garment Co., Wilkes-Barre, Pa.; 11-8-77 to 11-7-78; 10 learners (men's pants).

The following new plants were issued certificates authorizing the number of learners indicated.

Limestone Clothing Corp., Limestone, Tenn.; 10-3-77 to 4-2-78; 15 learners for new plant (men's and women's pants).

Limestone Clothing Corp., Unicoi, Tenn.; 10-3-77 to 4-2-78; 15 learners for new plant (men's and women's pants).

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 and amended).

Junior Form Lingerie Corp., Boswell, Pa.; 10-11-77 to 10-10-78; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear and sleepwear).

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, Mo.; 11-8-77 to 11-7-78; 5 learners for normal labor turnover purposes (work gloves).

Each learner certificate has been issued upon the representations of the

employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before February 21, 1978.

Signed at Washington, D.C., this 31st day of January 1978.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc. 78-3049 Filed 2-2-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-4)]

NASA AEROSPACE SAFETY ADVISORY PANEL

Meeting

The Aerospace Safety Advisory Panel will meet on February 21, 1978, in Room 7002, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. The Panel will meet for administrative and housekeeping purposes to develop the years work plan and the individual areas of responsibility. The meeting is open to the public and will begin at 9 a.m. and continue until the task is completed. The seating capacity of the room is about 40 persons, including members and other participants. Visitors will be requested to sign a visitor's register.

The Panel is chartered by Congress "to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request."

Pursuant to carrying out its statutory duties, the Panel reviews, evaluates, and advises on those program activities, systems, procedures, and management policies that contribute to risk and provide identification and assessment of these for management. Priority is given to those programs that involve the safety of manned flight.

Chairman of the Panel is Mr. Herbert Grier. The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue SW., Washington, D.C. 20546. Phone: 202-755-8436.

KENNETH R. CHAPMAN,
Associate Administrator for External Relations.

JANUARY 31, 1978.

[FR Doc. 78-3007 Filed 2-2-78; 8:45 am]

[7532-01]

NATIONAL COMMISSION ON NEIGHBORHOODS

MEETING

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: 8 p.m. (eastern standard time) on Friday, February 17, 1978 and 9 a.m. (eastern standard time) on Saturday, February 18, 1978.

PLACE: (February 17 meeting) Bond Court Hotel, 777 St. Clair Avenue, Cleveland, Ohio, (February 18 meeting) Catholic Center, 1033 Superior Avenue, Cleveland, Ohio.

AGENDA:

February 17 Meeting:

1. Task Forces meet;
2. Task Forces report to Commission;
3. Staff Director's report; discussion of future field visits; and
4. General discussion.

—February 18 Meeting:

1. Testimony by invited witnesses from community organizations, private sector, and local government; and
2. Open microphone period for comments from the audience.

STATUS: Open to the public.

CONTACT PERSON: Ms. Frances Phipps, Deputy Director, 202-632-5200.

JONATHAN STEIN,
Administrative Officer.

[FR Doc. 78-3125 Filed 2-2-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS ADVISORY PANEL

Amended Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the meeting of the Visual Arts Advisory Panel (Policy) to the National Council on the Arts which was listed on page 2464 of Volume 43, Number 11, Tuesday, January 17, 1978, issue of the FEDERAL REGISTER is amended in the following way:

The meeting on February 2, 1978, from 9:30 a.m. to 5:30 p.m., was originally scheduled to meet in the Mandeville Suite of the University of California-San Diego. The meeting will now occur in Conference Room 111A of the Matthews Campus (Chancellor's Complex) of the University of California-San Diego, in La Jolla, Calif. The February 3, 1978, session of the meeting will not change: 9:30 a.m. to 5:30 p.m., in the Mandeville Suite of the Muir Campus of the University of California at San Diego, in La Jolla, Calif.

This meeting will be open to the public. The topic of discussion will be crafts policy.

Further information with reference to this meeting can be obtained from Mr. Robert Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

Dated: January 31, 1978.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts.

[FR Doc. 78-3065 Filed 2-2-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP FOR FUTURE SCIENTIFIC OCEAN DRILLING

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Group for Future Scientific Ocean Drilling.
Dates: February 21 and 22, 1978.
Time: February 21, 9 a.m. to 5 p.m.; February 22, 8:30 a.m. to 5 p.m.
Place: Room 642, National Science foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Part open—February 21—open; February 22—8:30 a.m. to 2:30 p.m.—open; February 22—2:30 p.m. to 5 p.m.—closed.
Contact person: Dr. Thomas A. Davies, Program Associate, Ocean Sediment Coring Program, Room 602, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5849.
Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory group: To evaluate the scientific merit of possible future programs of drilling, and alternatives to drilling, in the deep oceans for scientific purposes in the 1980's and to recommend the best future program with regard to the scientific priorities.

AGENDA

FEBRUARY 21, 1978 (OPEN)

9 a.m.—Introduction.
9:30 a.m.—Current Status of Deep Sea Drilling; Future Drilling Plans.

1:30 p.m.—Ocean Drilling in Relation to Other Initiatives.

FEBRUARY 22, 1978

8:30 a.m.—Ocean Drilling in Relation to Other Programs (open).
1:30 p.m.—General Discussion of Issues Relating to Future Deep Ocean Drilling for Scientific Purposes (open).
2:30 p.m.—Review and Evaluation of Proposal UCSD-0862 (closed).
Reason for closing: The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1978.

[FR Doc. 78-3055 Filed 2-2-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR ATMOSPHERIC SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences.
Date: February 23, 24, and 25, 1978.
Time: 9 a.m. to 5 p.m. each day.
Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Dr. Alan J. Grobecker, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone 202-634-1490.
Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

AGENDA

FEBRUARY 23, 1978

9 a.m. to 11 a.m.—Staff Review of Climate Dynamics and GARP—its State of Science and Research Opportunities, E. Bierly.
11 a.m. to 12 m.—Discussion of Research Opportunities, Committee.
1:30 p.m. to 3:30 p.m.—Staff Review of Midlatitude Meteorology, Cloud Physics, Storm Processes and, Tropospheric Chemistry—its State of Science and Research Opportunities, H. F. Eden
3:30 p.m. to 4:30 p.m.—Discussion of Research Opportunities, Committee.

FEBRUARY 24, 1978

9 a.m. to 11 a.m.—Staff Review of Upper Atmosphere Research (Solar Terrestrial, Magnetospheric Physics, Aeronomy and Stratospheric Chemistry)—its State of Science and Research Opportunities, H. F. Eden.
11 a.m. to 12 m.—Discussion of Research Opportunities, Committee.
1:30 p.m. to 4:30 p.m.—Organization of Advisory Committee Atmospheric Sciences Studies, Committee.

FEBRUARY 25, 1978

9 a.m. to 12 m.—Organization of Advisory Committee Atmospheric Sciences Studies (continued), Committee.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1978.

[FR Doc. 78-3052 Filed 2-2-78; 8:45 am]

[7555-01]

ADVISORY COUNCIL STEERING COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Steering Committee of the NSF Advisory Council.
Place: Room 536, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Date and time: February 23, 1978, 9 a.m. to 5 p.m.
Type of meeting: Open.
Contact person: Ms. Margaret Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street NW., Washington, D.C. 20550, telephone 202-632-4384.
Purpose of steering Committee: The purpose of the Steering Committee, composed of members of the NSF Advisory Council, is to assist the Chairperson and Foundation staff in planning Council activity and related matters not requiring the formation of a separate task group.
Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Agenda: To review with cognizant NSF staff the issues being studied by the four task groups and other issues of general concern.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1978.

[FR Doc. 78-3051 Filed 2-2-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON LINGUISTICS OF THE ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON LINGUISTICS OF THE ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES

Date and time: February 23 and 24, 1978; 9 a.m. to 5 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Paul G. Chapin, Program Director, Linguistics Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-254-6326.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in linguistics.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1978.

[FR Doc. 78-3054 Filed 2-2-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON SOCIOLOGY OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON SOCIOLOGY OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Date and time: February 23 and 24, 1978; 9 a.m. to 5 p.m. each day.
Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Roland J. Liebert, Program Director, Sociology Program, Room

312, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4204.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in sociology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1978.

[FR Doc. 78-3053 Filed 2-2-78; 8:45 am]

[6820-40]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

MEETING

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following Presidential Committee meetings scheduled to assemble during the month of February 1978:

The President's Commission on Mental Health: February 17, 1978—9:30 a.m. to 5 p.m., February 18, 1978—9:30 a.m. to 5 p.m., New Executive Office Building, Room 2010, Pennsylvania and 17th Streets NW., Washington, D.C., open meeting.

Contact: Mary Ann Orlando, Special Assistant to the Chairman, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Purpose: The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: how the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, the Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

Agenda: This meeting will be open to the public. Agenda items include discussion of areas of service delivery, prevention, manpower and research, among others.

Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairman, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

BENEDICT LATTERI,
Administrative Officer, President's Commission on Mental Health.

JANUARY 26, 1978.

[FR Doc. 78-2828 Filed 2-2-78; 8:45 am]

[7910-01]

RENEGOTIATION BOARD

CONTRACTING AUTHORITY

I. The Renegotiation Board hereby delegates to the Director, Office of Administration, authority to enter into, administer, and settle contracts in furtherance of the Board's duties and responsibilities and designates the Director, Office of Administration, as Contracting Officer of the Renegotiation Board.

II. This authority, including authority to designate successor contracting officers, may be redelegated.

III. This delegation is effective the date hereof until revoked.

Dated: January 26, 1978.

GOODWIN CHASE,
Chairman.

[FR Doc. 78-2965 filed 2-2-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5285]

North Street Capital Corp.

Notice of Filing of Applicaton for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given the North Street Capital Corp., 250 North Street, White Plains, N.Y. 10625, a Federal licensee under section 301(d) of the Small Business Investment Act of 1958 as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1977) for approval of a conflict of interest transaction.

Licensee proposes to purchase a $100,000, 10 percent, 10-year debenture of October Mountain Broadcasting Co. (OMBC), 224 Eagle Drive, Emerson, N.J. 07630. Licensee will also receive warrants to purchase 4 percent of OMBC's stock at $18.18 per share. This is only part of a total financing of $1,055,000 to be used to purchase radio station WOKO (AM), Albany, N.Y. and provide working capital for OMBC, the financial structure will be as follows:

	Amount	Percent of corporation actual	Potential ownership[3]
			(percent)
Antony B. Mason	$20,000	100	40
Syndicated Communications[2]	200,000	.....	20
Witherspoon Development Corp.[2]	100,000	.....	13
Minority Equity Capital Corp.[1]	100,000	.....	5.90
Bancap Corp.[1]	135,000	.....	8.04
Chemical Bank	400,000	.....	0
North Street Capital Corp.[1]	100,000	.....	4

[1] SBA licensees. Form of investment is a 10 pct., 10-yr debenture with principal moratorium for 3 yr. Warrants for a total of 450 shares or 10 pct.

[2] Warrants exercisable at $18.18/share. Total shares authorized 2,500.

[3] 5 pct. cumulative participating preferred stock with warrants for 1,050 shares at $18.18/share.

Mr. Antony B. Mason who was president of the licensee until October 15, 1977, is the president and sole stockholder of OMBC. Pursuant to the definition contained in section 107.3(g) of the regulations, Mr. Mason is considered to be an associate of the licensee.

Accordingly, the transaction falls within the purview of 13 CFR 107.1004 (1977) requiring prior written approval of the Small Business Administration.

Notice is further given that any interested person may not later than 15 days from the date of publication of this notice submit to SBA relevant comments on the proposed transaction. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small

Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in White Plains, N.Y. and Albany, N.Y.

(Catalog of Federal Domestic Assistance Program Number 59.011, Small Business Investment Companies.)

Dated: January 26, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-3018 Filed 2-2-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Planning Project

The University of Missouri on behalf of the U.S. Agency for International Development and the Board for International Food and Agriculture is engaged in a planning project that will result in a recommended collaborative research program on sorghum/millets to be funded under Title XII of the International Development and Food Assistance Act of 1975.

The "Collaborative Research Support Program" approach will link institutions having common interests in organized programs of research on selected problems. Such a collaborative research program on a single problem area of common interest to the United States and several of the developing nations might involve one or more U.S. institutions, an international research center, and several developing nation agricultural universities or research centers.

The planning project, when completed in late February, will include recommendations for: a research program on sorghum and millet; participation institutions in the United States and developing countries which evidence interest in research on sorghum and millet; personnel who would be involved; budget requirements; and a legal entity which would be responsible for administering the project.

If desired, further information may be obtained from Dean Wendell McKinsey, College of Agriculture, University of Missouri-Columbia, Columbia, Mo. 65201.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-3005 Filed 2-2-78; 8:45 am]

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Planning Project

The Research Triangle Institute on behalf of the U.S. Agency for International Development is engaged in a planning project that will result in a recommended Collaborative Research Support Program on Small Ruminants to be funded under Title XII of the International Development and Food Assistance Act of 1975.

The "Collaborative Research Support Program" approach will link institutions having common interests in organized programs of research on selected problems. Such a collaborative research program on a single problem of common interest to the United States and several of the developing nations might involve one or more U.S. institutions, an international center; and several developing nation agricultural universities or research centers.

The planning project when completed in mid-April, will include recommendations for: research programs on small ruminants.

If desired, further information can be obtained from Dr. Paul Mulligan, Planning Project Leader, Research Triangle Institute, P.O. Box 12194, Research Triangle Park, N.C. 27709.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-3006 Filed 2-2-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAILROAD OPERATING RULES

Petitions for Waiver

As required by 45 U.S.C. 431(c), notice is hereby given that five railroads have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the railroad be granted a permanent waiver of compliance with certain safety standards contained in the Railroad Operating Rules (49 CFR Part 218).

The initial provisions for safety regulations concerning Railroad Operating Rules were issued by FRA on March 15, 1976. FRA subsequently issued additional provisions to these regulations on January 27, 1977 (42 FR 5056). These additional provisions require, in part, that railroads have certain carrier operating rules in effect to protect railroad employees engaged in the operation of trains, locomotives, and other rolling equipment. These provisions became effective on August 1, 1977.

One of the carrier operating rules, that the FRA has required, prescribes the actions that a train crew must take to alert the crew of a following train that the track ahead of the following train is currently occupied. This provision of the FRA regulation is similar in some respects to Rule 99 of the Standard Code of Operating Rules of the Association of American Railroads. These protective measures also are commonly referred to in the railroad industry as "flagging" or providing "flag protection."

Each of the railroads identified below is seeking a waiver of compliance with one or more specific provisions of these standards. A brief description of the facts involved in each request as well as the particular regulatory provision involved has been provided.

Interested persons are invited to participate in these proceedings by submitting written data, views or comments. The FRA has not scheduled an opportunity or oral comment since the facts do not appear to warrant it. However, the FRA will provide an opportunity for oral comment if requested to do so by any interested party. Such requests must be in writing and must be submitted to FRA before February 10, 1978.

All communications concerning these petitions must identify the appropriate docket number (e.g., FRA Waiver Petition Docket No. RSOR-77-22) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before February 27, 1978 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered as far as practicable. Detailed information concerning each petition is on file with the Federal Railroad Administration and is available for examination by interested persons. Any comments recieved will also be on file. This material is available for examination during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

[Waiver Petition Docket RSOR-77-22]

CHICAGO & NORTH WESTERN RAILROAD

The Chicago & North Western Railroad (CNW) seeks a permanent waiver of compliance with the provisions of § 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The CNW proposes to relieve the train crews of this flagging responsibility by plac-

ing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the CNW would be applicable to approximately 36 subdivisions on that railroad where only one train per day is normally operated. The CNW states that operations on these subdivisions have been conducted safely since 1965 using the operational approach proposed in the waiver request.

The CNW indicates that steps will be taken to assure the safety of operations if following movements do occur on these lines.

[Waiver Petition Docket RSOR-77-23]

BESSEMER & LAKE ERIE RAILROAD

The Bessemer & Lake Erie Railroad (B&LE) seeks a waiver of compliance with the provisions of § 218.37(a)(1)(iii) of the flag protection portion of the regulation. That section requires a railroad to have an operating rule which specifies the manner in which flag protection will be provided on that carrier.

The regulation also contains a provision that permits a railroad to utilize two block signals to protect the rear of a train instead of utilizing flag protection. The waiver requested by the B&LE seeks authority to use only one block signal to protect the rear of a train at two specific locations on that railroad.

The locations involved in the B&LE request are identified as Albion, Pa. and Bessemer, Pa. At both locations the B&LE has yard facilities that are connected to main line trackage where operations are conducted in accordance with the signal indications of a traffic control system. The design of these facilities and the method of operation is such that on many occasions departing freight trains will be required to stop on the mainline shortly after leaving the yard. In those instances the rear of the train will be protected by only one block signal rather than the two signals specified in § 218.37(a)(2).

The waiver sought by the B&LE would permit departing trains to stop at these two locations without requiring the crews on those trains to provide flag protection in accordance with the regulation. In support of this request the B&LE notes that all movements on the mainline, which would be to the rear of the stopped train, are governed by the carrier's rules for yard limits. Consequently, in the opinion of the B&LE the absence of flag protection will not impair the safety of train operations at these two locations.

[Waiver Petition Docket RSOR-77-27]

ILLINOIS CENTRAL GULF RAILROAD

The Illinois Central Gulf Railroad (ICG) seeks a permanent waiver of compliance with a portion of the provisions of § 218.37(a)(iii) of the flag protection portion of the regulation. That section requires in part that a crew member place two rail torpedoes on the track when establishing protection for his train.

The ICG seeks to prohibit the use of these rail torpedoes in its electrified suburban passenger operations in the Chicago area. The track over which these trains are operated is primarily located in densely populated urban and suburban areas. The use of rail torpedoes in these localities creates a hazard to juveniles who attempt to detonate them. Furthermore, on some portions of this trackage, the railroad right-of-way is located on a median strip in the middle of the street. Detonation of rail torpedoes in those areas presents a hazard to people using nearby sidewalks.

The ICG, in an effort to reduce these hazards, had discontinued the use of rail torpedoes on these commuter lines. Consequently, the ICG indicates that granting their requested waiver would be consistent with railroad safety and in the public interest.

[Waiver Petition Docket RSOR-77-29]

INDIANA HARBOR BELT RAILROAD

The Indiana Harbor Belt Railroad (IHB) seeks a permanent waiver of compliance with a portion of the provisions of § 218.37(a)(iii) of the flag protection portion of the regulation. That section requires in part that a crew member place two rail torpedoes on the track when establishing protection for his train.

The IHB indicates that it is primarily a terminal and switching railroad and that its main line extends for approximately 40 miles. This main line trackage, which runs from Gary, Ind. to Franklin Park, Ill., is frequently surrounded by urban and suburban development areas. Consequently, if rail torpedoes are used by the IHB they will present a hazard to the people living in those areas.

The IHB states that it has restricted the use of these torpedoes because, at detonation, the debris and the noise present a real danger for pedestrians and children. In support of its request the IHB notes that its trains operate at a maximum speed of 40 miles per hour due to the congested area that is being operated through.

[Waiver Petition Docket RSOR-77-37]

MAINE CENTRAL RAILROAD

The Maine Central Railroad (MEC) seeks a permanent waiver of compliance with the provisions of § 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The MEC proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the MEC would be applicable to two subdivisions on that railroad where only one train per day is normally operated. the MEC indicates that operations on the two subdivisions have been conducted safely since 1961 using the operational approach proposed in this waiver request.

The MEC states that if a second train is operated on these lines a train order is issued to require that flag protection be provided on that line.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C. on January 30, 1978.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-2950 Filed 2-2-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 9]

INTEGON INDEMNITY CORP.

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 $438,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

Integon Indemnity Corporation, 420 North Spruce Street, Winston-Salem, North Carolina 27102; North Carolina.

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.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

JANUARY 30, 1978.

[FR Doc. 78-2998 Filed 2-2-78; 8:45 am]

[4830-01]

Internal Revenue Service

[Delegation Order No. 169]

DEPUTY COMMISSIONER, ASSISTANT COMMISSIONER (COMPLIANCE) AND ASSISTANT COMMISSIONER (INSPECTION)

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to

make determinations and to issue orders to compel testimony under a grant of immunity to an individual where warranted is being delegated to the Deputy Commissioner, Assistant Commissioner (Compliance) and Assistant Commissioner (Inspection). The immunity order must have the approval of the Attorney General. The text of the delegation order appears below.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David E. Gaston, 1111 Constitution Avenue NW., Room 4523, Washington, D.C. 20224, 202-566-6645 (not toll free).

STUART E. SEIGEL,
Chief Counsel.

Subject: Authority for the issuance of immunity orders pursuant to 18 U.S.C. §§ 6002 and 6004 in proceedings arising under the laws administered by the Internal Revenue Service.

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-88, dated November 29, 1977, there is hereby delegated to the Deputy Commissioner, the Assistant Commissioner (Compliance) and the Assistant Commissioner (Inspection) the function under Title II of the Organized Crime Control Act of 1970 (18 U.S.C. § 6001, et seq; 84 Stat. 926), with the approval of the Attorney General, to make determinations and to issue the orders to compel the testimony under a grant of immunity of any individual who has been or may be called to testify or provide information at any proceeding before the Internal Revenue Service which such individual refuses to give or provide on the basis of his/her privilege against self-incrimination.

All requests for immunity must be referred to the Director, Criminal Tax Division, Office of the Chief Counsel, for review prior to referral to the Department of Justice.

This authority may not be redelegated.

Dated: January 27, 1978.

JEROME KURTZ,
Commissioner.

[FR Doc. 78-3042 Filed 2-2-78; 8:45 am]

[4810-22]

Office of the Secretary

"TRIGGER PRICE EXTRAS" FOR IMPORTED STEEL MILL PRODUCTS

Steel Reference Price Handbook

In the FEDERAL REGISTER of December 30, 1977, the Treasury Department announced proposed rulemaking procedures with respect to regulations applicable to the information required to be filed at the time of importation of certain steel mill products (42 FR 65214). As was there indicated, the Secretary intends to implement a "trigger price mechanism" as recommended to, and approved by, the President. As part of these "trigger prices" are "extras" to be added to the base prices of the imported steel mill products. These "extras" pertain to specifications for width, thickness, chemistry, and surface preparation of the base product. Their addition to the appropriate base prices and importation costs (excluding duty) constitute the "trigger prices".

I am hereby announcing "extras" to be used in the trigger price mechanism for 16 of the 17 steel mill products for which base prices were published in the FEDERAL REGISTER of January 9, 1978 (43 FR 1463). These "extras" are based upon evidence made available to the Treasury Department by the Japanese Ministry of International Trade and Industry (MITI), as well as other information available to the Department.

ROBERT CARSWELL,
Deputy Secretary of the Treasury.

JANUARY 27, 1978.

Steel Reference Price Handbook

January 1978

U.S. CUSTOMS SERVICE
OFFICE OF OPERATIONS
DUTY ASSESSMENT DIVISION

Please note that all prices given in the Steel Reference Price Handbook are in metric tons, the standard weight in international trade. Also, the numbering system consists of two parts: the AISI Category (e.g. Wire Rods - Commercial Quality AISI 1008 Category AISI 2) and sequential numbering of pages. As subsequent pages are published, they will be either new pages or replacements for the appropriate numbered page.

The terms "negotiable" or "subject to negotiation" refer to discussion of the price ranges which are appropriate to the practice in extras for steel products.

WIRE RODS - COMMERCIAL QUALITY AISI 1008 5 5m/m

Category AISI 2

Tariff Schedule Number(s) 608.7000 0 1¢/1b 608 7300 - 0.2¢/1b.
608 7100 - 0.25¢/1b 608 7500 - 0 375¢/1b

Base Price per Metric Ton $265

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$25	$ 3	$ 6
Gulf Coast	26	5	7
Atlantic Coast	31	4	8
Great Lakes	45	4	10

Insurance 1% of base price + extras + ocean freight

Extras

Heat Treatment

Regular Anneal - $40/M T

Spherodize Anneal - $60/M T

WIRE RODS - WELDING QUALITY - JIS G3503 SWYLL equivalent 5.5m/m

Category AISI 2

Tariff Schedule Number(s) 608 7000 - 0.1¢/1b/ 608.7300 - 0.2¢/1b.
608 7100 - 0 25¢/1b. 608 7500 - 0.375¢/1b.

Base Price per Metric Ton $266

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$25	$ 3	$ 6
Gulf Coast	26	5	7
Atlantic Coast	31	4	8
Great Lakes	45	4	10

Insurance 1% of base price + extras + ocean freight

Extras

Heat Treatment

Regular Anneal - $40/M.T.

Spherodize Anneal - $60/M.T.

WIRE RODS - HIGH CARBON - AISI 1065 (SPECIFIC) 5 5m/m

Category AISI 2

Tariff Schedule Number(s) 608 7000-0.1¢/1b 608.7300-0 2¢/1b.
608 7100 0 25¢/1b 608 7500-0 375¢/1b

Base Price per Metric Ton $309

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$25	$ 3	$ 7
Gulf Coast	26	5	9
Atlantic Coast	31	4	9
Great Lakes	45	4	11

Insurance 1% of base price + extras + ocean freight

Extras

Heat Treatment

Regular Anneal - $40/M T

Spherodize Anneal - $60/M T.

WIRE RODS - COLD HEADING QUALITY - AISI 1038 (SPECIFIC) 12 7m/m

Category AISI 2

Tariff Schedule Number(s) 608.7000 - 0 1¢/1b. 608 7300 - 0.2¢/1b.
608.7100 - 0 25¢/1b 608.7500 - 0 375¢/1b.

Base Price per Metric Ton $319

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$25	$ 3	$ 7
Gulf Coast	26	5	9
Atlantic Coast	31	4	9
Great Lakes	45	4	11

Insurance 1% of base price + extras + ocean freight

Extras

Heat Treatment

Regular Anneal - $10/M.T.

Spherodize Anneal - $60/M.T.

WIDE FLANGE BEAMS - ASTM A36 12" x 12"

Category AISI 3

Tariff Schedule Number(s) 609 8015 0 1¢ per lb.

Base Price per Metric Ton $259

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$27	$ 3	$ 5
Gulf Coast	30	5	7
Atlantic Coast	34	4	7
Great Lakes	47	4	9

Insurance 1% of base price + extras + ocean freight

Extras

1 Size Extras
2 Grade Extras
3 Cut Length Extras
4 Splitting Extras

WIDE FLANGE BEAMS

(1) Size Extras

Series	Lbs./Foot	Extra-$/M T	Series	Lbs /Foot	Extra-$/M T
4 x 4	13	40	14 x 12	78,84	Nil
5 x 5	16-18 9	35	14 x 14½	87-136	Nil
6 x 4	8 5	51	14 x 16	142-426	Nil
6 x 4	12,16	40	14 x 16	455	72
6 x 6	15 5	26	14 x 16	500	76
6 x 6	20,25	18	14 x 16	550	77
8 x 4	10	42	14 x 16	605	78
8 x 4	13,15	30	14 x 16	665	80
8 x 5¼	17,20	21	14 x 16	730	83
8 x 6½	24,28	15	16 x 5½	26,31	13
8 x 8	31-64	11	16 x 7	36-50	6
10 x 4	11 5	36	16 x 8½	58-78	Nil
10 x 4	15-19	31	16 x 11½	88,96	Nil
10 x 5-3/4	21-29	18	18 x 6	35,40	14
10 x 8	33-45	11	18 x 7½	45-60	5
10 x 10	49-112	5	18 x 8-3/4	64-85	Nil
12 x 4	14	39	18 x 11-3/4	96-114	Nil
12 x 4	16.5-22	32	21 x 6½	44,49	9
12 x 6½	27-36	13	21 x 8¼	55-73	Nil
12 x 8	40-50	7	21 x 9	82,96	Nil
12 x 10	53,58	5	21 x 13	112-142	Nil
12 x 12	65-190	Nil	24 x 7	55,61	9
14 x 5	22,26	18	24 x 9	68-94	Nil
14 x 6-3/4	30-38	9	24 x 12	100-120	Nil
14 x 8	43-53	5	27 x 10	84-114	Nil
14 x 10	61-74	Nil	30 x 10½	99-132	Nil

(2) Grade Extras ($/M T)

ASTM Grade	Web Thickness In Inches Thru 1-7/8	Over 1-7/8 Thru 2-3/8	Over 2-3/8
A242	111	--	--
A588	111	122	122
A441	49	89	89
A572			
G42	42	85	85
G50	49	89	--
G60	66	--	--
A36	0	32	32
A690	77	--	--

WIDE FLANGE BEAMS

(3) Cut Length Extras

Length	$/M.T.
From 10 Up to 20 Feet	10
From 20 Up to 30 Feet	7
From 30 Up to 40 Feet	5
40 Feet	Nil
Over 40 Up to 50 Feet	4
50 Feet	Nil
Over 50 Up to 60 Feet	5
60 Feet	Nil
Over 60 Thru 70 Feet	5

(4) Splitting Extras

Lbs /Foot Over	Thru	$/M.T.
8	12	36
12	15	31
15	22	28
22	45	18
45	100	14
100	150	11

SHEET PILING - ASTM A328 ARCH WEB PDA-27

Category AISI 4

Tariff Schedule Number(s) 609 96 0 1¢ per lb

Base Price per Metric Ton $292

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$27	$ 3	$ 6
Gulf Coast	30	5	7
Atlantic Coast	34	4	8
Great Lakes	47	4	10

Insurance 1% of base price + extras + ocean freight

Extras

1. Quality Extras
2. Shape Extras
3. Length Extras

EXTRA FOR SHEET PILING

			USD PER MT
1	QUALITY	SY 30 (EQUIVALENT TO ASTM A-328)	BASE
		SY36	+ 10
		SY40	+ 20
		A690/MARINE TYPE	+ 85
2	SHAPE		
	STRAIGHT WEB	F,FA	+ 10
	ARCH WEB	1A,U5,5,5L,6L	+ 10
		OTHERS (EQUIVALENT TO PDA-27)	BASE
	ZEE	Z14,Z25,Z32,Z38,Z45	+ 10
	FABRICATED CONNECTIONS		SUBJECT TO NEGOTIATION
	H TYPE		+ 30
3	LENGTH	3M UNDER	SUBJECT TO NEGOTIATION
		3M TO UNDER 6M	+ 10
		6M & OVER	BASE
4.	SURFACE TREATMENT (PROTECTIVE COATING)		SUBJECT TO NEGOTIATION
5	HANDLING HOLES		SUBJECT TO NEGOTIATION
6.	QUANTITY		NONE

5-1

STEEL PLATES - ASTM A-36 ½" x 80" x 240"

Category AISI 5

Tariff Schedule Number(s)		
	608.8410	7.5%
	608.8415	7.5%
	608.8720	8%

Base Price per Metric Ton $266

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$25	$ 3	$ 6
Gulf Coast	25	5	8
Atlantic Coast	31	4	8
Great Lakes	40	4	10

Insurance 1% of base price + extras + ocean freight

Extras

1. Width/Thickness Extra
2. Specification Extra
3. Other Extras

Killed	UST A435, AS78LI
Fine Grain	AS78L2
Charpy	Checker
Normalize	Pickled & Oiled
Quench & Temper	Cut Length Extra
Normalize & Temper	Others

5-2

STEEL PLATE

Width/Thickness Extras ($/M.T.) Steel Plate

Thickness/ Width	Up to 1/1"	From 1" up to 5/16"	From 5/16" up to 3/8"	From 3/8" up to 1"	From 1" up to 1"	From 1" up to 1 5/16"	From 1 5/16" up to 1 3/8"	From 1 3/8" up to 1½"	From 1½" up to 3"	From 3" up to 6"	From 6" up to 12"
From 36" up to 48"	27	--	16	12	9	12	14	18	38	40	42
From 48" up to 60"	25	1	15	8	6	8	10	11	32	35	39
From 60" up to 80"	21	11	11	5	Nil	4	6	10	25	27	29
From 80" up to 96"	21	15	9	6	2	6	9	13	23	27	29
From 96" up to 100"	29	20	13	10	5	10	15	16	26	29	31
" 100" up to 110"	34	20	18	14	9	14	17	20	27	30	35
" 110" up to 120"	41	28	25	18	14	17	21	25	30	34	37
" 120" up to 130"	54	38	27	22	17	20	25	29	35	38	40
" 130" up to 140"	61	48	37	28	21	25	29	35	42	44	46
" 140" up to 150"		58	47	35	29	29	35	37	48	51	53
" 150" up to 170"			105	90	81	81	84	84	70		
" 170" up to 180"				105	98	98	98	98			
" 180" up to 185"					105	105	105	105			
" 185" up to 200"					106	106	106	106			

2 SPECIFICATION EXTRA p.1

Specification	Thickness	$/M.T.
ASTM:		
A36	1½" or less	NIL
	over 1½"	20
A283	1½" or less	NIL
Gr A,B,C,D	over 1½"	20
A285	1½" or less	17
Gr. A,B,C	over 1½"	20
A515	1½" or less	37
Gr 55,60,65,70	over 1½' up to 2	40
Gr 55,60,65	over 2' up to 8	41
Gr 70	over 2" up to 8	43
Gr 55	over 8' up to 12"	41
A516		
Gr 55, 60	½' or less	43
Gr 65, 70	½" or less	45
Gr 55,60,65,70	over ½ up to 1½"	45
Gr 55,60,65,70	over 1½" up to 8"	49
Gr. 55	over 8"	49
A455, Type 1	**	25
" Type 2	*	45
A537, Class 1	5/16" or less	1*0
	over 5/16" up to ½"	137
	over ½" up to 1"	143
	over 1" up to 1½"	146
	over 1½" up to 3"	154
	over 3" up to 4'	152

STEEL PLATE

Specification	Thickness	$/M.T.
ASTM:		
A537,Class 2	5/16" or less	231
	over 5/16' up to ½'	208
	over ½" up to 1"	200
	over 1" up to 1½"	198
	over 1½" up to 3"	206
	over 3' up to 4"	203
A612 (M123B)	3/4" or less	68
	over 3/4' up to 1"	*3
A242	1½' or less	95
A588	1½ or less	95
	over 1½'	97
A441	1½" or less	48
	over 1½"	*0
A440	1½" or less	48
	over 1½'	70
A572		
Gr 42	1½" or less	24
	over 1½"	46
Gr 45	1½" or less	34
	over 1½"	56
Gr 50	1½" or less	26
	over 1½"	69
Gr. 55	1½" or less	42
Gr 60	1½" or less	61
Gr 65	1½" or less	*1

2 SPECIFICATION EXTRA p.2

Specification	Thickness	$/M.T.
ASTM:		
A633		
Gr A	5/16' or less	13*
	over 5/16 up to ½	141
	over ½' up to 1'	135
	over 1 up to 1½'	133
	over 1½' up to 3'	135
	over 3' up to 8'	160
Gr C	5/16' or less	174
	over 5/16' up to ½	161
	over ½ up to 1'	152
	over 1' up to 1½'	150
	over 1½' up to 3'	152
	over 3' up to 8'	1**
Gr E	5/16" or less	193
	over 5/16 up to ½	190
	over ½' up to 1'	1*1
	over 1' up to 1½"	169
	over 1½" up to 3"	1*1
	over 3" up to 8"	156
A.S.T.M:		
A131		
Gr A	½" or less	4
	over ½" up to 1½"	10
Gr B	1" or less	10
Gr. C (Normalized)	½" or less	110
	over ½" up to 2"	85
Gr D (Normalized)	½" or less	110
	over ½" up to 2"	100
Gr E (Normalized)	½" or less	150
	over ½ up to 2"	130
Gr. DS as rolled, Normalized	1 3/8" up to 2"	45
	1 3/8 or less	40

STEEL PLATE

Specification	Thickness	$/M.T
A.S.T.M.		
A131 cont'd)		
Gr AH32	or ess	36
	ver ½' up to 1½'	3o
	over ½' up to 2	38
Gr AH36	½ or less	44
	over ½" up to 1½"	64
	over 1½" up to 2	66
Gr EH32(Killed	½' or less	130
Normalized)	over ½' up to 2"	120
Gr EH36(Killed	½' or loss	130
Normalized)	over ½ up to 2'	120
Gr EH32 Killed	½ or less	150
Normalized)	over ½" up to 2"	130
Gr EH36(Killed	½ or less	150
Normalized)	over ½' up to 2"	130
AR		62
A285C, 320	(Q3T extra included)	225
A202		
Gr A	All Thickness	120
Gr B	All Thickness	110
A225		
Gr A	2" or less	205
	over 2" up to 4"	210
	over 4" up to 6"	200
Gr B	2" or less	205
	over 2" up to 6"	220
Gr D	4" or less	235
Gr E	4" or less	280

2 SPECIFICATION EXTRA p 3

STEEL PLATE

Specification	Thickness	$/M T
ABS:		
A204		
Gr A	2 or less	135
	over 2 up to 6	125
Gr B	1 or less	135
	over 1 up to 6'	125
Gr C	4 or less	125
A387		
Gr 2	All	165
Gr 11	All	200
Gr 12	All	170
Gr 21	All	375
Gr 22	All	345
A533		
Gr A	All	135
Gr B	All	170
Gr C	All	185
Gr D	All	155
A553		
Type 1	All	140
A514		
Q & T extra included)		
Type B	5/16 or less	305
	over 5/16 up to ½'	270
	over ½ up to 1	265
	over 1' up to 1½'	260
Type F	5/16' or less	415
	over 5/16 up to ½	390
	over ½' up to 1	375
	over 1 up to 3	370
	over 3 up to 4	475

Specification	Thickness	$/M T
ABS:		
A514		
(Q & T extra included)		
Type H	5/16 or less	350
	over 5/16' up to ½	315
	over ½ up to 2'	305
A517		
(Q & T extra included)		
Gr B	5/16' or less	320
	over 5/16' up to ½'	290
	over ½ up to 1½	280
Gr F	5/16' or less	335
	over 5/16' up to ½	400
	over ½ up to 1	395
	over 1 up to 3	390
	over 3 up to 4	395
	over 4' up to 8	415
Gr H	5/16 or less	365
	over 5/16 up to ½	335
	over ½' up to 1'	325
	over 1 up to 2'	320
A225		
Gr A, B	4' or less	115
A302		
Gr A	1 or less	140
	over 1 up to 4	130
Gr B	1' or less	150
	over 1 up to 2'	135

2 - SPECIFICATION EXTRA - p - 4

STEEL PLATE

Specification	Thickness	$/M T
SAE:		
1345	--	70
4130	--	105
4140	--	110
4150	--	110
4340	--	215
5150	--	75
5160	--	75
6150	--	125
8615	--	150
8617	--	150
8620	--	135
9260	--	105
UST:		
A578L2	from ½" up to 3"	40
A435 & A578L1 9" or higher grid	from 3/4" up to 3"	15
Under 9" grid or 100% scanning	from 3/4" up to 3"	25

Specification	Thickness	$/M T

3- OTHER EXTRAS

Description	$/M T
Killed	20
Fine Grain	6
Charpy	
+10°F & up	
L	15
T	20
LGT	25
Under + 40°F	
L	20
T	25
LGT	30
Normalize	70
Quench & Temper	120
Normalize & Temper	120
Checker	20
Pickled & Oiled	
Up to 0 172" Thickness	20
Over 0 172" Thickness	13

STEEL PLATE

Description	$/M T
Cut Length Cup (up to 72" width)	
0 070" & Thinner	
from 24" up to 36" long	27
from 36" up to 48" long	21
from 48" thru 240" long	19
over 240" long	22
0 071" & Thicker	
from 24" up to 36" long	24
from 36" up to 48" long	17
from 48" thru 240" long	16
over 240" long	19

HOT ROLLED CARBON BARS SPECIAL QUALITY - AISI 1045
40 mm round x 4 meters

Category AISI 22

Tariff Schedule Number(s) 608.45 7%
608.46 7%
608.48 3%

Base Price per Metric Ton $340

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$21	$ 3	$ 7
Gulf Coast	25	5	10
Atlantic Coast	29	4	10
Great Lakes	35	4	12

Insurance .1 of base price + extras + ocean freight

Extras

Size Extras

To be issued

BLACK PLATE - ASTM A625-76 0 0083" x 34" x COIL

Category AISI 22

Tariff Schedule Number(s) 608 81 9%
608.82 8%

Base Price per Metric Ton $373

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$23	$ 3	$ 8
Gulf Coast	23	5	10
Atlantic Coast	27	4	11
Great Lakes	35	4	13

Insurance 1% of base price + extras + ocean freight

Extras

1. Width Extras
2. Thickness Extras
3. Length Extras

22-2

BLACK PLATE

WIDTH/THICKNESS EXTRAS (U.S. $/M.T.)

WIDTH/ THICKNESS LBS.	Over 20" Thru 23"	Over 23" Thru 27.5"	Over 27.5" Thru 29"	Over 29" Thru 30.5"	Over 30.5"
75 0.0083"	N	42	29	8	Base
80 0.0088"	N	33	20	0	- 7
85 0.0094"	N	23	11	- 7	- 15
90 0.0099"	N	16	5	-13	- 20
95 0.0105"	N	9	- 1	-18	- 25
100 0.0110"	N	4	- 6	-22	- 28
103 0.0113"	N	2	- 8	-23	- 29
107 0.0118"	N	- 1	-11	-26	- 31
112 0.0123"	N	- 5	-14	-29	- 34
118 0.0130"	N	- 9	-17	-31	- 36
123 0.0135"	N	-11	-20	-33	- 37
128 0.0141"	N	-14	-22	-34	- 39

LENGTH EXTRA = US$ 20/M.T.

OTHER EXTRAS = N

Key: N = Subject to negotiation
- (Minus sign) = Deduction from Base Price

23-1

ELECTROLYTIC TIN PLATE - SR-25/25 75L x 34" x C

Category AISI 23

Tariff Schedule Number(s) 608.9100 8%
608.9200 0.8¢ per lb.

Base Price per Metric Ton $477

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$26	$ 3	$10
Gulf Coast	27	5	13
Atlantic Coast	34	4	13
Great Lakes	37	4	16

Insurance 1% of base price + extras + ocean freight

Extras

A. Coating Extra
(1) Single Reduced ETP
(2) Double Reduced ETP
B. Cut Length Extra
(1) Single Reduced ETP
(2) Double Reduced ETP
C. Width Extra
(1) Single Reduced ETP
(2) Double Reduced ETP
D. Quality Extras-ETP
(1) Type D Single Reduced and Double Reduced
(2) Type K, A, or J Single Reduced and Double Reduced

23-2

EXTRAS for Electrolytic Tinplate & Tin Free Steel (U.S. $ per M/T)

A: Coating Extra & Base Weight Extra

(1) Single Reduced ETP

Coating / Base Weight	# 10	# 20	# 25	# 35	# 50	# 75	# 100	#50/25	#75/25	#100/25	#100/50	#135/25
70lbs	- 5	15	24	43	67	110	160	50	72	99	120	134
73lbs	- 18	0	9	27	51	91	139	34	55	81	101	115
75lbs	- 27	- 9	BASE	18	41	80	127	25	45	70	90	103
78lbs	- 34	- 17	- 8	9	31	69	114	16	35	59	78	91
80lbs	- 38	- 21	- 13	4	25	62	106	10	29	52	71	83
83lbs	- 44	- 28	- 20	- 4	17	43	94	2	20	43	61	73
85lbs	- 49	- 33	- 25	- 9	11	46	87	- 3	14	36	54	66
88lbs	- 54	- 39	- 31	- 16	3	37	77	- 10	7	28	45	56
90lbs	- 58	- 42	- 35	- 20	- 1	32	70	- 15	2	23	39	51
93lbs	- 62	- 47	- 40	- 26	- 7	25	62	- 20	- 4	16	32	43
95lbs	- 65	- 51	- 44	- 30	- 12	19	56	- 25	- 9	11	26	37
100lbs	- 70	- 57	- 50	- 37	- 20	10	45	- 32	- 17	2	17	27
103lbs	- 74	- 61	- 54	- 41	- 25	4	38	- 36	- 22	- 3	11	21
107lbs	- 77	- 64	- 58	- 46	- 30	- 2	30	- 41	- 27	- 9	5	14
112lbs	- 81	- 69	- 63	- 51	- 36	- 9	22	- 47	- 33	- 17	- 3	6
118lbs	- 86	- 75	- 69	- 58	- 43	- 18	11	- 54	- 41	- 25	- 12	- 4
123lbs	- 90	- 79	- 73	- 62	- 49	- 24	4	- 58	- 46	- 31	- 19	- 11
128lbs	- 92	- 81	- 76	- 66	- 52	- 29	- 2	- 62	- 50	- 35	- 24	- 16
135lbs	- 94	- 84	- 79	- 69	- 57	- 35	- 9	- 66	- 55	- 41	- 30	- 22

23-3

2

(2) Double Reduced ETP

Coating / Base Weight	# 10	# 20	# 25	# 35	# 50	# 75	# 100	#50/25	#75/25	#100/25	#100/50	#135/25
50lbs	- 13	14	27	54	88	147	217	64	94	132	161	181
53lbs	- 28	- 3	9	35	67	123	188	44	72	108	136	154
55lbs	- 39	- 14	- 2	23	53	108	171	32	59	93	120	138
60lbs	- 52	- 29	- 18	5	33	82	140	13	38	69	94	111
65lbs	- 62	- 41	- 31	- 10	16	62	115	- 3	20	49	72	87
70lbs	- 71	- 51	- 42	- 23	1	44	94	- 16	6	33	54	68
75lbs	- 77	- 59	- 50	- 32	- 9	30	77	- 25	- 5	20	39	53
80lbs	- 82	- 65	- 57	- 40	- 19	18	62	- 34	- 15	8	27	39
85lbs	- 87	- 71	- 63	- 47	- 27	8	49	- 41	- 24	- 2	16	28
90lbs	- 91	- 75	- 68	- 53	- 34	- 1	37	- 48	- 31	- 10	6	18
95lbs	- 97	- 83	- 76	- 62	- 44	- 13	21	- 57	- 41	- 21	- 6	5
100lbs	- 100	- 87	- 80	- 67	- 50	- 20	15	- 62	- 47	- 28	- 13	- 3

23-4
3

(3) Single Reduced TFS

Base Weight	
70lbs	18
73lbs	7
75lbs	BASE
78lbs	- 6
80lbs	- 9
83lbs	- 14
85lbs	- 17
88lbs	- 21
90lbs	- 24
93lbs	- 28
95lbs	- 30
100lbs	- 34
103lbs	- 36
107lbs	- 39
112lbs	- 42
118lbs	- 45
123lbs	- 47
128lbs	- 49
135lbs	- 50

(4) Double Reduced TFS

Base Weight	
50lbs	18
53lbs	5
55lbs	- 3
60lbs	- 14
65lbs	- 22
70lbs	- 29
75lbs	- 33
80lbs	- 38
85lbs	- 41
90lbs	- 44
95lbs	- 49
100lbs	- 52

23-5
4

B: Cut Length Extra

(1) Single Reduced

Base Weight	ETP	TFS
70lbs	24	21
73lbs	23	20
75lbs	22	20
78lbs	21	19
80lbs	21	18
83lbs	20	18
85lbs	19	17
88lbs	19	17
90lbs	18	16
93lbs	18	16
95lbs	17	15
100lbs	16	14
103lbs	16	14
107lbs	15	14
112lbs	15	13
118lbs	14	12
123lbs	13	12
128lbs	13	11
135lbs	12	11

(2) Double Reduced

Base Weight	ETP	TFS
50lbs	33	29
53lbs	31	28
55lbs	30	27
60lbs	28	25
65lbs	25	23
70lbs	24	21
75lbs	22	20
80lbs	21	18
85lbs	19	17
90lbs	18	16
95lbs	17	15
100lbs	16	14

23-5

4

B: Cut Length Extra

(1) Single Reduced

Base Weight	ETP	TFS
70lbs	24	21
73lbs	23	20
75lbs	22	20
78lbs	21	19
80lbs	21	18
83lbs	20	18
85lbs	19	17
88lbs	19	17
90lbs	18	16
93lbs	18	16
95lbs	17	15
100lbs	16	14
107lbs	16	14
107lbs	15	14
112lbs	15	13
118lbs	14	12
123lbs	13	12
128lbs	13	11
135lbs	12	11

(2) Double Reduced

Base Weight	ETP	TFS
50lbs	33	29
53lbs	31	28
55lbs	30	27
60lbs	28	25
65lbs	25	23
70lbs	24	21
75lbs	22	20
80lbs	21	18
85lbs	19	17
90lbs	18	16
95lbs	17	15
100lbs	16	14

25-6

C: Width Extra

(1) Single Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29 inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
70lbs	70	62	45	40	31	27	8	7		
73lbs	67	60	43	38	29	26	8	7		
75lbs	66	58	42	37	29	25	7	7		
78lbs	63	56	40	36	27	24	7	6		
80lbs	61	55	39	35	27	24	7	6	Base	Base
83lbs	59	53	38	33	26	23	7	6		
85lbs	58	51	37	33	25	22	7	6		
88lbs	56	50	36	32	24	22	6	6		
90lbs	55	49	35	31	24	21	6	5		
93lbs	53	47	34	30	23	20	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		
107lbs	48	42	30	27	21	18	5	5		
107lbs	46	41	29	26	20	18	5	4		
112lbs	44	39	28	25	19	17	5	4		
118lbs	42	37	26	23	18	16	5	4		
123lbs	40	35	25	22	17	15	4	4		
128lbs	38	34	24	22	17	15	4	4		
135lbs	36	32	23	20	16	14	4	3		

23-6

5

C: Width Extra

(1) Single Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29 inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
70lbs	70	62	45	40	31	27	8	7		
73lbs	67	60	43	38	29	26	8	7		
75lbs	66	58	42	37	29	25	7	7		
78lbs	63	56	40	36	27	24	7	6		
80lbs	61	55	39	35	27	24	7	6	Base	Base
83lbs	59	53	38	33	26	23	7	6		
85lbs	58	51	37	33	25	22	7	6		
88lbs	56	50	36	32	24	22	6	6		
90lbs	55	49	35	31	24	21	6	5		
93lbs	53	47	34	30	23	20	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		
103lbs	48	42	30	27	21	18	5	5		
107lbs	46	41	29	26	20	18	5	4		
112lbs	44	39	28	25	19	17	5	4		
118lbs	42	37	26	23	18	16	5	4		
123lbs	40	35	25	22	17	15	4	4		
128lbs	38	34	24	22	17	15	4	4		
135lbs	36	32	23	20	16	14	4	3		

23-7

6

(2) Double Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
50lbs	99	88	63	56	43	38	11	10		
53lbs	93	83	59	53	41	36	11	9		
55lbs	90	80	57	51	39	35	10	9		
60lbs	82	73	52	47	36	32	9	8		
65lbs	76	67	46	43	33	29	9	8	Base	Base
70lbs	70	62	45	40	31	27	8	7		
75lbs	66	58	42	37	29	25	7	7		
80lbs	61	55	39	35	27	24	7	6		
85lbs	58	51	37	33	25	22	7	6		
90lbs	55	49	35	31	24	21	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		

23-8
Y

D Quality Extras

(1) Type D

Base Weight	1) Single Reduced ETP	TFS	2) Double Reduced ETP	TFS
70lbs	34	30	47	42
73lbs	32	29	44	39
75lbs	31	28	43	38
78lbs	30	27	39	35
80lbs	29	26	36	32
83lbs	28	25	34	30
85lbs	28	24	32	28
88lbs	27	24	30	26
90lbs	26	23	28	24
93lbs	25	22	26	23
95lbs	25	22	25	22
100lbs	23	21	23	21
103lbs	23	20		
107lbs	22	19		
112lbs	21	18		
118lbs	20	17		
123lbs	19	17		
128lbs	18	16		
135lbs	17	15		

(2) Type K, A or J

Base Weight	1) Single Reduced ETP	2) Double Reduced ETP
70lbs	22	31
73lbs	21	29
75lbs	21	28
78lbs	20	26
80lbs	19	24
83lbs	19	22
85lbs	18	21
88lbs	18	19
90lbs	17	18
93lbs	17	17
95lbs	16	16
100lbs	15	15
103lbs	15	
107lbs	14	
112lbs	14	
118lbs	13	
123lbs	12	
128lbs	12	
135lbs	11	

25-1

HOT ROLLED STEEL SHEETS - ASTM A569 0.121" x 48" x C

Category AISI 25

Tariff Schedule Number(s) 608.8440 - 7.5%
608.8742 - 8%

Base Price per Metric Ton $231

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$23	$ 3	$ 5
Gulf Coast	23	5	7
Atlantic Coast	27	4	7
Great Lakes	35	4	9

Insurance 1% of base price + extras + ocean freight

Extras

A. Width Thickness Extra
B. P/O Extra on Pickled
C. Other Extras
(1) Quality
(2) Structural
(3) Chemistry
(4) High Strength Carbon Steel
(5) High Strength Low Alloy Steel

25-2

HOT ROLLED SHEETS

A- WIDTH/THICKNESS EXTRA ($/M.T.)

Width/ Thickness (inches)	Over 12" Up to 24"	From 24" Thru 36"	Over 36" Thru 48"	Over 48" Thru 72"	Over 72" Thru 76"	Over 76" Thru 84"
Over 0.5		11 + N	11 + N	11 + N	11 + N	14 + N
From 0.312 thru 0.5	25	11	11	11	11	14
From 0.251 thru 0.3119	25	11	11	11	11	12
From 0.230 thru 0.2509	16	0	0	0	7	12
From 0.180 thru 0.2299	16	0	0	0	6	11
From 0.121 thru 0.1799	16	0	0	0	10	11 + N
From 0.081 thru 0.1209	16	12	7	0	10	
From 0.071 thru 0.0809	24	18	13	13	10 + N	
From 0.061 thru 0.0709	36	27	20	20		
From 0.0568 " 0.0609	39	30	29	20 + N		
From 0.0509 " 0.0567	39 + N	30 + N	29 + N	20 + N		

25-3

HOT ROLLED SHEETS

A- WIDTH/THICKNESS EXTRA ($/M.T.)

Width/ Thickness (inches)	Over 12" Up to 24"	From 24" Thru 36"	Over 36" Thru 48"	Over 48" Thru 72"	Over 72" Thru 76"	Over 76" Thru 84"
Over 0.5		11 + N	11 + N	11 + N	11 + N	14 + N
From 0.312 thru 0.5	25	11	11	11	11	14
From 0.251 thru 0.3119	25	11	11	11	11	12
From 0.230 thru 0.2509	16	0	0	0	7	12
From 0.180 thru 0.2299	16	0	0	0	6	11
From 0.121 thru 0.1799	16	0	0	0	10	11 + N
From 0.081 thru 0.1209	16	12	7	0	10	
From 0.071 thru 0.0809	24	18	13	13	10 + N	
From 0.061 thru 0.0709	36	27	20	20		
From 0.0568 " 0.0609	39	30	29	20 + N		
From 0.0509 " 0.0567	39 + N	30 + N	29 + N	20 + N		

B - P/O Extra on Pickled	
Thickness	$/M.T.
0.172" & up	20
under 0 172"	13

N = Subject to Negotiation

C - Other Extras	$/M.T.
1. Quality - Drawing Q-Rimmed	10
Killed	23
2 Structural - A570 D/E	15
3 Chemistry (Carbon Range)	
0 26% to 0 34%	23
0.35% & up	23 + N
4. High Strength Carbon Steel	
YP 45,000 to 50,000 P S I	10
YP 50,000 P S I & up	10 + N
5 High Strength Low Alloy Steel	
D - A607 - G45	23
50	26
55	40
D - COR-TEN A	60

ELECTRICAL STEEL SHEETS - GRAIN ORIENTED - M-4 0 012" x 33" x C

Category AISI 26

Tariff Schedule Number(s) 608.8845 - 10%

Base Price per Metric Ton $1,000

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$26	$ 3	$17
Gulf Coast	27	5	21
Atlantic Coast	33	4	22
Great Lakes	37	4	27

Insurance 1% of base price + extras + ocean freight

Extras

1. Grade Extra
2 Surface Insulation Extras
3 Packing Extra
4 Size Extra

EXTRA FOR ELECTRICAL STEEL

Grain Oriented Electrical Steel

(1) Grade Extra (M-4 = 100)

(Grade)	(Thickness)	(Grade Extra)
M-2H	(0 012")	103 0
M-3H	(0 012" and 0 014")	101 5
M-4H	(0 012" and 0.014")	100 0
M-4	(0 011")	100 0 (Base)
M-5	(0 012" and 0.014")	96 4
H-6	(0 014")	90 9

(2) Surface Insulation Extras

Coating Extras are included in a base price

(3) Packing Extra

Nil

(4) Size Extra (Unit-US$/M T)

Width/ Grade	Over 1" Thru 2"	Over 2" Thru 6"	Over 6" Thru 17"	Over 17" Up to 31"	31", 33", or 34"
M-2H	74 97	52 26	48 73	60 20	Nil
M-3H	73 87	51 38	48 07	59 31	Nil
M-4H	72 77	50 72	47 41	58 43	Nil
M 4	72 77	50 72	47 41	58 43	Nil
M-5	70 56	49 61	46 31	57 33	Nil
M-6	67 25	48 51	45 20	56 23	Nil

ELECTRICAL STEEL SHEETS - NON ORIENTED - M-45 0 018" x 36" x C

Category AISI 26

Tariff Schedule Number(s) 608 8845 - 10%

Base Price per Metric Ton $538

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$26	$ 3	$17
Gulf Coast	27	5	21
Atlantic Coast	33	4	22
Great Lakes	37	4	27

Insurance 1% of base price + extras + ocean freight

Extras

1 Grade Extra
2 Surface Insulation Extras
3 Packing Extra
4 Size Extra

NON-ORIENTED ELECTRICAL STEEL

(1) Grade Extra (M 45 = 100)

	Fully-Processed	Semi-Processed
M 47	-	94 7
M-45	100 0 (Base)	100 0
M-43	105 2	105 3
M-36	117 7	118 0
M-27	123 0	123 5
M-22	128 2	128 7
M-19	133 1	-
M-15	139 6	-

(2) Surface Insulation Extras

Coating Extras are included in a base price

(3) Packing Extra

Nil

(4) Size Extra (Unit-US$/M T)

Width/ Gage (Thickness)	Over 2" Thru 6"	Over 6" Thru 18"	Over 18" Thru 24"	Over 24" Thru 28"	Over 28" Thru 36"	Over 36" Thru 40"
22,23,&24 (0310" 0250")	30 87	25 36	39 69	7 72	Nil	16 54
25 & 26 (0220" 0185")	45 20	39 69	54 02	22 05	14 33	30 87
27 (0170")	61 74	56 23	70 56	38 59	30 87	47 41

COLD ROLLED SHEETS - ASTM A366 1.0m/m x 48" x C

Category AISI 26

Tariff Schedule Number(s) 608 8744 8%

Base Price per Metric Ton $297

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$23	$ 3	$ 7
Gulf Coast	23	5	8
Atlantic Coast	27	4	9
Great Lakes	35	4	11

Insurance 1% of base price + extras + ocean freight

Extras

1 Width & Thickness
2 Cut Length
3 Coil Weight
4 Finish
5 Surface Treatment
6 Quality
7 Chemistry
8 Quantity Extra
9. Restricted Tolerance
10 Theoretical Minimum Weighing
11 Others

EXTRAS FOR COLD ROLLED STEEL SHEET

UNIT: US$ PER M/T

* WIDTH & THICKNESS

Thickness, Inches	Width, Inches				
	24 ≤ W < 36	36 ≤ W < 45	45 ≤ W ≤ 60	60 < W ≤ 68	68 < W ≤ 72
0 097 ≤ T < 0 126	24	18	10	18	24
0 083 ≤ T < 0 097	24	18	8	16	24
0 064 ≤ T < 0 083	20	18	4	12	20
0 054 ≤ T < 0 064	20	14	0	8	20
0 028 ≤ T < 0 054	22	14	0	14	26
0 023 ≤ T < 0 028	36	28	16	20	32
0 019 ≤ T < 0 023	52	47	39	45	47
0 014 ≤ T < 0 019	69	65	57	59	-

* Widths under 24", - Inquire

* CUT LENGTH

Thickness, Inches	Width, Inches	Length, Inches			
		24 < L ≤ 42	42 < L ≤ 60	60 < L ≤ 144	144 < L
0.064 ≤ T	24 ≤ W ≤ 72	22	21	19	21
0 028 ≤ T < 0 064	24 ≤ W ≤ 72	20	19	17	19
T < 0 028	24 ≤ W ≤ 72	23	22	20	22

* COIL WEIGHT

GROSS MAX 10,000 lbs & OVER	NONE
GROSS MAX 10,000 lbs UNDER	2 00

* FINISH

DULL	NONE
COMMERCIAL BRIGHT	14 00
EMBOSSED NON GEOMETRIC	35 00
GEOMETRIC	45 00

* SURFACE TREATMENT

GREASED EDGES	1 00

SPECIAL CLEANLINESS REQUIREMENT

Thickness, Inches	Width, Inches	
	W ≤ 36	36 < W
0 021 ≤ T	8	8
T < 0 020	-	8

* QUALITY

COMMERCIAL	NONE
DRAWING	10 00
DEEP DRAWING	26 00
FULL HARD (ROCKWELL HARDNESS B-84 MIN)	NONE
1/4 HARD	12 00
1/2 HARD	12.00
STRUCTURAL (PHYSICAL) - CARBON STEEL	15 00
TWO PRIME SIDES	15 00
CLASS II DISCOUNT (ONLY FOR THE USAGE OF UNEXPOSED AUTO PARTS)	9 00

* CHEMISTRY

COPPER BEARING	10 00
RESTRICTED CHEMISTRY	N

* QUANTITY EXTRA

10 S/T ≤ Q < 20 S/T	7 00

* RESTRICTED TOLERANCE	N
* THEORETICAL MINIMUM WEIGHING	10 00
* OTHERS	N

N -- SUBJECT TO NEGOTIATION

ELECTRO GALVANIZED SHEETS - EGC-10g/M^2 1 0m/m x 48" x C

Category AISI 27

Tariff Schedule Number(s) 608.94 - 9%
608 95 - 0 1¢ per lb + 8%

Base Price per Metric Ton $343

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$24	$ 3	$ 8
Gulf Coast	23	5	9
Atlantic Coast	27	4	10
Great Lakes	36	4	12

Insurance 1% of base price + extras + ocean freight

Extras

1. Thickness/Width
2 Length
3 Coating
4 Chemical Treatment
5. Quality
6. Packing
7 Others

EXTRAS FOR ELECTRO GALVANIZED SHEET

1. PRICE BASE

QUALITY: COMMERCIAL

SIZE : MSG 20 (038" - .034") x 36" - 48" x COIL

COATING: 0 06 OZ/FT^2 on each side

Chemical Treatment: Phosphated

2. EXTRAS FOR OTHER THAN PRICE BASE PRODUCTS (UNIT: US$ PER M/T)

(1) THICKNESS/WIDTH

THICKNESS INCHES	WIDTH (INCHES)			
	28 ≤ W < 30	30 ≤ W < 36	36 ≤ W ≤ 48	48 < W ≤ 60
.057 and Thicker	4	0	- 4	3
056 - .051	5	1	- 3	4
.050 - 045	6	2	- 2	5
.044 - .039	7	3	- 1	6
038 - .034	8	4	Base	7
033 - 031	12	8	4	10
.030 - 028	15	11	7	14
027 - .025	18	14	10	18
024 - .022	23	19	15	22
.021 - .019	28	24	20	
018 - .017	38	34	30	
016 - 015	43	39	35	

(2) LENGTH

60" ≦ L ≦ 163"	15
L < 60"	17

(3) COATING

0 06 OZ/FT² on each side	Base
0 03 "	- 4
0.01 "	- 6

(4) Chemical Treatment

Phosphated	Base
Chromated	- 2
Oiled	- 2

(5) Quality

Commercial	Base
Drawing	Subject to Negotiation
Drawing, Special Killed	"
Physical (TS, YP, HRB, etc)	"

(6) Packing

Coil 4ST UNDER	Subject to Negotiation
Sheet 3ST UNDER	"

(7) Others — Subject to Negotiation

GALVANIZED SHEET - ASTM A525G90 0 8m/m x 48" x C

Category AISI 27

Tariff Schedule Number(s) 608 9430 - 9%
608 9530 - 0 1¢ per lb + 8%

Base Price per Metric Ton $345

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$24	$ 3	$ 8
Gulf Coast	23	5	9
Atlantic Coast	27	4	10
Great Lakes	36	4	12

Insurance 1% of base price + extras + ocean freight

Extras

1 Thickness/Width/Coating
2 Length
3 Packing
4 Finish
5 Quality
6 Quantity
7 Others

EXTRAS FOR GALVANIZED STEEL SHEET

1. PRICE BASE

SIZE GSG23(0 032" - 0 029") x OVER 42" THROUGH 48" x COIL

COATING G90

QUALITY COMMERCIAL

2. EXTRAS FOR OTHER THAN PRICE BASE PRODUCTS (UNIT: US$ PER M/T)

(1) THICKNESS/WIDTH/COATING

THICKNESS Inches	WIDTH (Inches)					COATING	
	24≦W<30	30≦W<36	36≦W≦42	42<W≦48	48<W≦60	0 60Z/FT²	G90
.130 and Thicker	- 67	- 67	- 67	- 67	-	-	- 2
.129 - .116	- 55	- 55	- 55	- 55	- 53	-	- 2
.115 - .101	- 52	- 52	- 52	- 52	- 50	-	- 2
.100 - .086	- 49	- 49	- 51	- 51	- 49	-	- 2
.085 - .075	- 37	- 37	- 39	- 39	- 37	-	- 3
.074 - .067	- 35	- 35	- 37	- 37	- 35	-	- 3
.066 - .061	- 33	- 33	- 35	- 35	- 33	-	- 4
.060 - .055	- 24	- 24	- 26	- 26	- 24	-	- 4
.054 - .049	- 22	- 22	- 24	- 24	- 22	- 10	- 5
.048 - .043	- 18	- 18	- 20	- 20	- 18	- 12	- 5
.042 - .038	- 14	- 14	- 16	- 16	- 14	- 15	- 6
.037 - .035	- 4	- 4	- 6	- 6	- 3	- 15	- 6
.034 - .032	- 1	- 1	- 3	- 3	0	- 16	- 7
.031 - .029	2	2	0	Base	4	- 16	- 7
.028 - .026	4	4	3	3	6	- 13	- 9
.025 - .023	16	16	15	15	25	13	9
.022 - .021	22	22	22	25	32	- 19	-12
.020 - .019	32	32	32	41	-	- 19	-12
.018 - .017	39	39	39	53	-	- 20	-14
.016	50	50	50	68	-	- 20	-14
.015	60	60	72	81	-	- 22	-16
.014	73	69	75	84	-	- 22	-16
.013	83	79	79	88	-	- 22	-16

WIDTH UNDER 24" ..... Subject to negotiation

(2) LENGTH

THICKNESS Inches	LENGTH (Inches)			
	42≦L<60	60≦L≦168	168<L≦198	198<L
029 and Thicker	10	7	11	14
.028 - .017	12	7	13	
.016 - .013	14	7	-	

(3) PACKING

	W<2 SST	2 SST≦W≦4ST	4ST<W
COIL	-	4	Base
SHEET	8	Base	-

(4) FINISH

REGULAR SPANGLE	Base
MINIMUM SPANGLE	None
EXTRA SMOOTH	
COIL	16
SHEET	32

(5) QUALITY

COMMERCIAL	Base
LOCK FORMING	None
DRAWING	10
DRAWING SPECIAL KILLED	25
STRACTUAL	
GRADE A	3
" B and C	5
" D and E	10

(6) QUANTITY

20ST ≦ W	Base
15ST ≦ W < 20ST	1
10ST ≦ W < 15ST	3

(7) OTHERS . . . SUBJECT TO NEGOTIATION

3. REMARKS

Above extra price shall be changed according to the fluctuation of zinc price

TIN FREE STEEL SHEETS - SR 75L x 34" x C

Category AISI 32

Tariff Schedule Number(s) 609 1700 - 9 5%

Base Price per Metric Ton $413

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$26	$ 3	$ 9
Gulf Coast	27	5	12
Atlantic Coast	34	4	12
Great Lakes	37	4	15

Insurance 1% of base price + extras + ocean freight

Extras

A Base Weight Extra
(3) Single Reduced TFS
(4) Double Reduced TFS

B Cut Length Extra
(1) Single Reduced TFS
(2) Double Reduced TFS

C Width Extra
(1) Single Reduced TFS
(2) Double Reduced TFS

D Quality Extras - TFS
(1) Type D - Single Reduced and Double Reduced

32-2

EXTRAS for Electrolytic Tinplate & Tin Free Steel (U.S. $ per M/T)

A: Coating Extra & Base Weight Extra

(1) Single Reduced ETP

Coating / Base Weight	#10	#20	#25	#35	#50	#75	#100	#50/25	#75/25	#100/25	#100/50	#135/25
70lbs	- 5	15	24	43	67	110	160	50	72	99	120	134
73lbs	- 18	0	9	27	51	91	139	34	55	81	101	115
75lbs	- 27	- 9	BASE	18	41	80	127	25	45	70	90	103
78lbs	- 34	- 17	- 8	9	31	69	114	16	35	59	78	91
80lbs	- 38	- 21	- 13	4	25	62	106	10	29	52	71	83
83lbs	- 44	- 28	- 20	- 4	17	43	94	2	20	43	61	73
85lbs	- 49	- 33	- 25	- 9	11	46	87	- 3	14	36	54	66
88lbs	- 54	- 39	- 31	- 16	3	37	77	- 10	7	28	45	56
90lbs	- 58	- 42	- 35	- 20	- 1	32	70	- 15	2	23	39	51
93lbs	- 62	- 47	- 40	- 26	- 7	25	62	- 20	- 4	16	32	43
95lbs	- 65	- 51	- 44	- 30	- 12	19	56	- 25	- 9	11	26	37
100lbs	- 70	- 57	- 50	- 37	- 20	10	45	- 32	- 17	2	17	27
103lbs	- 74	- 61	- 54	- 41	- 25	4	38	- 36	- 22	- 3	11	21
107lbs	- 77	- 64	- 58	- 46	- 30	- 2	30	- 41	- 27	- 9	5	14
112lbs	- 81	- 69	- 63	- 51	- 36	- 9	22	- 47	- 33	- 17	- 3	6
118lbs	- 86	- 75	- 69	- 58	- 43	- 18	11	- 54	- 41	- 25	- 12	- 4
123lbs	- 90	- 79	- 73	- 62	- 49	- 24	4	- 58	- 46	- 31	- 19	- 11
128lbs	- 92	- 81	- 76	- 66	- 52	- 29	- 2	- 62	- 50	- 35	- 24	- 16
135lbs	- 94	- 84	- 79	- 69	- 57	- 35	- 9	- 66	- 55	- 41	- 30	- 22

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2

(2) Double Reduced ETP

Coating / Base Weight	#10	#20	#25	#35	#50	#75	#100	#50/25	#75/25	#100/25	#100/50	#135/25
50lbs	- 13	14	27	54	88	147	217	64	94	132	161	181
53lbs	- 28	- 3	9	35	67	123	188	44	72	108	136	154
55lbs	- 39	- 14	- 2	23	53	103	171	32	59	93	120	138
60lbs	- 52	- 29	- 18	5	33	82	140	13	38	69	94	111
65lbs	- 62	- 41	- 31	- 10	16	62	115	- 3	20	49	72	87
70lbs	- 71	- 51	- 42	- 23	1	44	94	- 16	6	33	54	68
75lbs	- 77	- 59	- 50	- 32	- 9	30	77	- 25	- 5	20	39	53
80lbs	- 82	- 65	- 57	- 40	- 19	18	62	- 34	- 15	8	27	39
85lbs	- 87	- 71	- 63	- 47	- 27	8	49	- 41	- 24	- 2	16	28
90lbs	- 91	- 75	- 68	- 53	- 34	- 1	37	- 48	- 31	- 10	6	18
95lbs	- 97	- 83	- 76	- 62	- 44	- 13	24	- 57	- 41	- 21	- 6	5
100lbs	- 100	- 87	- 80	- 67	- 50	- 20	15	- 62	- 47	- 28	- 13	- 3

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3

(3) Single Reduced TFS

Base Weight	
70lbs	18
73lbs	7
75lbs	BASIS
78lbs	- 6
80lbs	- 9
83lbs	- 14
85lbs	- 17
88lbs	- 21
90lbs	- 24
93lbs	- 28
95lbs	- 30
100lbs	- 34
103lbs	- 36
107lbs	- 39
112lbs	- 42
118lbs	- 45
123lbs	- 47
128lbs	- 49
135lbs	- 50

(4) Double Reduced TFS

Base Weight	
50lbs	18
53lbs	5
55lbs	- 3
60lbs	- 14
65lbs	- 22
70lbs	- 29
75lbs	- 33
80lbs	- 38
85lbs	- 41
90lbs	- 44
95lbs	- 49
100lbs	- 52

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4

B: Cut Length Extra

(1) Single Reduced

Base Weight	ETP	TFS
70lbs	24	21
73lbs	23	20
75lbs	22	20
78lbs	21	19
80lbs	21	18
83lbs	20	18
85lbs	19	17
88lbs	19	17
90lbs	18	16
93lbs	18	16
95lbs	17	15
100lbs	16	14
103lbs	16	14
107lbs	15	14
112lbs	15	13
118lbs	14	12
123lbs	13	12
128lbs	13	11
135lbs	12	11

(2) Double Reduced

Base Weight	ETP	TFS
50lbs	33	29
53lbs	31	28
55lbs	30	27
60lbs	28	25
65lbs	25	23
70lbs	24	21
75lbs	22	20
80lbs	21	18
85lbs	19	17
90lbs	18	16
95lbs	17	15
100lbs	16	14

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5

C: Width Extra

(1) Single Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29 inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
70lbs	70	62	45	40	31	27	8	7		
73lbs	67	60	43	38	29	26	8	7		
75lbs	66	58	42	37	29	25	7	7		
78lbs	63	56	40	36	27	24	7	6		
80lbs	61	55	39	35	27	24	7	6	Base	Base
83lbs	59	53	38	33	26	23	7	6		
85lbs	58	51	37	33	25	22	7	6		
88lbs	56	50	36	32	24	22	6	6		
90lbs	55	49	35	31	24	21	6	5		
93lbs	53	47	34	30	23	20	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		
103lbs	48	42	30	27	21	18	5	5		
107lbs	46	41	29	26	20	18	5	4		
112lbs	44	39	28	25	19	17	5	4		
118lbs	42	37	26	23	18	16	5	4		
123lbs	40	35	25	22	17	15	4	4		
128lbs	38	34	24	22	17	15	4	4		
135lbs	36	32	23	20	16	14	4	3		

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6

(2) Double Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
50lbs	99	88	63	56	43	38	11	10		
53lbs	93	83	59	53	41	36	11	9		
55lbs	90	80	57	51	39	35	10	9		
60lbs	82	73	52	47	36	32	9	8		
65lbs	76	67	48	43	33	29	9	8	Base	Base
70lbs	70	62	45	40	31	27	8	7		
75lbs	66	58	42	37	29	25	7	7		
80lbs	61	55	39	35	27	24	7	6		
85lbs	58	51	37	33	25	22	7	6		
90lbs	55	49	35	31	24	21	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		

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D Quality Extras

(1) Type D

Base Weight	1) Single Reduced ETP	TFS	2) Double Reduced ETP	TFS
70lbs	34	30	50lbs 47	42
73lbs	32	29	53lbs 44	39
75lbs	31	28	55lbs 43	38
78lbs	30	27	60lbs 39	35
80lbs	29	26	65lbs 36	32
83lbs	28	25	70lbs 34	30
85lbs	28	24	75lbs 32	28
88lbs	27	24	80lbs 30	26
90lbs	26	23	85lbs 28	24
93lbs	25	22	90lbs 26	23
95lbs	25	22	95lbs 25	22
100lbs	23	21	100lbs 23	21
103lbs	23	20		
107lbs	22	19		
112lbs	21	18		
118lbs	20	17		
123lbs	19	17		
128lbs	18	16		
135lbs	17	15		

(2) Type K, A or J

Base Weight	1) Single Reduced ETP	2) Double Reduced ETP
70lbs	22	50lbs 31
73lbs	21	53lbs 29
75lbs	21	55lbs 28
78lbs	20	60lbs 26
80lbs	19	65lbs 24
83lbs	19	70lbs 22
85lbs	18	75lbs 21
88lbs	18	80lbs 19
90lbs	17	85lbs 18
93lbs	17	90lbs 17
95lbs	16	95lbs 16
100lbs	15	100lbs 15
103lbs	15	
107lbs	14	
112lbs	14	
118lbs	13	
123lbs	12	
128lbs	12	
135lbs	11	

[FR Doc. 78-2932 Filed 1-30-78;4:40 pm]

[4510-20]
[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-1]

EMPLOYEE BENEFIT PLANS

Exemption from the Prohibitions Respecting a Transaction Involving the McCrone Employees Pension Plan

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the McCrone Employees Pension Plan (the Plan) to sell certain plan assets to Walter C. McCrone Associates, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT:

Ivan Strasfeld of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: E:EP:PT:2) 202-566-3045. This not a toll free number.

SUPPLEMENTARY INFORMATION

On October 25, 1977, notice was published in the FEDERAL REGISTER (42 FR 56379) of the pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of an exemption from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code and from the provisions of section 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application submitted by the Employer and the trustees of the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no request for a hearing were received by the Service.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code and the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Agencies make the following determinations:

(a) The exemption is administratively feasible; (b) it is in the interests of the Plan and of the participants and beneficiaries; and (c) it is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and ERISA Proc. 75-1 (40 FR 18471, April 28, 1975):

The taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code and restrictions of section 406(a) and 406(b) (1) and (2) of the Act shall not apply to a transaction involving the sale of the Plan's interest in a partnership known as 2820 South Michigan Co. to the Employer in exchange for interest bearing notes of the Employer, subject to the terms, conditions, and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 26th day of January 1978.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc. 78-2727 Filed 2-2-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket Nos. AB 18 (Sub-No. 5) etc.]

CHESAPEAKE AND OHIO RAILROAD CO.

Railroad Services Abandonment

JANUARY 24, 1978.

Docket No. AB 18 (Sub-No. 5), Chesapeake and Ohio Railway Co., abandonment between Williamsburg and Elk Rapids, in Grand Traverse and Antrim Counties, Mich.; Docket No. AB 18 (Sub-No. 19), Chesapeake and Ohio Railway Co., abandonment portion Petoskey Subdivision between a point near Traverse City and Bay View, in Grand Traverse, Kalkaska, Antrim, Charlevoix and Emmit Counties, Mich., Docket No. AB 18 (Sub-No. 20), Chesapeake and Ohio Railway Co., abandonment portion Traverse City and Petoskey Subdivisions between Manistee and Traverse City and the Northport Subdivision between Traverse City and Rennies, in Manistee, Benzie, Grand Traverse and Leelanau Counties, Mich.

The Notice to the Parties which accompanied the Draft Environmental Impact Statement (DEIS) prepared for this action indicated that the deadline for comments on the impact statement would be February 6, 1978.

In view of the fact that public notice of the availability of the DEIS was not published in the FEDERAL REGISTER until January 13, 1978, the comment date is now fixed at February 27, 1978.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-3040 Filed 2-2-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 40, Admt. 1; Rev. S.O. No. 1252]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 40 (Chicago, Milwaukee, St. Paul and Pacific Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 40 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1978, and that this order shall be served upon the association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3038 Filed 2-2-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 47; Rev. S.O. No. 1252]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Rerouting of Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by heavy snow.

It is ordered, That: (a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Co., being unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by heavy snow, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or re- routed by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:30 p.m., January 25, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 3, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 25, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3037 Filed 2-2-78; 8:45 am]

[7035-01]

[Rule 19; Ex Parte No. 241; Exemption No. 143]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

It appearing, that because of adverse weather conditions in the Northeast, the return of empty boxcars to the Union Pacific Railroad Co. (UP) has been seriously hampered; that there is a substantial need for boxcars for offline loading in terminal switching service in the Fairfax Industrial District, located in Kansas City, Mo.; that the aforementioned delays in the return of boxcars owned by the UP has resulted in a shortage of UP cars in the Fairfax Industrial District; that the shippers in this district are unable to furnish adequate advance routing information for the UP and its connections to select suitable cars owned by other railroads for loading in compliance with Car Service Rules 1 and 2; that the preponderance of the loading in this district is eastward; that the UP has an ample supply of boxcars owned by lines operating in states east of the Fairfax Industrial District; and that although the shippers are unable to furnish specific advance routing data for specific shipments, the majority of the foreign cars loaded in the district will be or in the direction of the car owners and in compliance with Car Service Rules 1 and 2.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC-RER No. 405, issued by W. J. Trezise, or successive issues thereof as having mechanical designation "XM" may be loaded by shippers served by the UP in its Fairfax Industrial District in Kansas City, Mo., without regard to the requirements of Car Service Rules 1 and 2 subject to exceptions 1 to 4 inclusive, shown below.

It is further ordered, That other railroads receiving cars from the UP in terminal switching service, loaded by shippers in the aforementioned Fairfax Industrial District for line-haul movement via their lines, may accept forwarding instructions from such shippers without regard to the requirements of Car Service Rules 1 and 2.

EXCEPTIONS

1. Cars of Canadian or Mexican ownership.
2. Cars subject to a car relocation or car assistance directive issued by the Car Service Division, Association of American Railroads.
3. Cars with inside length of 59-ft. 8-in. or greater.
4. Cars owned by the following western railroads: The Denver and Rio Grande Western Railroad Co., Southern Pacific Transportation Co., The Western Pacific Railroad Co.

Effective January 26, 1978.

Expires February 28, 1978.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3036 Filed 2-2-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 31, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43497, Southwestern Freight Bureau, Agent's No. B-724, rates on phosphatic fertilizer solution, from Taft, La., to stations in Wyoming, in sup. 114 to its tariff 273-G, ICC 5188, to become effective March 2, 1978.

Grounds for relief—market competition; short-line distance formula and grouping.

By the Commission.

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

[FR Doc. 78-3039 Filed 2-2-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

JANUARY 27, 1978.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before March 6, 1978. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119, MCC 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

MC 31462 (Sub-No. 25G), filed December 29, 1977. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield Street, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: JAMES W. HIGHTOWER 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: 1. Between points in New Mexico, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana (within 450 miles of Williston, N. Dak.), Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. 2. Between points in Colorado, on the one hand, and, on the other, points in Montana (within 450 miles of Williston, N. Dak.). 3. Between points in Mississippi, on the one hand, and, on the other, points in District of Columbia, North Carolina, South Carolina, Tennessee, and Virginia. 4. Between points in Texas, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of: Bradley County, Ark.; Kiowa County, Okla. and points within 50 miles; Okmulgee County, Okla.; Cairo, Ill. and points within 25 miles; Gulfport, Miss. and points within 30 miles; Fort Wayne, Ind. and points in Indiana within 40 miles of Fort Wayne; Burlington, Iowa, and points within 50 miles; Houston, Tex., and points within 50 miles; Kansas City, Mo., and points within 30 miles; Alden, Minn., and points within 35 miles; points in North Dakota, within 200 miles of Williston; points in Tennessee; and points in Georgia.

NOTE.—This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8), noticed in the FEDERAL REGISTER Issue December 9, 1974, and is related to MC-F-11952 published in the FEDERAL REGISTER of August 15, 1973.

If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 13, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E 196), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D. C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose in mixed loads with plastic pellets, in bulk, and material, equipment and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line with Massachusetts Highway 112, thence along Massachusetts Highway 112 to an unnumbered road at Colrain, thence along the road to Interstate Highway 91, thence along Interstate Highway 91 to Massachusetts Highway 10 at Northampton, thence along Massachusetts Highway 10 to the the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E 197), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles* (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other points in that part of New York on and north of a line beginning at Lake Ontario at the junction of New York Highway 3 thence along New York Highway 3 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to an unnumbered road at its intersection with Interstate Highway 87, thence along the road through Moriah Center to Port Henry,

thence along New York Highway 9N to junction New York Highway 8, thence along New York Highway 8 to the Vermont-New York State line and also, points in that part of New York on and west of a line beginning at Lake Ontario at the junction of New York Highway 47 at or near Rochester, thence along New York Highway 47 to junction Interstate Highway 490, thence along Interstate Highway 490 to junction New York Highway 15, thence along New York Highway 15 to junction New York Highway 256, thence along New York Highway 256 to junction New York Highway 436, thence along New York Highway 436 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 417, thence along New York Highway 417 about four miles to an unnumbered road, thence along the road through Alma to the Pennsylvania-New York State line, and also points in that part of New York enclosed by a line beginning on the Long Island Sound with an unnamed road leading to Larchmont, thence along the road to Interstate Highway 95, thence along Interstate Highway 95 to Lincoln Avenue, thence along Lincoln Avenue to the Cross County Parkway, thence along the Parkway to Yonkers Avenue, thence along Yonkers Avenue to Ashburton Avenue, thence along Ashburton Avenue to the east bank of the Hudson River, thence along the river to 125th Street, thence along 125th Street to the Bronx County-Queens County boundary line, thence along the line to Interstate Highway 678, thence along Interstate Highway 678 to the Cross Island Parkway, to Interstate Highway 78, thence along Interstate Highway 78 to junction New York Highway 24, thence along New York Highway 24 to the Queens County-Nassau County boundary line, thence along the county line to the Atlantic Ocean.

The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E198), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Plastic hose,* in mixed loads with plastic pellets, in bulk, *and material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning on the New York-Pennsylvania State line with Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 326, thence along Pennsylvania Highway 326 to the Maryland-Pennsylvania State Line, and also that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Maryland State line with U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 52, thence along Pennsylvania Highway 52 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to junction U.S. Highway 1, thence along U.S. Highway 1 to Robbins Street, thence along Robbins Street, and across the Tacony-Palmyra Bridge to New Jersey. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E199), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Plastic hose,* in mixed loads with plastic pellets, in bulk, *and material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other, points in that part of Vermont on, north and east of a line beginning on Lake Champlain along Vermont Highway 17, thence along Vermont Highway 17 to junction Vermont Highway 125, thence along Vermont Highway 125 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 107, thence along Vermont Highway 107 to junction Vermont Highway 12, thence along Vermont Highway 12 to junction Vermont Highway 106, thence along Vermont Highway 106 to junction Vermont Highway 131, thence along Vermont Highway 131 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 35, thence along Vermont Highway 35 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Massachusetts-Vermont State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E200), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic hose,* in mixed loads with plastic pellets, in bulk, *and material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Somerset County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ridgefield N.J.

No. MC 8973 (Sub-No. E201), filed December 17, 1977. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic hose,* in mixed loads with plastic pellets, in bulk, *and materials, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Somerset County, N.J., on the one hand, and, on the other, points in that part of New York on and north of a line beginning on Lake Erie at Wanakah, thence along an unnumbered road to U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20,

thence along U.S. Highway 20 to junction New York Highway 21, thence along New York Highway 21 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 104, thence along New York Highway 104 to junction New York Highway 69, thence along New York Highway 69 to an unnumbered road heading south at Jamison Corners, thence along New York Highway 49 to junction New York Highway 13, thence along New York Highway 13 to junction New York 316, thence along New York Highway 316 to junction New York Highway 46, thence along New York Highway 46 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 234, thence along New York Highway 234 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 205, thence along New York Highway 205 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 23A, thence along New York Highway 23A to junction New York Highway 42, thence along New York Highway 42 to junction New York Highway 28, thence along New York Highway 28 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 299, thence along New York Highway 299 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9D, thence along New York Highway 9D to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the New York-New Jersey State line, thence along the New Jersey-New York State line to Interstate Highway 95, thence along Interstate Highway 95 to the east bank of the Hudson River, thence along the east bank of the river to 125th Street, thence along 125th Street to Interstate Highway 278, thence along Interstate Highway 278 to junction New York Highway 25A, thence along New York Highway 25A to the Van Wyck Expressway, thence along the Expressway to junction New York Highway 24, thence along New York Highway 24 to the Meadowbrook State Parkway, thence along the parkway to Jones Inlet and the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E202), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, *and material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Somerset County, N.J., on the one hand, and, on the other, points in that part of North Carolina on and south of a line beginning on the Virginia-North Carolina State line at North Carolina Highway 39, thence along North Carolina Highway 39 to junction North Carolina Highway 56, thence along North Carolina Highway 56 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 97, thence along North Carolina Highway 97 to junction North Carolina Highway 125, thence along North Carolina Highway 125 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Albernarle Sound, thence along the south bank of the Sound to junction U.S. Highway 64, thence along U.S. Highway 64 to Whalebone and the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 83539 (Sub-No. E388), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, *and parts, materials, and supplies* thereof, when moving in connection with such commodities, between points in Florida, on the one hand, and, on the other, points in Missouri. Restriction: The service authorized here is subject to the following restrictions: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines, no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., any points in Kentucky, and any point in Illinois.

No. MC 83539 (Sub-No. E389), filed May 31, 1977. Applicant: C &. H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, *and parts thereof*, when moving in connection with such commodities, between: (a) Points in Florida in and west of Santa Rosa County, on the one hand, and, on the other, points in New Jersey; and (b) points in Florida in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in New Jersey in, north, and east of Hunterdon, Somerset, Middlesex, Monmouth, and Ocean Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., any point in Virginia, and any point in Pennsylvania.

No. MC 83539 (Sub-No. E391), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, *and parts thereof*, when moving in connection with such commodities, between points in Florida, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., and any point in Kentucky.

No. MC 83539 (Sub-No. E392), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, *and parts thereof*, when moving in connection with such commodities, between: (a) Points in Florida in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in Pennsylvania, in, north, and west of Fulton, Huntingdon, Juniata, Perry, Dauphin, Lebanon, Berks, Lehigh, and Northampton Counties; (b) points in Florida in and west of Holmes, Washington, and Bay Counties, and in and south of Sarasota, DeSoto, Glades, and Palm Beach Counties, on the one hand, and, on the other, points in Pennsylvania in and west of Warren, Venango, Butler, Allegheny, Washington, and Green Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., and any point in Kentucky.

No. MC 83539 (Sub-No. E393), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, *and parts thereof,* when moving in connection with such commodities, between points in that part of Florida in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and Philadelphia, Pa.

No. MC 83539 (Sub—No. E394), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in that part of Florida, in and west of Okaloosa County, on the one hand, and, on the other, points in that part of Virginia in and north and west of Prince William, Fauquier, Culpeper, Madison, Greene, Albermarle, Augusta, Rockbridge, Botetourt, Roanoke, Montgomery, Pulaski, Wythe, Smyth, and Washington Counties. The purpose of this filing is to eliminate the gateway of points within a 50-mile radius of Nashville, Tenn., and in Virginia.

No. MC 83539 (Sub-No. E395), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cummingham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts, and related contractors' materials and supplies when moving in connection with such commodities between points in Georgia, on the one hand, and, on the other, points in Iowa. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines; and no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and Illinois.

No. MC 83539 (Sub-No. E396), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts, and related contractors' materials and supplies when moving in connection with such commodities between points in Georgia in and west of Catoosa, Walker, Gordon, Bartow, Cherokee, Fulton, DeKalb, Henry, Butts, Monroe, Bibb, Houston, Dooly, Crisp, Turner, Tift, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in New York in, west, and north of Lewis, Oneida, Oswego, Onondaga, Cayuga, Seneca, Yates, and Steuben Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and Pennsylvania.

No. MC 83539 (Sub-No. E398), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box, 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between (a) points in Georgia in and west of Catoosa, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Clay, Early, Miller, and Decatur Counties, on the one hand, and, on the other, points in Pennsylvania in and west of Bradford, Sullivan, Lycoming, Clinton, Centre, Blair, Cambria, and Somerset Counties and (b) points in Georgia in, west and south of Union, White, Hall, Jackson, Clarke, Oconee, Greene, Hancock, Washington, Johnson, Emanuel, Candler, Evans, Tattnall, Long, Wayne, and Glynn Counties, on the one hand, and, on the other, points in Erie County, Pa. The purpose of this filing is to eliminate the gateways of a 50-mile radius of Nashville, Tenn., and Kentucky.

No. MC 83539 (Sub-No. E399), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between (a) points in Georgia in and west of Whitfield, Gordon, Pickens, Cherokee, Fulton, DeKalb, Henry, Butts, Monroe, Bibb, Houston, Dooly, Crisp, Turner, Tift, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in West Virginia in and north of Ohio County, and (b) points in Georgia in and west of Whitfield, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Calhoun, Early, Miller, and Decatur Counties, on the one hand, and, on the other, points in West Virginia in, west, and north of Monongalia, Marion, Harrison, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Putnam, and Cabell Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., and Kentucky.

No. MC 83539 (Sub-No. E400), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities between (a) points in Illinois in, east, and south of Henderson, Warren, Knox, Stark, Marshall, Putnam, La Salle, Kendall, Will, Du Page, and Cook Counties, on the one hand, and, on the other, points in Michigan in, east, and south of Marquette and Delta Counties, (b) points in Illinois, on the one hand, and, on the other, points in Michigan in, east, and south of Chippewa, Emmet, and Cheboygan Counties, and (c) points in Illinois in, east, and south of Adams, Brown, Cass, Menard, Logan, McLean, Livingston, La Salle, Kendall, Will, Du Page, and Cook Counties, on the one hand, and, on the other, points in Michigan. Restriction: The service authorized here is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E401), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle,

over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in Ohio. Restriction: The service authorized here is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E402), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, between points in Illinois, on the one hand, and, on the other, points in Rhode Island. Restriction: The service authorized here is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Indiana and Philadelphia, Pa.

No. MC 83539 (Sub-No. E404), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in Virginia. Restriction: The service authorized here is subject to the following restriction: no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E405), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in West Virginia. Restriction: The service authorized here is subject to the following restriction: no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E406), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts, and related contractors' materials and supplies when moving in connection with such commodities, between points in Indiana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Pennsylvania.

No. MC 83539 (Sub-No. E407), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, between points in Indiana, on the one hand; and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No MC 83539 (Sub-No. E427), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment and, parts there; between points in Louisiana, on the one hand, and, on the other, points in Ohio. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Arkansas and Kentucky or Mississippi and Kentucky.

No. MC 83539 (Sub-No. E428), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and related machinery, parts and related contractor's materials and supplies when moving in mixed load with such commodities between points in Maryland, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 107064 (Sub-No. E320), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in California. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., Castro County, Tex.

No. MC 107064 (Sub-No. E321), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in California, to points in Tennessee. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E322), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Texas on, south, and east of a line commencing at the Texas-Oklahoma State Line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico to points in Nevada on and south of U.S. Highway 50. The

purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E323), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Montana, to points in Texas on, south, and east of a line commencing at the Texas-Oklahoma State Line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E324), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Arkansas on and south of U.S. Highway 70 to points in Utah. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E325), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in California to points in Oklahoma (except points in Cimarron, Texas, and Beaver Counties, Okla). The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E326), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Idaho to points in Louisiana. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E327), filed January 22, 1976. Applicant: STEERE TANK LINES, INC. P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maryland to points in Utah in and south of Millard, Sevier, Wayne, and San Juan Counties, Utah. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E328), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. LApplicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in Montana. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E329), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in Idaho. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., and Castro County, Tex.

No. MC 107064 (Sub-No. E330), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oregon to points in Texas on, south, and east of a line commencing at the Texas-Oklahoma State Line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 114019 (Sub-No. E474), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* in vehicles equipped with mechanical refrigeration from points in the lower peninsula of Michigan to points in the State of Missouri. The purpose of this filing is to elimninate the gateways of Chicago, Ill., and Lafayette, Ind.

No. MC 114019 (Sub-No. E475), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale or retail food business houses and in connection therewith, equipment, materials and supplies used in the conduct of such business, (a) Between points in the States of Wisconsin and Iowa, on the one hand, and, on the other, Toledo, Akron, Cleveland, Columbus, Dayton, Youngstown, Ohio and Louisville, Ky.; Sparrows Point and Baltimore, Md.,

New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at the Windsor Beach, N.Y., and extending along to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. (b) From Louisville, Ky., Akron, Cleveland, Columbus, Dayton, Toledo and Youngstown, Ohio, points in Ohio within 25 miles of each of such Ohio cities, Fort Wayne, Indianapolis, Muncie, South Bend and Terre Haute, Ind., and points in Indiana within 25 miles of each of such Indiana cities, Detroit, Flint and Grand Rapids, Mich., and points in Michigan within 25 miles of each of such Michigan cities, to points in Wisconsin and Iowa. The purpose of this filing is to eliminate the gateway Barrington, Ill.

No. MCH114019 (Sub-No. E476), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, raw and manufactured, (a) Between points in Ohio, Indiana, Pennsylvania, New York, and points in New Jersey within 30 miles of New York, N.Y. and Philadelphia, Pa., Baltimore, Md., and West Virginia on the one hand, and, on the other, points in Minnesota. (b) Between points in New York, and those in Pennsylvania and Ohio on and north of Interstate Highway 80 on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 63 from the Arkansas-Missouri State line to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line. (c) Between points in Pennsylvania on and south of U.S. Highway 80 extending from the New Jersey-Pennsylvania State line to junction Interstate Highway 219, points in and east of Interstate Highway 219 to the Maryland-Pennsylvania State line, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 54 to junction U.S. Highway 73 and thence along U.S. Highway 73 to junction Interstate Highway 60, thence along Interstate Highway 60 to the Kansas-Missouri State line, and those points in New Jersey within 30 miles of New York, N.Y. and Philadelphia, Pa. (d) Between points in Pennsylvania on and south and west of U.S. Highway 80 from the Ohio-Pennsylvania State line, to junction Interstate Highway 219, thence along Interstate Highway 219 to the Maryland-Pennsylvania State line on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 24 from the Illinois-Missouri State line to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, and points in that part of New Jersey, Delaware, and Maryland which are within 30 miles of Philadelphia, Pa. (e) Between points within that portion of Ohio south of a line extending from Pennsylvania-Ohio State line along U.S. Highway 80 to junction Interstate Highway 13, thence south along Interstate Highway 13 to junction U.S. Highway 30, thence east along U.S. Highway 30 to the Ohio-Pennsylvania State line on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 24 from the Illinois-Missouri State line to junction U.S. Highway 63, thence south along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. (f) Between points in Ohio south of Interstate Highway 80 extending from the Indiana-Ohio State line to junction Interstate Highway 13, and points on and west of Interstate Highway 30, thence west along U.S. Highway 30 to the Ohio-Indiana State line on the one hand, and, on the other, points in Missouri on, west, and north of U.S. Highway 63 from the Iowa-Missouri State line, to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 18, thence along Missouri Highway 18 to the Kansas-Missouri State line. (g) Between points in Indiana on and north of U.S. Highway 30 on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 63 from the Iowa-Missouri State line extending south to junction U.S. Highway 54 and points on and north of U.S. Highway 54 west of the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of Chicago, and Barrington, Ill. Muscatine, Iowa, and any point in Ohio.

No. MC 114211 (Sub-No. E547) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of February 5, 1975, and republished, as corrected, this issue. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Ohio, West Virginia, Virginia, South Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Pennsylvania, New York, Massachusetts, Vermont, New Hampshire, Maine, and points in that part of North Carolina on and east of a line beginning at the Georgia-North Carolina State line, thence along U.S. Highway 64 to junction U.S. Highway 129, thence along U.S. Highway 129 to the North Carolina-Tennessee State line, and points in that part of Georgia on and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 60 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 5, thence along Georgia Highway 5 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line, and points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Highway 365, thence along Florida Highway 365 to Spring Creek, Fla., and points in that part of Tennessee on and east of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Kentucky State line, and points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 80S, to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

NOTE.—The purpose of this correction is to state the correct territorial description.

By the Commission.

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

[FR Doc. 78-3035 Filed 2-2-78; 8:45 am]

[7035-01]

[Notice No. 7TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 164TA), filed January 5, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livington, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acoustical materials and accessories*, from Plainfield, Ill., to Kansas, Nebraska, New Mexico, Arizona, Utah, Washington, Colorado, Texas, Michigan, Iowa, Missouri, Minnesota, South Dakota, Florida, Alabama, and to ports of entry on the international boundary line between the United States and Canada in the States of Montana, Idaho and North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. W. Capaul, President, Acoustiflex Corp., 811 Center Street, Plainfield, Ill. 60544. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 556TA), filed January 3, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from the facilities of Volkmuth Printers at or near St. Cloud, Minn., to Harrisburg, Pa.; Jersey City, N.J.; and New York City, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Volkmuth Printers, P.O. Box 1007, St. Cloud, Minn. 56301 (Jerry Tomczik). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 558TA), filed January 5, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden door components and wooden door sections*, from Centralia, Wash., to the facilities of Baywood Manufacturing Co. at Green Bay, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Baywood Manufacturing Co., division of Bay Insulation Co., Inc., 1330 Elizabeth Street, Green Bay, Wis. 54308 (Arnold Schmidt). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 80443 (Sub-No. 9TA), filed January 5, 1978. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in TOFC (trailer-on-flat-car) or COFC (container-on-flat-car) service, from Arlington, Minn., to Minneapolis, Minn., and its commercial zone, for subsequent rail movement beyond, for 180 days. Supporting shipper(s): Big Stone Inc., Box 86, Chaska, Minn. 55318. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 95876 (Sub-No. 225TA), filed January 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 North Cooper Avenue, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and equipment, parts and accessories therefor, and paraphernalia*, used in connection with recreational vehicles and equipment, from Crosby, Minn., to points in the United States, restricted to traffic originating at the plantsite of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper(s): Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 105501 (Sub-No. 25TA), filed January 5, 1978. Applicant: TERMINAL WAREHOUSE CO., 1851 Radisson Road NE., Blaine, Minn. 55434. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in TOFC (trailer-on-flat-car) or COFC (container-on-flat-car) service, from Arlington, Minn., to Minneapolis, Minn., and its commercial zone, for subsequent rail movement beyond, for 180 days. Supporting shippers(s): Big Stone Inc., Box 86, Chaska, Minn. 55318. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 108119 (Sub-No. 76TA), filed January 3, 1978. Applicant: E. L. MURPHY TRUCKING CO., 3303 Sibley Memorial Highway, Box 43010, St. Paul, Minn. 55164. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and equipment; parts and accessories therefor; and paraphernalia*, used in connection with recreational vehicles

and equipment, from Crosby, Minn., to points in the United States, restricted to the transportation of traffic originating at the plantsite of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper: Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 14th Street, Minneapolis, Minn. 55401.

No. MC 111045 (Sub-No. 150TA), filed January 4, 1978. Applicant: REDWING CARRIERS, INC., P.O. Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: L. W. Fincher, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid rubber*, in bulk, in tank vehicles, from Moss Point, Miss., to St. Louis, Mo., for 180 days. There is no environmental impact involved in this application. Supporting shipper: Thiokol Corp., P.O. Box 517, Moss Point, Miss. 39563. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, Fla. 33166.

No. MC 111309 (Sub-No. 10TA) (Correction), filed November 29, 1977, published in the FEDERAL REGISTER issue of December 28, 1977, and republished as corrected this issue. Applicant: NEWPORT TRUCKING CORP., c/o Franklin Swersky, Suite 1803, 744 Broad Street, Newark, N.J. 07102. Applicant's representative: A. David Millner and Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, in containers and *empty containers*, from the plantsite of Pepsi-Cola Metropolitan Bottling, Co., at Teterboro, N.J., to points in Connecticut, Massachusetts, Rhode Island, New York, and Pennsylvania; (2) *new and used containers, closures* and *lids*, and *packaging materials*, from points in Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts, to the plantsites of Pepsi-Cola Metropolitan Bottling Co., Inc., at Teterboro, N.J., Philadelphia, Pa., and Long Island City, N.Y.; (3) *carbonated beverages*, in containers, and *packaging materials*, from the plantsite of Pepsi-Cola Metropolitan Bottling Co., Inc., at Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey; and (4) *new and used containers, closures* and *lids*, and *packaging materials*, from points in Delaware, Connecticut, and New Jersey, to the plantsites of Pepsi-Cola Metropolitan Bottling Co., Inc., at Philadelphia, Pa., Teterboro, N.J., and Long Island City, Brooklyn, Bronx, and Mt. Vernon, N.Y., and to points in Massachusetts and Rhode Island, under a continuing contract with Pepsi-Cola Metropolitan Bottling Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days for operating authority. Supporting shipper: Pepsi-Cola Metropolitan Bottling Co., Inc., Purchase, N.Y. 10577. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of thie republication is to correctly state the territorial description in Part (4) of the application.

No. MC 111401 (Sub-No. 509TA); filed January 5, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Maryland Heights, Mo., to points in Texas and New Mexico, for 180 days. Supporting shipper: Pennzoil Co., Box 808, Oil City, Pa. 16301. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC. 111729 (Sub-No. 723TA), filed December 19, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and industrial cleaning products, toilet preparations, insect control products, air fresheners, brooms, brushes, mops, and advertising matreial, related thereto*, restricted against the transportation of shipments weighing in excess of 150 pounds, between points in Arizona, on traffic having a prior or subsequent out-of-of state movement, for 180 days. Supporting shipper: Fuller Brush Co. Suite 520, 1000 Skokie Boulevard, Wilmette, Ill. 60091. Send protests to: Mrs Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza Room 1807, New York, N.Y. 10007.

No. MC 112048 (Sub-No. 2TA); filed December 27, 1977. Applicant: SEEGERS TRUCK LINE, INC., P.O. Box 392, Denver, Iowa 50622. Applicant's representative: Grant J. Merritt, 415 Peavey Building, 730 Second Avenue South, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, and lumber used in wooden pallets and crating*, from Clarksville, Iowa, to points in Illinois, on, north, and west of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction Illinois Highway 88, thence north along Illinois Highway 88 to junction U.S. Highway 52, and thence west along U.S. Highway 52 to the Illinois-Iowa State line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Norton Lumber Co., P.O. Box 100, Clarksville, Iowa 50619. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 113843 (Sub-No. 247TA); filed December 27, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Napoleon, Ohio, to points in New Jersey (except Camden), New York, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Campbell Soup Co. East Maumee Avenue, Napoleon, Ohio 43545. Send protests to: John Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 114115 (Sub-No. 28TA), filed December 30, 1977. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from the plantsite of Domtar, Inc., Sifto Salt Division, at or near St. Joseph, Mich., to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sifto Salt, Division of Domtar, Inc., 9950 West Lawrence Avenue, Schiller Park, Ill. 60176, Otto Frana, Traffic Manager. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 114552 (Sub-No. 149TA), filed January 6, 1978. Applicant:

SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and construction materials* (except in bulk), from the facilities of Penn-Dixie Steel Corp., at or near Kokomo, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Penn-Dixie Steel Corp., P.O. Box 744, Kokomo, Ind. 46901. Send protests to: Strotheld District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 115496 (Sub-No. 78TA), filed December 27, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and construction materials* (except in bulk), from the facilities of Penn-Dixie Steel Corp. at or near Kokomo, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Penn-Dixie Steel Corp., 1401 East Hoffer Street, P.O. Box 744, Kokomo, Ind. 46901. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 115975 (Sub-No. 26TA), filed December 27, 1977. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks, II, 411 North 7th Street, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum greases*, in bulk, in tank vehicles, from the plantsite and facilities of Mobile Oil Corp. located at or near Beaumont, Tex., to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, Pennsylvania, South Carolina, West Virginia, and Wisconsin, under a continuing contract or contracts with Mobil Oil Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phillip D. Cox, Supervisor—Rate, Routes and Regs., Mobil Oil Corp., 8350 North Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701

No. MC 118866 (Sub-No. 11TA), filed January 6, 1978. Applicant: PAUL L. ZAMBERLAN & SONS, INC., P.O. Box 15, Lewis Run, Pa. 16738. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth Street NW., Suite 366, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon steel pipe*, from Camden, N.J., and Baltimore, Md., to Bradford, Pa., for 180 days. Supporting shipper(s): Goodman Brothers, Inc., P.O. Box 176, Bradford, Pa. 16701. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 119789 (Sub-No. 413TA), filed January 6, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6183, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic*, in containers, in mechanically refrigerated equipment, from Houston, Tex., to Seattle, Wash.; Portland, Oreg.; Sacramento, Calif.; Minneapolis, Minn.; Niles, Mich.; St. Louis, Mo.; Pittsburgh, Pa., and Buffalo, N.Y., for 180 days. Supporting shipper(s): Foam Systems, Co., P.O. Box 5347, Riverside, Calif. 92507. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 123048 (Sub-No. 383TA), filed January 4, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bus seats*, from Grand Rapids, Mich., to Woodlawn, Tex., for 180 days. Supporting shipper(s): A. M. General Corp., 13200 McKinley, Mishawaka, Ind. 46544 (Robert C. Sandburg). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 770TA), filed January 3, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 2 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co., at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above mentioned plantside, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. (J. J. Stefanec) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 771TA), filed January 6, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Demopolis, Ala., to points in Louisiana and Tennessee, for 180 days. Supporting shipper(s): Citadel Cement Corp., 2700 Cumberland Parkway, Atlanta, Ga. 30339. (John W. Giannini) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124306 (Sub-No. 40TA), filed January 4, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, MacDonald & McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terephthalic acid*, in bulk, in tank vehicles and tote bins on rack trailers, from the plantsite of Hercofina at or near Wilmington, N.C., to Hopewell, Va., and points in Prince George and Chesterfield Counties, Va., for 180 days. Supporting shipper(s): Hercofina P.O. Box 327, Wilmington, N.C. 28402. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 124947 (Sub-No. 90TA), filed December 15, 1977. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, plasterm plasterboard joint systems, and relate products* used in the installation thereof, from Albuquerque, N. Mex. and its commercial zone to points in Tucson, Ariz.; and its commercial zone and Phoenix, Ariz.; and its commercial zone. Restricted to shipments originating at the plantsite of American Gypsum Co., at or near Albuquerque, N. Mex. for 180 days. Supporting shipper: American Gypsum Co. P.O. Box 6345, Albuquerque, N. Mex. 87107. Send protests to: Connie Stanley, Transportation Assistant, Rm. 240, Old P.O. & Courth House Bldg. 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 125423 (Sub-No. 3TA) (Correction), filed October 17, 1977, published in the FEDERAL REGISTER issue of November 16, 1977, and republished as corrected this issue. Applicant: J. FRED SMITH, d.b.a. J. FRED SMITH TRUCKING CO., 112 Nichols Street, Danville, Ky. 40422. Applicant's representative: Robert H. Kinker, 314 W. Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between railroad facilities in Cincinnati, Ohio and its commercial zone, on the one hand, and, on the other, points in Adair, Anderson, Bath, Bourbon, Boyle, Casey, Clark, Fayette, Franklin, Garrard, Harrrison, Jessamine, Knox, Laurel, Lincoln, Marion, Mercer, McCreary, Montgomery, Nicholas, Pulaski, Rockcastle, Russell, Scott, Shelby, Taylor, Washington, Whitley, and Woodford Counties, Ky. (2) Between railroad facilities in Lexington, Ky., and Danville, Ky., and their Commercial Zones, on the one hand, and, on the other, points in Bath, Harrison, Montgomery, and Nicholas Counties, Ky., and (3) Between railroad facilities in Louisville, Ky., and its commercial zone, on the one hand, and, on the other, points in Adair, Bath, Bourbon, Casey, Clark, Fayette, Franklin, Garrard, Harrison, Jessamine, Knox, Laurel, Lincoln, Marion, McCreary, Montgomery, Nicholas, Pulaski, Rockcastle, Russell, Scott, Shelby, Taylor, Washington, Whitley, and Woodford Counties, Ky.; (1), (2) and (3) above, is restricted to the transportation of shipments having a prior or subsequent movement by rail, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application which may be examined at the field office named below. Send protests to: (Mrs.) Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505. The purpose of this republication is to include part (3) of the territorial description and to also include the restriction.

No. MC 128117 (Sub-No. 27TA), filed January 6, 1978. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (except in bulk), from Supreme, La., to points and places in North Carolina, South Carolina, Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southdown Sugars, Inc., Canal La Salle Building, Room 1821, P.O. Box 52, New Orleans, La. 70112. Send protests to: Terrell Price District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 128205 (Sub-No. 43TA), filed December 27, 1977. Applicant: BULK-MATIC TRANSPORT CO., 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lead oxide*, in bulk, from Brazil, Ind., to Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Oxide & Chemical Corp., Jeffery McKinney, Sales & Trucking, Box 423, Brazil, Ind. 47834. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 129394 (Sub-No. 7TA), filed January 3, 1978. Applicant: RONALD HACKENBERGER, d.b.a. RON'S TRUCKING SERVICE, Route 250 North, R.F.D. No. 3, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Mercer County, Pa., to Huron, Ohio, under a continuing contract, or contracts, with Huron Lime Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Huron Lime Co., Huron, Ohio. Send protests to: Keith D. Warner District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio. 43611.

No. MC 134402 (Sub-No. 2TA), filed January 3, 1978. Applicant: WILLIAMS TRUCK LINES, INC., P.O. Box 143, North Market Street, Audubon, Iowa 50025. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, (except hides and commodities in bulk), from the facilities utilized by Weinstein International Corp., and Iowa Pork Industries, Inc., in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, to Los Angeles and Oakland, Calif., Portland, Oreg., and Seattle, Wash., under a continuing contract, or contracts, with Weinstein International Corp., and Iowa Pork Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brad McAlister Director of Transportation, Weinstein International Corp., and Iowa Pork Industries, its subsidiary, 5738 Olson Highway, Minneapolis, Minn. 55422. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136357 (Sub-No. 3TA), filed December 15, 1977. Applicant: BEST TRANSPORTATION CORP., South Washington Ave. and River St., Scranton, Pa. 18505. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, from Dunmore, Scranton, Bloomsburg, and Allentown, Pa., to points in the states of New Jersey, Rhode Island, Connecticut, Massachusetts, Michigan, Illinois, New Hampshire, Vermont, Maine, and New York; and Indianapolis, Crawfordsville, Bloomington, Fort Wayne, Hammond, and Terre Haute, Ind.; Cincinnati, Ohio, Kingsport, Tenn., and Lynchburg, Va.; and (2) *materials and supplies* used in the manufacture of printed matter, from points in the states of New Jersey, Rhode Island, Connecticut, Massachusetts, Michigan, Illinois, New Hampshire, Vermont, Maine, and New York; and Indianapolis, Crawfordsville, Bloomington, Fort Wayne, Hammond, and Terre Haute, Ind.; Cincinnati, Ohio; Lynchburg, Va., and Kingsport, Tenn.; to Dunmore, Scranton, Bloomsburg, and Allentown, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting

shipper: Haddon Craftsmen, Book Manufacturing Division of Intext, Ash St. and Syoming Ave., Scranton, Pa. 18509.

No. MC 138446 (Sub-No. 10TA), filed January 3, 1978. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, Iowa 52802. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Louisville, Ky., to points in Iowa and Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Flynn Beverage Co., 46th and Blackhawk Road, Rock Island, Ill. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 139112 (Sub-No. 15TA), filed January 4, 1978. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Above-ground swimming pools and plastic toys,* from Wilkes-Barre, Pa., to points in the United States (except Alaska and Hawaii), for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Muskin Corp., 400 East Thomas Street, Wilkes-Barre, Pa. 18705. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 139485 (Sub-No. 6TA), filed November 16, 1977. Applicant: TRANS CONTINENTAL CARRIERS, 169 East Liberty Avenue, Anaheim, Calif. 92803. Applicant's representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel studding, hangers, joist, I/S or nails, or staples, I/S/N.O.I.; ceiling suspension grid systems; frames, door or windows, I/S, K/D; plastic or rubber channels 156950; aluminum channels, UNF; plasterboard, STL faced; frames, door or windows, aluminum K/D; paint, liquid: gypsum wallboard, laminated or not laminated in packages; registers or diffusers, air, item 26900 sub 5 iron and steel; light fixtures N.O.I. fluorescent without bulbs or fittings; panels or interior partitions or walls per MMFC item 35040; access or computer floor panels and hardware,* from Medina County and Cuyahoga County, Ohio, to points in Wyoming, Montana, Oregon, Washington, California, Utah, Idaho, Nevada, Arizona, and New Mexico, under a continuing contract, or contracts, with Donn Products, Inc., located in Westlake, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Donn Products, Inc., 1000 Crocker Road, Westlake, Ohio 44145, Andrew Lamb, Office Manager. Send protests to: Edward Henry, 300 North Los Angeles Street, Room 1321, Los Angeles, Calif. 90012.

No. MC 139588 (Sub-No. 4TA), filed December 27, 1977. Applicant: GRANDVIEW ENTERPRISES, INC., 8265 North Borthwick Avenue, Portland, Oreg. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Glazed and unglazed ceramic wall and floor tile, glazed and unglazed quarries, and mosaic,* from points in Ohio to Portland, Oreg., and Tukwila, Wash., under a continuing contract or contracts with Uniq Distributing Co., Inc., from 180 days. Supporting shipper(s): Uniq Distributing Co., Inc., 3435 Southeast 17th, Portland, Oreg. 97202; Tile, Inc., 3435 Southeast 17th, Portland, Oreg. 97202. Send protests to: District Supervisor R. V. Dubay, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139999 (Sub-No. 26TA), filed January 4, 1977. Applicant: RED-FEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat,* from Dodge City, Kans., to points in Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Max A. Kline, Traffic Manager, Hy Plains Dressed Beef, Inc., P.O. Box 539, Dodge City, Kans. 67801. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140024 (Sub-No. 83TA) (correction), filed December 15, 1977, published in the FEDERAL REGISTER issue of January 19, 1978, republished as corrected this issued. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Street, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock, 5565 East 52nd Street, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pork, pork products, and pork by-products* (except commodities in bulk), from the plantsite and facilities of Sigman Meat Co., Inc., at or near Brush, Colo., to Fresno and Los Angeles, Calif., including points in the commercial zones thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sigman Meat Co., Inc., P.O. Box 364, Brush, Colo. 80723. Send protests to: District Supervisor, R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202. The purpose of this republication is restrictively amend the destination points.

No. MC 141097 (Sub-No. 12TA), filed November 14, 1977. Applicant: CAL-TEX, INC., P.O. Box 1678, 2300 Harbor Boulevard, Costa Mesa, Calif. 92626. Applicant's representative: Greg P. Steffire, 700 South Flower Street, Suite 17234, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Synthetic, natural and composite yarn, synthetic, natural and composite fiber, and the materials, and supplies* used in the manufacture thereof, (A) from the plantsite and facilities of A. M. Smyre Manufacturing Co., located at or near Ranlo, Albemarle, and Gastonia, N.C., to points in California, Arkansas, and Oklahoma; and (B) from Foley, Ala.; Lowland, Tenn.; Pensacola, Fla.; Abbyville and Edgefield, S.C., to the facilities of A. M. Smyre Manufacturing Co., located at or near Ranlo, Albemarle, and Gastonia, N.C.; and (C) from the plantsites and warehouse facilities of A. M. Smyre Manufacturing Co. located at or near Ranlo, Albemarle, and Gastonia, N.C., and port of entry on the United States and Canadian boundary line located in Montana, Idaho, and Washington, under a continuing contract or contracts with A. M. Smyre Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. M. Smyre Manufacturing Co., Ranlo, N.C., Travis W. Honeycutt, Agent. Send protests to: Edward Henry, 300 North Los Angeles Street, Room 1321, Los Angeles, Calif. 90012.

No. MC 141532 (Sub-No. 17TA), filed December 1, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433

16th Avenue South, Federal Way, Wash. 98003. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 93055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corp. in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plants or warehouse sites and destined to points indicated above, and further restricted against the transportation of oilfield commodities as defined in Mercer—Extension—Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., C. W. Hall, Director of Transportation, 24 North Main Street, Middletown, Ohio 45043. Send protest to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, Seattle, Wash. 98174.

No. MC 141804 (Sub-No. 93TA), filed January 5, 1978. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, Tenn. 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milled talc*, in bags, from the facilities of Cyprus Industrial Minerals Co., at or near Three Forks, Mont., to the facilities of Thermofil, Inc., at or near Ypsilanti, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cyprus Industrial Minerals Co., 555 South Flower Street, Los Angeles, Calif. 90071. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142065 (Sub-No. 11TA), filed January 5, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed meats*, from Allen Township, at or near Quincy, Mich., to points in Alabama, Arizona, Kansas, Missouri, Oklahoma, Tennessee, and Texas, under a continuing contract, or contracts, with Peter Eckrich & Sons, Inc., of Fort Wayne, Ind., restricted to the transportation of traffic originating at the plantsite and facilities of Peter Eckrich & Sons, Inc., of Allen Township, at or near Quincy, Mich., for 180 days. Supporting shipper(s): Peter Eckrich & Sons, Inc., 3515 Hobson Road, P.O. Box 388, Fort Wayne, Ind. 46801. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 142929 (Sub-No. 1TA), filed January 3, 1978. Applicant: CHARLES F. YAGER, d.b.a. YAGER TRUCKING, 112 Goya Drive, Fairfield, Calif. 94533. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from Portland, Oreg.; Tacoma, Quincy, and Walla Walla, Wash.; Twin Falls and Pocatello, Idaho, to Sacramento, Calif., under a continuing contract, or contracts, with Northern California Frozen Foods, Inc., for 180 days. Supporting shipper(s): Northern California Frozen Foods, Inc., 1724 10th Street, Sacramento, Calif. 95814. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, Calif. 94105.

No. MC 143284 (Sub-No. 2TA), filed January 4, 1978. Applicant: IVAN WEHRLE, d.b.a. WEHRLE GRAIN CO., Box 314, Mulberry Grove, Ill. 62262. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from the facility of Ralston Purina Co., at or near Montgomery City, Mo., to the Ralston Purina Co. plantsite at or near Vandalia, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Daniel G. Eddy, Regional Traffic Manager, Ralston Purina Co., 335 South 8th Street, St. Louis, Mo. 63188. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701

No. MC 143286 (Sub-No. 1TA), filed December 14, 1977. Applicant: RAYMOND R. WITTROCK, 1409 19th Avenue, Waverly, Nebr. 68462. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane parts, and crane accessories*, from the facilities of National Crane Corp. at or near Waverly, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies*, used in the manufacture, production, and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the facilities of National Crane Corp. at or near Waverly, Nebr. Restrictions: Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with National Crane Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Larry G. Harville, Controller, National Industrial Park, Waverly, Nebr. 68462. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 143436 (Sub-No. 6TA), filed January 5, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, Ind. 46227. Applicant's representative: Stephen M. Gentry, 1500 Main Street, Speedway, Ind. 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and related articles* in vehicles equipped with mechanical refrigeration, from the warehouse facilities of City Haul & Storage, Inc., located at or near Indianapolis, Ind., to points in Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Boyle-Midway, 5151 West 73d Street, Chicago, Ill. 60638. Send Protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 144094TA, filed December 16, 1977. Applicant: ALADDIN, INC., 215 Union Street, Hackensack, N.J. 07601. Applicant's representative: Edward F. Bowes, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hair cosmetics, shampoos, and conditioning caps*, from Englewood and Teterboro, N.J., to Los Angeles, City of Commerce, Fullerton, Santa Fe Springs, and Brisbane, Calif.; Sparks, Nev.; Omaha, Nebr.; Lawrence, Kans.; Dallas, Tex.; Chicago, Hillside, Itasca, and Vandalia, Ill.; Fort Wayne, Ind.; Detroit and Plymouth, Mich.; Maple Heights, Mayfield, and Stown,

Ohio; New Castle, Del.; Dumas, Ark.; Nashville and Memphis, Tenn.; Forest Park, Ga.; Jacksonville, Lakeland, and Miami, Fla., under a continuing contract with the Wella Corp., for 180 days. Supporting shipper: the Wella Corp., Director of Traffic, 524 Grand Avenue, Englewood, N.J. 07631. Send Protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144122TA, filed December 30, 1977. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, N.J. 07652. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Hartford, Conn., Baltimore, Md., Boston, Mass., Albany and New York, N.Y. and Philadelphia and Pittsburgh, Pa., and their respective commercial zones, on the one hand, and, on the other, Los Angeles, Sacramento, San Diego, San Francisco, San Jose, Fresno, and Oakland, Calif., and (2) from Hartford, Conn., Baltimore, Md., Boston, Mass., Albany and New York, N.Y., and Philadelphia and Pittsburgh, Pa., and their respective commercial zones, to Phoenix and Tucson, Ariz., Reno, Nev., and Salt Lake City, Utah, and their respective commercial zones, restricted to the transportation of shipments (a) moving on freight forwarder bills of lading issued by Westransco Freight Co. and (b) moving in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper(s): Westransco Freight Co., P.O. Box 54810, Los Angeles, Calif. 90054. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, N.J. 07102.

No. MC 144165TA, filed January 7, 1978. Applicant: ALAGA WHITFIELD LINES, INC., 1101 North Court Street, Montgomery, Ala. 36104. Applicant's representative: R. S. Richard, Capell, Howard, Knabe & Cobbs, P.A., P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pickles, olives, table syrups, cherries, peppers, onions, sauerkraut, fruit drinks, vegetable drinks, and similar food items and food products,* from the plantsite of Alaga Whitfield Foods, Inc., at or near Montgomery, Ala. to all points and places in the States of Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *Ingredients* which are consumed in and form a part of the finished products enumerated in paragraph (1) hereinabove, together with articles and supplies used in the maintenance and operation of Alaga Whitfield Foods, Inc.'s plant at or near Montgomery, Ala., from all points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to the plantsite of Alaga Whitfield Foods, Inc., at or near Montgomery, Ala. Restriction: Transportation performed pursuant to authority contained in paragraphs (1) and (2) hereinabove is restricted against the transportation of commodities in bulk in tank vehicles for 180 days. Supporting shipper(s): Alaga Whitfield Lines, Inc., 1101 North Court Street, Montgomery, Ala. 36104. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

PASSENGER APPLICATIONS

No. MC 143314 (Sub-No. 1TA), filed December 27, 1977. Applicant: AUTOBUS LA SAPINIERE LTEE, 114 Angus Street, East Angus, Quebec, Canada JOB 1RO. Applicant's representative: W. Norman Charles, 80 Bay Street, P.O. Box 724 Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at ports of entry on the United States-Canada boundary line located at or near Champlain and Alexandria Bay, N.Y., and extending to points in Florida, for 180 days. Supporting shipper(s): Excursions Hayes Tours, 116 Angus Street, East Angus, Quebec, Canada. Eastern Township Residence, East Angus, Quebec, Canada. Send protests to: District Supervisor, Ross J. Seymour, Interstate Commerce Commission, 6 Loudon Street, Concord, N.H. 03301.

No. MC 144090TA, filed December 8, 1977. Applicant: RED LETTER TRUCKING CO., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Applicant's representative: Stanley E. Levine, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients,* from Frankfort, Indianapolis, Logansport and Decatur, Ind.; Danville, Ill.; Bellevue, Delphos, Fostoria, Marion, and Perrysburg, Ohio; Blissfield and Hillsdale, Mich.; and Ports of Entry on the International Boundary Line between Canada and the United States on the Detroit River, restricted to international traffic, to points in Pennsylvania, points in Chatauqua, Cattaraugus, and Erie Counties, N.Y., and points in Washington and Frederick Counties, Md. (2) *Fertilizer* from Maumee and Washington Court House, Ohio to the destination area described in (1) above, for 180 days. Supporting shipper(s): Jesse C. Stewart Co., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Send protests to: John J. England, Transportation Specialist, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 144158TA, filed January 5, 1978. Applicant: CALDWELL SCHOOL & CHARTER BUS CO., INC., P.O. Box 607, Route No. 8, Caldwell, Idaho 83605. Applicant's representative: Dean E. Miller, P.O. Box 640, 9th and Dearborn Streets, Caldwell, Idaho 83605. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle, in special and charter party operations, in round trip tours, from, to and return, points in Canyon, Owyhee, Payette, and Washington Counties, Idaho and Malheur County, Oreg., to points in Oregon, Idaho, Washington, California, Nevada, and Utah, for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): There are approximately (31) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho. 83706.

No. MC 144164TA, filed January 3, 1978. Applicant: DONALD R. SPRAY, d.b.a. ELK RIVER LINES, 302 South Atlantic Street, Tullahoma, Tenn. 37388. Applicant's representative: Rick L. Moore, 300 North Jackson Street, Tullahoma, Tenn. 37388. Authority sought to operate as a *common carri-*

er, by motor vehicle, over irregular routes, transporting: *Passengers and their personal baggage,* in special and/or charter operation, from Tullahoma, Tenn., (along State Highway 55) to Manchester, Tenn., thence along Interstate 24 to Monteagle, Tenn.; Kimball, Tenn., and South Pittsburgh, Tenn., thence along State Highway 72 to Scottsboro, Ala., to the TVA Belafonte Nuclear Plant at Scottsboro, Ala., for 180 days. Supporting shipper(s): There are approximately (23) 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: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U. S. Court House, 801 Broadway, Nashville, Tenn. 37203.

By the Commission.

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

[FR Doc. 78-3034 Filed 2-2-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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[6355-01]

1

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m., February 9, 1978.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Partly Open; Partly Closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public:

1. *Recommendation to Close Possible Substantial Product Hazard Case: Shelcore, Inc. vacuum baby bottles with glass liners, ID 77-7.*—Based upon its belief that no substantial risk of injury is associated with these bottles, the staff has recommended that the Commission close the substantial product hazard case, and not pursue a timeliness case.

2. *Exportation of Tris-treated Products that have been in Domestic Commerce.*—Richard Gimer, on behalf of the American Yarn Spinners Association, has asked the Commission's Directorate of Compliance and Enforcement to provide a statement of the Commission's enforcement intentions with respect to persons who export properly labeled Tris-containing fiber, yarn, fabrics or garments from original inventory or from recalled or returned articles. The staff has asked the Commission to approve a draft response to this request.

3. *Cellulose Home Insulation.*—The Commission will consider issues related to a possible proceeding to develop mandatory safety standards for cellulose home insulation. The Commission and staff discussed this matter at the February 2 briefing.

B. Closed to the Public (2 p.m.):

4. *Budget and Authorization Hearings.*—At this session, the Commission and staff will discuss strategy related to upcoming Congressional hearings on CPSC's authorization and budget.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-262-78 Filed 2-1-78; 1:57 pm]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 7, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Parts open to the public:

1. Procedures for providing assistance in obtaining attorneys to parties who have filed charges of discrimination; Proposed Section 81 of Compliance Manual.

2. Revision of procedures for Commission approval of determinations on petitions to revoke or modify subpoenas, to reflect transfer of functions to the Office of the General Counsel.

Part closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

Issued: January 31, 1978.

[S-254-78 Filed 2-1-78; 1:57 pm]

[6715-01]

3

AGENCY: FEDERAL ELECTION COMMISSION.

TIME AND DATE: Wednesday, February 8, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audits, Compliance, Personnel.

TIME AND DATE: Thursday, February 9, 1978 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO 1977-58, 1977-63, 1978-1, 1978-2.
IV. Procedures on nonfilers: Part I.
V. FEC Form 7.
VI. FOIA regulations.
VII. Status of Commissioner's Policy Statements.
VIII. Classification actions.
IX. Routine administrative matters. Communications sent to a candidate's campaign treasurer.
X. Appropriations and budget. Questions on budget execution report.
XI. Pending legislation.
XII. Pending litigation—Questions on status report.
XIII. Liaison with other Federal agencies.
XIV. Questions on advisory opinion status sheet.

Portions closed to the public (executive session):

Any items continued from the executive session of February 8, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Friske, Press Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-264-78 Filed 2-1-78; 3:22 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3791, January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 1, 1978, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-0.—EL78-6, Illinois Power Co.
RP-3.—RP71-107 (Phase II) and RP72-127, Northern Natural Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-258-78 Filed 2-1-78; 1:57 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., February 8, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth P. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING (10 A.M.)

I. PRODUCER MATTERS

A. Producer sales

CI-1.—Docket No. CP74-314, El Paso Natural Gas Co. Docket No. CP76-327, Northwest Pipeline Corp. Docket No. CI77-526, Sun Oil Co., et al.
CI-2.—Reserved.
CI-3.—Reserved.
CI-4.—Reserved.

II. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1. Docket No. CP76-254, Michigan Consolidated Gas Co.
CP-2. Docket No. CP77-479, Panhandle Eastern Pipe Line Co.
CP-3. Docket No. CP77-525, United Gas Pipe Line Co. Docket No. CP77-528, Delhi Gas Pipeline Corp.
CP-4. Docket No. CP78-70, McCulloch Interstate Gas Corp.
CP-5. Reserved.
CP-6. Reserved.
CP-7. Reserved.

B. Order No. 533 authorizations

CP-8. Docket No. CP76-479, Transcontinental Gas Pipe Line Corp. Docket No. CP78-98, Texas Gas Transmission Corp.
CP-9. Docket No. CP78-34, Transcontinental Gas Pipe Line Corp. Docket No. CP78-84, United Gas Pipe Line Co.
CP-10. Docket Nos. CP78-77 and CP78-78, Transcontinental Gas Pipe Line Corp.
CP-11. Docket No. CP78-112, Transcontinental Gas Pipe Line Corp., United Gas Pipe Line Co.
CP-12. Reserved.
CP-13. Reserved.
CP-14. Reserved.

C. Liquified natural gas

CP-15. Docket No. CP71-264, Southern Energy Co.
CP-16. Reserved.
CP-17. Reserved.
CP-18. Reserved.

D. Curtailment

CP-19. Docket No. RP75-79, *Lehigh Portland Cement Company* v. *Florida Gas Transmission Company.*

GAS AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING

CAG-1. Docket No. RP71-130, et al., Texas Eastern Transmission Corp.
CAG-2. Docket Nos. RP72-133 and RP77-107 (PGA77-1A), United Gas Pipe Line Co.
CAG-3. Docket No. CP77-630, Transcontinental Gas Pipe Line Corp. Docket No. CP78-36, Texas Gas Transmission Corp.
CAG-4. Docket No. CP77-604, El Paso Natural Gas Co. Docket No. CP77-658, Transwestern Pipeline Co.
CAG-5. Docket No. CP78-93, Cities Service Gas Co.
CAG-6. Docket No. CP77-616, Texas Gas Transmission Corp.

POWER AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING

I. LICENSED PROJECT MATTERS

P-1. Project No. 400, Colorado-Ute Electric Association, Inc.
P-2. Docket No. E-9586, Northwestern Wisconsin Electric Co.

II. ELECTRIC RATE MATTERS

ER-1. Docket Nos. E-8586 and E-8587, Public Service Co. of Indiana.
ER-2. Docket Nos. ER76-209 and ER76-492, Metropolitan Edison Co.
ER-3. Docket No. ER76-607, Pennsylvania Electric Co.
ER-4. Docket Nos. ER78-78 and ER78-79, New England Power Co.
ER-5. Docket No. EL78-5, Pacific Gas and Electric Co.
ER-6. Docket No. ES78-8, El Paso Electric Co.

POWER AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING

CAP-1. Lands withdrawn in project Nos. 220 and 691—Wyoming.
CAP-2. Lands withdrawn in project Nos. 130, 253, 351, 630, and 997—Colorado.

KENNETH F. PLUMB,
Secretary.

[S-263-78 Filed 2-1-78; 3:22 pm]

[6210-01]

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., February 6, 1978. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open, part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. A proposed survey of bank holding company insurance activities.

Discussion Agenda:

1. Proposed statement to be presented to the Senate Committee on Banking, Housing, and Urban Affairs regarding the Federal Reserve System's budget.
2. Proposed guide to conduct for directors of Federal Reserve Banks and regulation to be issued, pursuant to 18 U.S.C. 208, regarding specific actions by such directors.
3. Any agenda items carried forward from a previously announced meeting.

Closed portion:

1. Proposed negotiation of a competitive purchase of computer equipment at the Federal Reserve Bank of Cleveland. This matter was originally announced for a meeting on January 30, 1978.
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.

[S-252-78 Filed 1-30-78; 8:45 am]

[6210-01]

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11:30 a.m., Friday, January 27, 1978. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS CONSIDERED: 1. Personnel appointments within the Board's staff.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 27, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-253-78 Filed 1-30-78; 8:45 am]

[6750-01]

8

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, January 25, 1978, Page No. 3472.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, January 27, 1978.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously announced meeting to Friday, February 3, 1978.

[S-255-78 Filed 2-1-78; 1:57 pm]

[6750-01]

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 7, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, February 3, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-256-78 Filed 2-1-78; 1:57 pm]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 8, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Interpretations of the Fair Credit Reporting Act.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message: 202-523-3806.

[S-257-78 Filed 2-1-78; 1:57 pm]

[7020-02]

11

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3341, January 24, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Friday, February 3, 1978.

CHANGES IN THE MEETING: Agenda item No. 6 [GSP (Inv. TA-503(a)-4 and 332-90)—vote], previously announced as being open to the public, was closed to the public by a vote of a majority of the entire membership of the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-265-78 Filed 2-1-78; 3:36 pm]

[4910-58]

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, February 9, 1978 (NM-78-7).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report.*—Head-on Collision of Two Greater Cleveland Regional Transit Authority Trains, Cleveland, Ohio, July 8, 1977.
2. *Briefing* by Managing Director on current management objectives.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming 202-472-6022.

[S-260-78 Filed 2-1-78; 1:57 pm]

[7910-01]

13

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, February 9, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED:

Poloron Products, Inc. (consolidated).
Poloron Products of Pa., Inc.
Poloron Products of Miss., Inc.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 31, 1978.

GOODWIN CHASE,
Chairman.

[S-259-78 Filed 2-1-78; 1:57 pm]

[8010-01]

14

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS: January 27, 1978 (to be printed February 2, 1978).

STATUS: Open meetings.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING SCHEDULES:

The following item will not be considered at the open meeting scheduled for Thursday, February 2, 1978, at 10 a.m.:

Proposed transmittal of comments to Congressman John M. Murphy, Chairman of the House Committee of Merchant Marine and Fisheries, expressing the views of the Commission on H.R. 9819, Shipping Act Amendments of 1977.

The following additional item will be considered at the open meeting scheduled for Thursday, February 2, 1978, at 10 a.m.:

Request by Senate Committee on Governmental Affairs for data relating to the economic effects of competitive commission rates.

The following item has been rescheduled from the open meeting on Wednesday, February 8, 1978, at 10 a.m., to an open meeting to be held on Tuesday, February 14, 1978, at 10 a.m.:

Proposed preliminary response to the recommendations of the Advisory Committee on Corporate Disclosure.

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined that the above changes were necessary and that no earlier notice thereof was possible.

Dated: February 1, 1978.

[S-261-78 Filed 1-1-78; 1:57 pm]

Federal Register

FRIDAY, FEBRUARY 3, 1978
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

NURSING SPECIAL PROJECT GRANTS

Proposed Provisions

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

NURSING SPECIAL PROJECT GRANTS

Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed regulations are to implement the Public Health Service Act, which provides that the Secretary may make grants to public and nonprofit private entities to meet the costs of special projects such as improving curricula of schools of nursing, increasing education opportunities for individuals from disadvantaged backgrounds, and providing continuing education for nurses. The proposed regulations revise the existing regulations to include changes made by the Nurse Training Act of 1975.

DATES: Comments must be received on or before March 6, 1978.

ADDRESSES: Written comments, preferably in triplicate, may be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, Room 4-22, Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays, (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Miss Edith Rathbun, Division of Nursing, Bureau of Health Manpower, Room 3-50, at the above address, phone 301-436-6684.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Subpart T of Part 57, the regulations for nursing special project grants under the former section 805 of the Public Health Service Act. These grants are now authorized under section 820 of the Act. The Nurse Training Act of 1975 made changes in the several purposes for which these grants may be awarded and added two new purposes. The following features of the proposed regulations should be noted:

1. Section 57.1903(b) of the proposed regulation sets forth the purposes for which these grants may be made, as specified in section 820(a) of the Act.

2. Section 57.1904 of the proposed regulations sets forth the requirements for an approvable application.

3. With respect to projects to plan, develop, or establish a new nurse training program or programs of research in nurse training (§ 57.1903(b)(2)(i)), the proposed regulations require under § 57.1905(b) that the program to be planned, developed, or established must become operational (i.e., enroll students) within the period of grant support. The basis for this proposal is the Secretary's view based upon the Department's experience that it is a more productive use of Federal funds to support planning and/or developmental activities, which include establishment of an operating program as the end product, especially with limited funds available to carry out all of the purposes. The three-year project period should provide adequate time for a program to become operational.

4. Proposed § 57.1905(c) provides that for purposes of projects to increase nursing education opportunities for individuals from disadvantaged backgrounds, the grantee, in determining whether individuals are from disadvantaged backgrounds, may consider an individual to be from a disadvantaged background if the individual:

(a) Comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of nursing; or

(b) Comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and multiplied by a factor to be determined by the Secretary for adaptation to this program. The Secretary periodically will publish in the FEDERAL REGISTER such factor and income levels as adjusted.

5. With respect to projects relating to continuing education, retraining opportunities, and upgrading the skills of certain types of nursing personnel (§ 57.1903(b) (4), (5), and (7), respectively), the proposed regulations require that these projects (1) be designed to have wide applicability for the nursing profession and (2) have an enrollment not limited to employees of a single institution. The purpose of these restrictions is to assure that public funds be used to effect improvement in training for the nursing profession in general, as opposed to routine employee orientation and in-service training which is considered the responsibility of individual employers. (See § 57.1905 (d), (e), and (f).)

6. Section 57.1903(b) of the proposed regulations provides that one project eligible for support is a project to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) to meet the health needs of the Nation. For this purpose, "nursing personnel who are bilingual" is proposed to be defined under § 57.1902 to mean nursing personnel with the ability to speak and understand, in addition to English, a language used by any major United States population group composed of individuals of limited English-speaking ability. In addition, "individuals of limited English-speaking ability" is proposed to be defined under § 57.1902(k) to mean "(1) individuals who were not born in the United States or whose native language is a language other than English, and (2) individuals who come from environments where a language other than English is dominant, and by reason thereof, have difficulty speaking and understanding the English language." This proposed definition is based upon a similar definition used in the Office of Education programs of support under the Bilingual Education Act (20 U.S.C. 880b).

It should also be noted that nursing special project grants which are to support the development of health resources intended for use in a health service area designated under Title XV of the Public Health Service Act or to support the delivery of health services are also subject to requirements of section 1513(e) of the Act, relating to review and approval by health systems agencies. Regulations establishing these review procedures are in the process of development by the Department.

It is therefore proposed to revise Subpart T of 42 CFR Part 57 as set forth below.

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

Dated: October 12, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: January 23, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart T—Nursing Special Project Grants

Sec.

57.1901 Applicability.
57.1902 Definitions.
57.1903 Eligibility.
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Sec.
57.1913 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); sec. 820, 89 Stat. 355 (42 U.S.C. 296k).

Subpart T—Nursing Special Project Grants

§ 57.1901 Applicability.

The regulations of this subpart are applicable to the award of grants to public and nonprofit private schools of nursing and other public or nonprofit private entities under section 820 of the Public Health Service Act (42 U.S.C. 296k) to assist in meeting the costs of special projects.

§ 57.1902 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "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.

(c) "Council" means the National Advisory council on Nurse Training (established by section 851(a) of the Act).

(d) "Budget Period" means the interval of time into which the project period is divided for bugetary and reporting purposes, as specified in the grant award document.

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

(f) "Project director" means an individual designated by the grantee in the grant application and approved by the Secretary to direct the project being supported under this subpart.

(g) "State," except as otherwise provided herein, means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(h) "School of nursing" means a collegiate, associate degree or diploma school of nursing, as such are defined in section 853 of the Act.

(i) "Nonprofit" as applied to any school or entity means one which is a corporation or association, or is owned and operated by one

or more corporations or associations, no part of the net earnings of which inure or may lawfully inure to the benefit of any private shareholder or individual.

(j) "Nursing personnel who are bilingual" means nursing personnel with the ability to speak and understand, in addition to English, a language used by any major United States population group composed of individuals of limited English-speaking ability.

(k) "Individuals of limited English-speaking ability" means: (1) individuals who were not born in the United States or whose native language is a language other than English, and (2) individuals who come from environments where a language other than English is dominant, and by reason thereof, have difficulty speaking and understanding the English language.

§ 57.1903 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit private school of nursing or other public or nonprofit private entity located in a State may apply for a grant under this subpart.

(b) *Eligible projects.* Grants under this subpart may be made to eligible applicants to meet the costs of special projects to carry out one or more of the following purposes:

(1) To assist in—

(i) Mergers between hospital training programs or between hospital training programs and academic institutions, or

(ii) Other cooperative arrangements among hospitals and academic institutions leading to the establishment of nurse training programs;

(2) To plan, develop, or establish new nurse training programs or programs of research in nursing education, or to significantly improve curricula of schools of nursing (including curriculums of pediatric nursing and geriatric nursing) or modify existing programs of nursing education;

(3) To increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with the criteria prescribed in § 57.1905(c), by—

(i) Identifying, recruiting, and selecting such individuals,

(ii) Facilitating the entry of such individuals into schools of nursing,

(iii) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

(iv) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

(v) Paying such stipends as the Secretary may determine for such individuals for any period of nursing education, and

(vi) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

(4) To provide continuing education for nurses;

(5) To provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(6) To help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

(7) To provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

(8) To assist in meeting the costs of developing short-term (not to exceed 6 months) in-service training programs for nurses aides and orderlies for nursing homes, which programs emphasize the special problems of geriatric patients and include training for monitoring the well-being and feeding and cleaning of the patients in nursing homes, selected emergency procedures, basic knowledge of drug properties and interactions, and fire safety techniques.

§ 57.1904 Application.

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

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

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

(1) A proposal for a project to carry out one or more of the purposes specified in § 57.1903(b).

(2) Information documenting the need for the proposed project.

(3) A description of the anticipated impact of the proposed project, including its potential contribution to nursing.

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

(5) A description of the resources available for the conduct of the proposed project, including faculty, staff, equipment, facilities, and, where applicable, a clinical practice setting or settings.

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

[1] Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Md. 20782.

(7) A description of any Federal financial support related to the proposed project which the applicant is currently receiving.

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

(9) A description of the background and qualifications of the project staff and any proposed consultants.

(10) A description of any written agreements with other institutions or organizations for carrying out the proposed project.

(11) If the proposed project includes the provision of training, information concerning the source and number of potential students and a description of recruitment plans and criteria for the selection and admission of students.

§ 57.1905 Project requirements.

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

(a) The project shall be conducted under the direction of the project director. If the project director becomes unable to function in such capacity, the Secretary shall be notified as soon as possible.

(b) If the project is designed to carry out the purpose of § 57.1903(b)(2)(i), the new nurse training program or program of research in nursing education to be planned, developed, or established shall be operational within the project period.

(c) If the project is designed to carry out the purpose of § 57.1903(b)(3), the grantee may consider an individual to be from a disadvantaged background if the individual:

(1) Comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of nursing; or

(2) Comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and multiplied by a factor to be determined by the Secretary for adaptation to this program. The Secretary periodically will publish in the FEDERAL REGISTER such factor and income levels as adjusted.

(d) If the project is designed to carry out the purpose of § 57.1903(b)(4), the project shall provide a continuing education program which: (1) is designed to have wide applicability for the nursing profession, and (2) has an enrollment not limited to nurses employed by a single institution.

(e) If the project is designed to carry out the purpose of § 57.1903(b)(5), the project shall provide a retraining program which: (1) has a curriculum that includes classroom instruction and faculty-supervised clinical training, (2) is designed to have wide applicability for the nursing profession, and (3) has an enrollment not limited to nurses employed by a single institution.

(f) If the project is designed to carry out the purpose of § 57.1903(b)(7), the project shall provide a training program which: (1) is designed to have wide applicability for the nursing field, and (2) has an enrollment not limited to nurses employed by a single institution.

(g) If the project is designed to carry out the purpose of § 57.1903(b)(8), the project shall develop a training program for nursing home personnel, the curriculum, course materials, and methodology of which can be used on a regional, State or national basis.

§ 57.1906 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will, in his judgment, best promote the purposes of section 820 of the Act, taking into consideration among other pertinent factors:

(1) The national or special local need which the particular project proposes to serve;

(2) The potential effectiveness of the proposed project in carrying out such purposes;

(3) The administrative and managerial capability of the applicant to carry out the proposed project;

(4) The adequacy of the facilities and resources available to the applicant to carry out the proposed project;

(5) The qualifications of the project director and proposed staff;

(6) The reasonableness of the proposed budget in relation to the proposed project; and

(7) The potential of the project to continue on a self-sustaining basis after the period of grant support.

(b) The amount of any award will be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limit of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee. Projects receiving grants under this subpart may be approved for an initial project period of up to three years. Grantees may apply for up to two years of additional support by submitting a competing extension application.

(d) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees shall make separate application at such times and in such form as the Secretary may prescribe.

§ 57.1907 Grant payments.

The Secretary will from time to time make payments to the grantee of all or a portion of any grant award, either by way of reimbursement for expenses incurred in the budget period, or in advance for expenses to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 57.1908 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 820 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74: *Provided*, That such funds may not be expended for sectarian instruction or for any religious purpose.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during subsequent budget periods of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account shall be refunded to the Federal Government.

§ 57.1909 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and 45 CFR Part 83, which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless the application for the grant,

loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) 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 to 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 is applicable to grants made under this subpart, has been issued by the secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such section 504, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 84).

(e) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(f) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.

§ 57.1910 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart: *Provided,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total or selected elements of the reimbursable direct costs incurred.

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

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

(i) Used by the grantee for any purposes that further the objectives of section 820 of the Act.

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

(2) Royalties received after the completion or termination of grant support may be retained by the grantee, unless the terms and conditions of the grant or a specific agreement negotiated between the Secretary and the grantee provide otherwise, except that any grantee that is a State or local government, as defined in 45 CFR 74.3, which receives royalties in excess of $200 a year must return the Federal share of the excess amount (computed by applying the percentage of Federal participation in the cost of the grant-supported project to the excess amount) to the Federal Government, unless a specific agreement provides otherwise.

(c) *Grant Closeout*—(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 paragraphs (a) and (b) of this section; and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74 and the terms and conditions of the grant award. 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 assigns by setoff or other action as provided by law.

§ 57.1911 Publications and copyright.

(a) *State and local government.* Where the grantee is a State or local government, as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials, and to authorize others to do so.

§ 57.1912 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 Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

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

§ 57.1913 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 78-2459 Filed 2-2-78; 8:45 am]

Federal Register

FRIDAY, FEBRUARY 3, 1978
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

NURSING SCHOOLS EDUCATIONAL PROGRAMS

Proposed Grant Provisions

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

GRANTS TO SCHOOLS OF NURSING FOR THE SUPPORT OF THEIR EDUCATIONAL PROGRAMS

Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed regulations are to implement the Public Health Service Act, which provides that the Secretary shall make annual capitation grants to schools of nursing for support of their educational programs. The proposed regulations are to be substituted for the existing regulations for these grants, and include the changes made by the Nurse Training Act of 1975 and by the Health Services Extension Act of 1977.

DATES: Comments must be received on or before March 6, 1978.

ADDRESSES: Written comments may be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, Room 4-22 Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Miss Edith Rathbun, Division of Nursing, Bureau of Health Manpower, Room 3-50, at the above address, phone: 301-436-6684.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to delete Subpart K of 42 CFR Part 57, relating to nursing capitation grants under former section 806 of the Public Health Service Act, and to substitute a new Subpart K to implement section 810 of the Act, as amended by the Nurse Training Act of 1975 and by the Health Services Extension Act of 1977.

Nursing capitation grants are grants to schools of nursing based on formulas relating to the number of full-time students enrolled in the recipient institutions. The Nurse Training Act of 1975 (Title IX of Pub. L. 94-63) substantially revised the capitation provisions in section 806 of the Public Health Service Act, and redesignated it as section 810. These revisions include changes in the formulas for computing the grants for each of three types of eligible schools (collegiate, associate degree, and diploma schools of nursing), as well as changes to the conditions schools must meet in order to receive capitation grants. For example, each school must provide assurances satisfactory to the Secretary that its full-time, first-year enrollment will not decrease from the previous year, and that it will continue to expend a certain level of funds from non-Federal sources. Each school must also assure the Secretary that it will either increase its full-time, first-year enrollment, or carry out any two of the four programs specified in section 810(c)(2)(B). These programs involve nurse practitioner training, clinical education, continuing education, and the recruitment and graduation of students from disadvantaged backgrounds. Section 57.1004(c)(3)(ii)(D) of the proposed regulations sets forth the criteria for determining whether, for purposes of this program, individuals are from disadvantaged backgrounds. The proposed regulations also contain the following features:

1. Section 57.1004 of the proposed regulations sets forth the requirements for an approvable application.

2. With respect to new schools of nursing applying for grants under section 810(e) of the Act, the proposed regulations include provisions regarding eligibility (§ 57.1003(b)), application requirements (§ 57.1004(c)(4)), and determination of enrollment (§ 57.1005(b)).

It is, therefore, proposed to delete the existing Subpart K of 42 CFR Part 57 and to substitute a new Subpart K to Part 57 to read as set forth below.

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

Dated: December 2, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: January 23, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart K—Grants to Schools of Nursing for the Support of Their Educational Programs

Sec.
57.1001 Applicability.
57.1002 Definitions.
57.1003 Eligibility.
57.1004 Application.
57.1005 Determination of number of students.
57.1006 Grant award.
57.1007 Grant payments.
57.1008 Expenditure of grant funds.
57.1009 Nondiscrimination.
57.1010 Grantee accountability.
57.1011 Records and reports.
57.1012 Inspection and audit.
57.1013 Applicability of 45 CFR Part 74.
57.1014 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 810, Stat. 356 (42 U.S.C. 296e).

Subpart K—Grants to Schools of Nursing for the Support of Their Educational Programs

§ 57.1001 Applicability.

The regulations of this subpart are applicable to the award of annual grants under section 810 of the Public Health Service Act (42 U.S.C. 296e) to schools of nursing for the support of the education programs of such schools.

§ 57.1002 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "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.

(c) "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(d) "Council" means the National Advisory Council on Nurse Training (established by section 851(a) of the Act).

(e) "School" or "school of nursing" means a collegiate, associate degree, or diploma school of nursing which is accredited as provided in section 853(6) of the Act

(f) "Collegiate school of nursing" means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor or arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

(g) "Associate degree school of nursing" means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

(h) "Diploma school of nursing" means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

(i) "New school" means a school which, at the time of filing an application for a grant under this subpart, has not graduated a class because of an insufficient period of operation.

(j) "Full-time student" means a student pursuing a full-time course of study, as determined by the school, in an accredited program in a school of nursing leading to a diploma or degree specified in paragraph (f), (g), or (h) of this section.

(k) "Construction" means (1) the construction of new buildings and the acquisition or expansion of existing buildings (including related costs, such as architects' fees, acquisition of land, off-site improvements, and the initial equipping of such buildings); and (2) the remodeling, alteration, and repair of existing buildings.

(l) "Program for the training of nurse practitioners" means an educational program for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meets guidelines prescribed by the Secretary in accordance with section 822(a)(2)(B) of the Act and which has as its objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such program, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, and other health care institutions.

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

(n) "Fiscal year" means the Federal fiscal year as defined in 31 U.S.C. 1020(a).

§ 57.1003 Eligibility.

(a) To be eligible for a grant under this subpart the applicant shall:

(1) Be a public or nonprofit school of nursing; and

(2) Be located in a State.

(b) A new school of nursing may apply for a grant under this subpart in the fiscal year preceding the fiscal year in which it will admit its first class. For purposes of this section, the first class in a new collegiate school of nursing is (1) the second-year class in a three-year school, or (2) the third-year class in a four-year school.

§ 57.1004 Application.

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

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

(c) In addition to such other information and assurances as the Secretary may require, an approvable application shall contain or be supported by:

(1) A reasonable assurance satisfactory to the Secretary that the first-year enrollment of full-time students in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the first-year enrollment of such students in the school in the preceding school year. This assurance shall be in addition to any assurance given under section 802(b)(2)(D) of the Act with respect to a construction grant application, where applicable.

(2) A reasonable assurance that the school will expend in carrying out its function as a school of nursing, during the school year for which such grant is sought, an amount of funds (other than funds for construction, as defined in § 57.1002(k)) from non-Federal sources which is at least as great as the average amount of funds expended by such school for such purposes (excluding expenditures of a nonrecurring nature) in the three school years immediately preceding the school year for which the grant is sought. The determination of the average amount of non-Federal funds expended by a new school during such three-year period shall be the average for such of the three preceding school years in which expenditures were actually made in carrying out the functions of the school.

(3) Either (i) A reasonable assurance satisfactory to the Secretary that for the school year beginning in the fiscal year in which such grant is to be made, and for each school year thereafter beginning in a fiscal year in which such a grant is made, the first-year enrollment of full-time students in the school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1975, by

(A) 10 per centum of such number if such number was not more than 100; or

(B) 5 per centum of such number, or 10 students, whichever is greater, if such number was more than 100; or

(ii) A reasonable assurance satisfactory to the Secretary that the school will carry out, in accordance with a plan contained in or accompanying its application and approved by the Secretary, at least two of the following programs in the school year beginning in the fiscal year in which the grant applied for is to be made and in each school year thereafter beginning in a fiscal year in which such a grant is made:

(A) In the case of a collegiate school of nursing, a program for the training of nurse practitioners as defined in § 57.1002(*l*).

(B) A program under which students enrolled in a school of nursing will receive a significant portion of their clinical training in community health centers, long-term care facilities, and ambulatory care facilities geographically remote from the main site of the teaching facilities of the school.

(C) A program for the continuing education of nurses which meets needs identified by appropriate State, regional, or local health or educational entities (including health systems agencies).

(D) A program to identify, recruit, enroll, retain, and graduate individuals from disadvantaged backgrounds (as determined by the school in accordance with criteria prescribed in this paragraph) under which program at least 10 per centum of each year's entering class or 10 students, whichever is greater, is comprised of such individuals. For purposes of this paragraph, the school may only consider an individual to be from a disadvantaged background if the individual:

(*1*) Comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of nursing; or

(*2*) Comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and multiplied by a factor to be determined by the Secretary for adaptation to this program. The Secretary periodically will publish in the FEDERAL REGISTER such factor and income levels as adjusted.

(4) In the case of an application from a new school of nursing which applies for a grant under this subpart

[1] Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Md. 20782.

in the fiscal year preceding the fiscal year in which it will admit its first class:

(i) Evidence satisfactory to the Secretary that where required by State law or regulation the school has received the approval of the State Board of Nursing for the State in which such school is located to enroll students in such school in the fiscal year after the fiscal year in which the grant is sought.

(ii) An estimate of the number of full-time students to be enrolled in such school in the fiscal year after the fiscal year in which the grant is made and information and assurances supporting such estimate.

§ 57.1005 Determination of number of students.

(a) For purposes of this subpart, the number of full-time students enrolled in a school, the number of full-time first-year students enrolled in a school, or the number of full-time students enrolled in a particular year-class in a school, as the case may be, for any year shall be the number of such students enrolled or to be enrolled, as the case may be, in such school on October 15 of such year: *Provided,* That, schools which admit first-year classes in courses of study leading to a diploma or degree specified in § 57.1002 (f), (g), or (h) at times other than early fall may request the Secretary's approval of another official counting date for purposes of determining first-year enrollment.

(b) The classification of a full-time student as a first-year student or as a student in a particular year-class in a school shall be in accordance with the policies of the particular school, except that any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student for purposes of the maintenance of enrollment requirement of section 810(c)(1)(A) of the Act and § 57.1004(c)(1) or for purposes of section 810(c)(2)(A) of the Act and § 57.1004(c)(3)(i), where applicable.

(c) For purposes of making a grant under section 810(e) of the Act to a new school of nursing which applies for such grant in the fiscal year preceding the fiscal year in which it will admit its first class, the number of full-time students enrolled in such school or in a praticular year-class in such school shall be the number which the Secretary, on the basis of the information and assurances provided by such school under § 57.1004(c)(4)(ii), determines to be the number of full-time students which the school will enroll in the fiscal year after the fiscal year in which the grant is to be made. With respect to a new associate degree school of nursing, the number of full-time students enrolled in the first year of such school shall be the number of full-time students enrolled in the first year of the program of education leading to an associate degree in nursing or to an equivalent degree.

§ 57.1006 Grant award.

(a) The Secretary, after consultation with the Council, shall award a capitation grant ro each applicant whose application is found to meet the applicable requirements of section 810 of the Act and the regulations of this subpart.

(b) The amount of each capitation grant shall be an amount computed in accordance with the formula set forth in section 810(a) of the Act. If the amount of funds appropriated for any fiscal year is less than the total of the amounts so computed for each school of nursing with an approved application, the grant awarded to each school shall be reduced proportionately in accordance with section 810(b) of the Act.

§ 57.1007 Grant payments.

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.

§ 57.1008 Expenditure of grant funds.

(a) Capitation grant funds may be obligated by the school at any time before the end of a 24-month period specified in the grant award document for any purpose related to the educational program of the school, except as otherwise provided in paragraph (b) of this section. Any funds not so obligated shall be refunded to the Federal Government.

(b) Capitation funds may not be expended for the following purposes:

(1) Construction (as defined in § 57.1002(k)), except that grant funds may be used for alterations and renovations;

(2) Student assistance; and

(3) Sectarian instruction or any religious purpose.

§ 57.1009 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and 45 CFR Part 83, which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) 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 to 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 is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education prograqm or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing section 504, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 84).

(e) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965) as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(f) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.

§ 57.1010 Grantee accountability.

(a) Accounting for grant funds shall be in accordance with institutional accounting practices, based on generally accepted accounting principles, consistently applied regardless of the source of funds. 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 meeting the requirements of this subpart.

(b) The total sum of: (1) Any amount not accounted for pursuant to paragraph (a) of this section, and (2)

any other amounts due pursuant to Subparts F, M, and O) of 45 CFR Part 74 shall be payable to the Federal Government as final settlement with respect to each grant under this subpart. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the the grantee or its successors or assigns by setoff or other action as provided by law.

§ 57.1011 Records and reports.

Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such financial records, identifiable by grant number, and file with the Secretary such financial reports relating to the use of grant funds as the Secretary may find necessary to carry out the purposes of section 810 of the Act and the regulations of this subpart.

§ 57.1012 Inspection and audit.

Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.1013 Applicability of 45 CFR Part 74.

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

SUBPART

A—General.
B—Cash depositories.
C—Bonding and insurance.
D—Retention and custodial requirements for records.
F—Grant-related income.
K—Grant payment requirements.
M—Grant closeout, suspension, and termination.
O—Property.
Q—Cost principles.

§ 57.1014 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgement such conditions are necessary to assure or protect advancement of the grant purposes, the interests of the public health, or the conservation of grant funds.

[FR Doc. 78-2458 Filed 2-2-78; 8:45 am]

Federal Register

FRIDAY, FEBRUARY 3, 1978
PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General wage determination decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77-1025	Mar. 4, 1977.
AL77-1040	Apr. 1, 1977.
Florida:	
FL76-1021	Jan. 30, 1976.
FL76-1059	May 14, 1976.
FL77-1142	Dec. 2, 1977.
FL77-1144	Nov. 25, 1977.
FL77-1147	Dec. 9, 1977.
Idaho:	
ID77-5088	Oct. 7, 1977.
Kentucky:	
KY77-1084	June 24, 1977.
Louisiana:	
LA78-4001	Jan. 6, 1977.
Mississippi:	
MS77-1057	May 6, 1977.
Nebraska:	
NE77-4281	Sept. 30, 1977.
Nevada:	
NV77-5072	July 8, 1977.
NV77-5077; NV77-5085; NV77-5089	Sept. 23, 1977.
New York:	
NY77-3115	Aug. 19, 1977.
Pennsylvania:	
PA77-3023	Jan. 28, 1977.
Tennessee:	
KY77-1084	June 24, 1977.
Utah:	
UT77-5075	Aug. 5, 1977.
Virginia:	
MD77-3109	Sept. 16, 1977.
Washington:	
WA77-5096	Oct. 14, 1977.
Washington, D.C.:	
DC77-3108	Sept. 16, 1977.
Wisconsin:	
WI77-2092	June 24, 1977.
WI77-2110	July 22, 1977.
WI77-2111	Sept. 23, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL77-1042 (AL78-1003)	Apr. 1, 1977.
AL77-1079 (AL78-1004)	Aug. 5, 1977.
Kansas:	
KS77-4080 (KS78-4009); KS77-4081 (KS78-4008)	Apr. 8, 1977.
KS77-4149 (KS78-4007)	July 1, 1977.
Michigan:	
MI76-2171 (MI78-2001)	Dec. 28, 1977.
Mississippi:	
MS77-1032 (MS78-1006)	Mar. 25, 1977.
Nebraska:	
NE77-4001 (NE78-4006)	Jan. 7, 1977.
New York:	
NY77-3013 (NY78-3001)	May 13, 1977.
Wyoming:	
WY77-5054 (WY78-5013)	May 20, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Decisions FL76-1016 and FL76-1017, Escambia, Santa Rosa, Okaloosa, and Walton Counties, Fla.,

are hereby cancelled. Agencies with residential construction projects contemplated in these counties should utilize the project determination procedure by sumbitting form SF-308 (see 29 CFR Part 1, Section 1.5). Contracts for which bids have been opened shall not be affected by this notice. Consistent with 29 CFR Part 1, Section 1.7 (b)(2), inclusion of the above decisions in contracts for which the bid opening is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 27th day of January 1978.

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 NO. FL76-1059, MOD. 3 (41 FR 20130 - May 14, 1977 Bay County, Florida					
Change:					
Truck Drivers	2.65				
Welders-Rate for craft to which welding is incidental					
DECISION NO. FL77-1144, MOD. 2 (42 FR 60554 - November 25, 1977 Pinellas County, Florida					
Change:					
Bricklayers; Marble Setters; Stonemasons	9.20	.45	.50		.09
Cement Masons	8.60	.45	.50		.09
Tile & Terrazzo Workers	9.05	.45	.50		.09
Decision # FL77-1142, Mod. #1. (42 FR 61435 - December 2, 1977 Cape Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site, Florida.					
Change:					
Sheet Metal Workers	9.72	.60	.33		
DECISION #FL77-1147, MOD. #1 (42 FR 62336 - December 9, 1977 Dade County, Florida					
Change:					
ROOFERS:					
Slate; Tile; Composition; Damp & Waterproofers	9.77	.83	.35		.02
Poured or Pre-cast roof Deck Applicators	5.85	.30	.15		
Kettlemen	7.02	.30	.15		
Add:					
LABORERS-					
Permit value up to $350,000: Airtool Operators; Mason Tenders; Mortar Mixers;					
Pipelayers	5.025	1.10	.37		
Plasterer Tenders	5.16	1.10	.37		
Unskilled	4.95	1.10	.37		

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL77-1040-MOD. #6 (42 FR 17752 - April 1, 1977) Madison County, Alabama					
Change:					
Electricians, linemen	10.35	.55	3% + .35		1%
DECISION #AL77-1025-MOD. #4 (42 FR 15277 - March 4, 1977) Lawrence Limestone and Morgan Counties, Alabama					
Change:					
Bricklayers:					
Bricklayers, Marble Masons, Stonemasons, Pointers, Cleaners and Caulkers	9.75				
Carpenters:					
Carpenter & Soft Floor Layers	7.60	35	25		
Millwrights	8.24	.35	25		
Piledrivermen	8.01	.35	25		
Cement Masons	9.00				
Electricians:					
Electricians, linemen	10.35	.55	3% + .35		1%
Cable Splicers	10.36	.55	3% + .35		1%
Plasterers & Troweling:					
Machine Operator	8.90				
Sheet Metal Workers	10.05	.69	.82		.09
Power Equipment Operators:					
Group A	9.98	.40	.40		
Group B	8.64	.40	.40		
Group C	7.92	.40	.40		
DECISION NO. FL76-1021, MOD. 2 (41 FR 4749 - January 30, 1977 Bay, Escambia, Gulf, Okaloosa, Santa Rosa, & Walton Counties Florida					
Delete:					
Bricklayers					
Formsetters					
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Drier					
Concrete Paving Machine					
Oiler					
Pump					
Tractor-80hp. or less					
Change:					
Laborers:					
Common	2.65				
Truck Drivers	2.65				
Welders - rate for craft to which welding is incidental					

MODIFICATIONS P. 3

DECISION #ID77-5088 - Mod. #5
(42 FR 54709 - October 7, 1977)
Statewide Idaho

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties:					
Electricians	$10.75	.70	3% + .50		1%
Cable Splicers	11.825	.70	3% + .50		1%
Ironworkers:					
Ornamental; Reinforcing; Structural:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	11.85	.93	1.20		.10
Line Construction Workers:					
(Area 2):					
Remaining Counties:					
All power construction over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1 000 KVA or greater capacity, all communications, underground work, 34.5 KV, streets and highway lighting and motor traffic controls:					
Groundman	7.48	.45	3%		1/2%
Equipment Operators	9.05	.45	3%		1/2%
Cable Splicers	10.93	.45	3%		1/2%
Lineman	9.94	.45	3%		1/2%
Soft Floor Layers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	9.38	.40	.50	.09	

MODIFICATIONS P. 4

DECISION #LA78-4001 - Mod. #2
(43 FR 1276 - January 6, 1978)
Statewide Louisiana

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Ops. (Highway Construction):					
Group 1 - Zone 1	$ 9.76	.65	.55		.05
Zone 3	9.23	.65	.55		.05
Zone 4	9.41	.65	.55		.05
Zone 5	7.45	.65	.55		.05
Group 2 - Zone 1	10.01	.65	.55		.05
Zone 3	9.48	.65	.55		.05
Zone 4	9.66	.65	.55		.05
Zone 5	7.70	.65	.55		.05
Group 3 - Zone 1	9.51	.65	.55		.05
Zone 3	8.98	.65	.55		.05
Zone 4	9.16	.65	.55		.05
Zone 5	7.20	.65	.55		.05
Group 4 - Zone 1	8.26	.65	.55		.05
Zone 3	7.93	.65	.55		.05
Zone 4	7.94	.65	.55		.05
Zone 5	6.23	.65	.55		.05
Group 5 - Zone 1	7.91	.65	.55		.05
Zone 3	7.34	.65	.55		.05
Zone 4	7.33	.65	.55		.05
Zone 5	5.91	.65	.55		.05
Group 6 - Zone 1	7.11	.65	.55		.05
Zone 3	6.53	.65	.55		.05
Zone 4	6.53	.65	.55		.05
Zone 5	4.98	.65	.55		.05
Group 7 - Zone 1	6.80	.65	.55		.05
Zone 3	6.19	.65	.55		.05
Zone 4	6.19	.65	.55		.05
Zone 5	4.69	.65	.55		.05
Group 8 - Zone 1	8.16	.65	.55		.05
Zone 3	7.83	.65	.55		.05
Zone 4	7.84	.65	.55		.05
Zone 5	6.18	.65	.55		.05
Group 9 - Zone 1	8.41	.65	.55		.05
Zone 3	8.08	.65	.55		.05
Zone 4	8.09	.65	.55		.05
Zone 5	6.43	.65	.55		.05
Group 10 - Zone 1	7.05	.65	.55		.05
Zone 3	6.44	.65	.55		.05
Zone 4	6.44	.65	.55		.05
Zone 5	4.94	.65	.55		.05

DECISION #MS-77-1057-MOD. #1
(42 FR 23266 - May 6, 1977)
Noxubee County, Mississippi

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Laborers	2.65				

Decision #NE77-4281-Mod. #4 (42 FR 53087- September 30,1977) Lancaster County, Nebraska	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Laborers:					
Common Laborer	$ 7.015	.55	.30		
Machine and Air Tool Operators, Mason Tenders	7.165	.55	.30		
Plasterers Tenders	7.24	.55	.30		
DECISION #NV77-5072 - Mod. #7 (42 FR 35562 - July 8, 1977) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Electricians:					
Electricians; Equipment Operators; Linemen	$13.22	.73	1% +$1.30		.05
Cable Splicers	13.55	.73	1% + 1.30		.05
Groundman	10.58	.73	1% + 1.30		.05
Painters:					
Brush; Roller	9.76	.75	.60	1.50	.06
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers; Buffing; Sandblasters, Steel	10.11	.75	.60	1.50	.06
Roofers	13.75	.65			
DECISION #NV77-5077 - Mod. #6 (42 FR 48662 - September 23, 1977) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada					
Change:					
Roofers:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$13.75	.65			

Decision #NV77-5085 - Mod. #4 (42 FR 48679 - September 23, 1977) Clark County (does not include the Nevada Test Site), Nevada	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Roofers	$13.75	.65			
DECISION #NV77-5089 - Mod. #6 (42 FR 48665 - September 23, 1977) Washoe County, Nevada					
Change:					
Plumbers; Steamfitters	$11.74		.90	$1 95	.10
Sheet Metal Workers:					
Residential construction not over 3 stories in height, where each individual family apartment is individually conditioned by a separate and independent unit or system	8 98	1.04	2.13		.05
All other residential construction	11.22	1.04	2.13		.05

DECISION NO. NY77-3115-MOD. #1 (42 FR 42079-August 19, 1977) Monroe County, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
BOILERMAKERS	$11 05	1 00	1 25		.02
CARPENTERS, BUILDING	10.30	1 18	1 06		03
ELEVATOR CONSTRUCTORS	12 16	,745	56	a+b	025
ELEVATOR CONSTRUCTORS HELPERS	8 51	745	56	a+b	025
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6 08				
LINE CONSTRUCTION					
ELECTRICAL OVERHEAD AND UNDERGROUND DISTRIBUTION WORK:					
Lineman and Technicians	10 00	1 00	3%+ 75	d	3½%
Cable Splicers	12 87	1 00	3%+ 75	d	3½%
Groundman Digging Machine Operator and Ground man Dynamiteman	9 00	1 00	3%+ 75	d	3½%
Groundman mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units)	8 00	1 00	3%+ 75	d	3½%
Groundman Truck Driver, Driver Mechanic, Groundman (experienced)	7 50	1 00	3%+ 75	d	3½%
ALL OVERHEAD TRANSMISSION LINE WORK AND LIGHTING FOR ATHLETIC FIELDS:					
Lineman and Technicians	11 25	1 00	3%+ 75	d	3½%
Groundman Digging Machine Operator, Groundman Dynamiteman	10 125	1 00	3%+ 75	d	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer unit)	9 00	1 00	3%+ 75	d	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	8 4375	1 00	3%+ 75	d	3½%
ALL PIPE TYPE CABLE INSTALLATIONS:					
Lineman and Groundman Equipment operator	11 70	1 00	3%+ 75	d	3½%

DECISION NO. NY77-3115-MOD. #1 (42FR 42079-August 19, 1977) Monroe County, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D)					
ALL PIPE TYPE CABLE INSTALLATIONS:					
Cable Splicer	$12 87	1 00	3%+ 75	d	3½%
Groundman Truck Driver, Groundman (experienced)	8 775	1 00	3%+ 75	d	3½%
SUB-STATION, SWITCHING STRUCTURES (when not part of the line), Traffic Signals, Street Lighting and Electrical, Telephone or CATV Commercial Work:					
Linemen and Technicians	11 70	1 00	3%+ 75	d	3½%
Cable Splicers	12 87	1 00	3%+ 75	d	3½%
Groundman Digging Machine Operator, Mechanic 1st Class, groundman truck driver (tractor-trailer unit)	9 36	1 00	3%+ 75	d	3½%
Groundman Truck Driver, Driver-mechanic, Groundman (experienced	8 775	1 00	3%+ 75	d	3½%
TELEPHONE AND OTHER COMMUNICATION SYSTEMS, both overhead and underground:					
Linemen and Installer Repairmen	8 34	40	3%+ 25	d	1%
Splicers	8 89	40	3%+ 25	d	1%
Groundman Digging Machine Operator	7 73	40	3%+ 25	d	1%
Groundman	5 72	40	3%+ 25	d	1%
Groundman Truck Driver	6 82	40	3%+ 25	d	1%
Groundman Dynamiteman	6 60	40	3%+ 25	d	1%
POWER EQUIPMENT OPERATORS:					
BUILDING CONSTRUCTION:					
GROUP I:					
I-A	11 50	80	80	a	10
I-B	11 75	80	80	a	10
I-C	12 00	80	80	a	.10
I-D	12 25	80	80	a	10
I-E	12 75	80	80	a	10
I-F	13 25	80	80	a	10
I-G	13 75	80	80	a	10
I-H	14 25	80	80	a	10

DECISION NO. NY77-3115-MOD.#1 (42 Fr 42079-August 19, 1977) Monroe County, New York.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: (cont'd)					
BUILDING CONSTRUCTION:					
GROUP II	11 50	80	80	a	10
GROUP III	11 32	80	80	a	10
GROUP IV	10 23	80	80	a	10
HEAVY AND HIGHWAY CONSTRUCTION:					
GROUP I	9 85	90	90	a	10
GROUP II	9 52	90	90	a	10
GROUP III	8 80	90	90	a	10
GROUP IV	7.97	90	90	a	10

Paid Holidays: A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a: Paid holidays: A through F, plus day after Thanksgiving

b Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

DECISION #PA77-3023 MOD.#8 (42 Fr 5640 - January 28, 1977) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania	BASIC HOURLY RATES ZONE 1	BASIC HOURLY RATES ZONE 2	BASIC HOURLY RATES ZONE 3	FRINGES BENEFITS H&W	FRINGES BENEFITS PEN
CHANGE:					
LABORERS					
CLASS 1	$ 8 05	$ 7 93	$ 7.83	10%	10%
CLASS 2	8 21	8 11	8 01	10%	10%
CLASS 3	8.63	8.63	8 63	10%	10%
CLASS 4	9.58	9 58	9.58	10%	10%

DECISION NO PA77-3023

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny, Beaver, Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, and Somerset.

ZONE 2 - Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango and Warren

ZONE 3 - Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntington, Mifflin and Potter

CLASSIFICATION DEFINITIONS FOR ALL ZONES

CLASS 1 - Heavy Highway & R R Construction Laborer (including tenders, handling Salamanders, L P Gas Heaters or similar, etc.), Asphalt curb sealers, asphalt tampers, batcherman (weigh), blaster's helper, brakeman, change house attendant, coffer dam laborer, concrete curing, pitman, puddler, (including vibrator operators), drill runner's helper includes drill mounted on truck, track or similar and davey drills (spots-clean-up & helps to maintain), electric brush and/or grinder, fence construction (including fence machine operator), form stripper and mover, gabion (erectors and placers), hydro-jet blaster nozzleman, manually moved emulsion sprayer, radio actual traffic control operator, rip rap work, scaffolds and runways (as per agreement of record), sheeters and shorers, structural concrete top surfacer, walk behind street sweeper, water boy, welder's helper (pipeline), wood chipper

CLASS 2 - Air tools (all types), asphalt, batch and concrete plant operator (manually operated), asphalt rakers, burner, caisson men (open air), carryable pumps, chain saw operator (including attachments), cribbing (concrete or steel), curb machine operator (asphalt or concrete) (walk behind), diamond head core driller, drill runner's helper (tunnel), fork lift (walk behind), form setter (road forms line min), highway slab reinforcement placers (incl joint and basket setter), hydraulic pipe pusher, liner plates (tile or vitrified clay), mechanical compacting equipment, mechanical joint sealer, dope pot, and tar kettle, mortar mixer (hand or machine), muckers, brakemen and all other labor (includes installation of utility lines), pipe layers (regardless of material), portable single unit conveyor, post hole auger (2 or 4 cycle hand operated), power wheelbarrows & buggies, rail porter, or similar, all railroad track work, adzing machine, ballast router, bolting machine, power jacks, rail drills, railroad brakeman, rail saws, spike drivers (manually or hand-held tool), spike pullers, tamping machine, thermitweld, sandblaster, signal man.

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 3 - Blacksmith, blaster, brick stone and block pavers and block cutters, (wood, belgian & asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manhole or catch basin builder (brick, block, concrete or any prefabrication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

CLASS 4 - Welder (pipeline).

DECISION #UT77-5075 - Mod. #6
(42 FR 39884 - August 5, 1977)
Statewide Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Omit:					
Brick Tenders	$8.72	.40	35		
Change:					
Electricians:					
North section of Utah - Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties:					
Zone 1: That area 10 miles on either side of Interstate Hwy. 15, commencing on the south at the 41st Parallel in Davis County, continuing north to Hwy. 91 - Interstate 15 junction south of Brigham City; at this point go east and north through Logan and continue north to a point 2 miles north of Center Street in Smithfield in Cache County on Hwy. 91. The above shall consist of a 20 mile wide corridor extending from the 41st Parallel to that point 2 miles north of Center Street in Smithfield:					
Electricians; Technicians	11.60	.70	3% + .75		8/10%
Cable Splicers	11.85	.70	3% + .75		8/10%
Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel and south of the 42nd Parallel in Cache, Morgan, Weber Counties;					
Electricians; Technicians	12.10	.70	3% + .75		8/10%
Cable Splicers	12.35	.70	3% + .75		8/10%

DECISION #UT77-5075 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
Electricians:					
North section of Utah - Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties:					
Zone 3: That area lying east of 111°35' longitude and north of the 41st Parallel in Cache, Morgan, Rich, Weber Counties; also the area in Box Elder County lying west of 112°20' longitude and north and east of Utah Hwy. 87:					
Electricians; Technician	$12.60	.70	3% + .75		8/10%
Cable Splicers	12.85	.70	3% + .75		8/10%
Zone 3-A: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 10 miles east and west from Hwy. 91:					
Electricians; Technician	12.60	.70	3% + .75		8/10%
Cable Splicers	12.85	.70	3% + .75		8/10%
Zone 4: All other area west of Zones 3 and 3-A in Box Elder County:					
Electricians; Technician	14.35	.70	3% + .75		8/10%
Cable Splicers	14.60	.70	3% + .75		8/10%
In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
Add:					
Mason Tenders	8.72	.40	.35		
DECISION #MD77-3109 - Mod. # 6 (42 FR 46872 -Sept., 16, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia		—	—		
ADD:					
BUILDING CONSTRUCTION: (INCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)					
POWER EQUIPMENT OPERATORS Group 13 (Oilers)	$8.55	.60	.60		.12

DECISION NO. WA77-5096 - Mod. #2 (42 FR 55412-October 14, 1977) Statewide, Washington

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos Workers:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$13 20	51	$1.20		06
Electricians:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	13 47	.73	3%+ 40		.02
Cable Splicers	13.97	73	3%+ 40		02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	13 17	73	3%+ 40		.02
Cable Splicers	13.83	.73	3%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	13.53	57	3%+ 40		.02
Cable Splicers	14 88	.57	3%+ 40		.02
Clark, Klickitat and Skamania Counties					
Electricians	14.80	.65	3%+1 00		.05
Cable Splicers	15.55	.65	3%+1 00		.05
Glaziers:					
Asotin, Garfield and Whitman Counties	9.53	.40	.55	b	
Ironworkers:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Whakiakum Cos. Reinforcing; Structural; Fence Erectors Ornamental; Riggers; Signalmen	11.85	.93	1.20		.10
Marble Setters:					
Benton, Franklin and Walla Walla Counties	11.06	.55	.50		
Painters:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Whakiakum Cos. Brush	9.92	.55	.70	.50	.10

MODIFICATIONS P. 15

DECISION NO. WA77-5096 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Spray	$10 32	55	70	50	10
Bridges, High work over 50' (brush)	10 67	.55	70	50	10
Bridges, High work over 50' (spray)	11 07	55	70	50	10
Roofers: Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Wahkiakum Counties					
Roofers; Waterproofers	10.98	60	.60		02
Slate and Tile Roofers	11 23	60	60		02
Sheet Metal Workers: Clallam, Jefferson, Kitsap and Mason Counties	12 24	3%+ 37	82	1 50	03
Add: Soft Floor Layers: Malheur County	7.26	.49	.10		.10
DECISION #DC77-3108 - Mod. # 6 (42 FR 46905 - Sept., 16, 1977) Washington, D. C.					
Change: BUILDING & HEAVY CONSTRUCTION: (INCLUDING WMATA - RAPID RAIL SYSTEM)					
*Power Equipment Operators: Group VI	$11.05	.60	.60		.12
*Add: GROUP 13 (Oilers)	8.55	.60	.60		.12

MODIFICATIONS P. 16

DECISION NO. WI77-2092-MOD. #2 (42 FR 32511 - June 24, 1977) Milwaukee, Ozaukee, Waukesha and Washington Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change: Line Construction:					
Linemen	9 97	45	7%		5%
Heavy Equipment Operator	8 97	45	7%		5%
Equipment Operator	7.98	45	7%		5%
Heavy Groundman-Truck Driver	6 98	45	7%		5%
Light Groundman-Truck Drivers	6 48	45	7%		5%
Groundmen	5 48	45	7%		5%
DECISION NO. WI77-2110-MOD #4 (42 FR 37773 - July 22, 1977) Columbia, Dane, Iowa, and Sauk Counties, Wisconsin					
Change: Line Construction:					
Linemen	9 97	45	7%		5%
Heavy Equipment Operator	8 97	45	7%		.5%
Equipment Operator	7 98	.45	7%		5%
Heavy Groundman-Truck Driver	6 98	45	7%		5%
Light Groundman-Truck Drivers	6 48	45	7%		5%
Groundmen	5 48	45	7%		.5%
DECISION NO. WI77-2111-MOD. #2 (42 FR 48727 - Sept 23, 1977) Green and Rock Counties, Wisconsin					
Change: Line Construction:					
Linemen	9 97	45	7%		5%
Heavy Equipment Operator	8 97	45	7%		5%
Equipment Operator	7 98	45	7%		5%
Heavy Groundman-Truck Driver	6 98	45	7%		5%
Light Groundman-Truck Drivers	6 48	45	7%		.5%
Groundmen	5 48	45	7%		5%

DECISION #KY77-1084 - Mod. #1
(42 FR 32473 - June 24, 1977)
Fort Campbell (Located in Christian County, Ky. and Montgomery County, Tn.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H/& W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Carpenters & Soft Floor Layers	$ 9.00	.45	.25		.02
Millwrights & Piledrivermen	9.35	.45	.25		.02
Electricians:					
Wiremen:					
Kentucky portion	11.20	.40	3%		¼ of 1%
Tennessee portion	9.70	.55	3%		¼ of 1%
Cable Splicers:					
Kentucky portion	11.45	.40	3%		¼ of 1%
Tennessee portion	9.95	.55	3%		¼ of 1%
Ironworkers:					
Structural, ornamental, reinforcing, machinery mover, rigger, machinery erector, & fence erector	9.80	.55	.60		.10
Sheeter	10.05	.55	.60		.10
Lathers	8.40	.20	.40		.01

STATE: Alabama COUNTY: Statewide
DECISION NUMBER: AL78-1003 DATE: Date of Publication
Supersedes Decision No.: AL77-1042, dated April 1, 1977 in 42 FR 17753
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; building structures in rest area projects and railroad construction)

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates
Bricklayers	3 65	3.65	3.25	3.00
Carpenters	4 50	4.25	4 50	4.25
Concrete finishers	4 00	3 60	3 60	3.60
Concrete saw	2.65	2 65	2 65	2 65
Electricians	9 10a	7.90	5.80	5 80
Ironworkers:				
Structural	5 80	5.80	5 80	5.80
Reinforcing	4.50	5.70	4.50	4.50
Laborers:				
Air tool	2 75	2.85	2 75	2.75
Asphalt rakers	3 35	3.30	3 50	3 10
Concrete laborers	3 25	3.00	3 00	2 90
Pipelayers	3 45	3.25	3.25	2 65
Powderman and blasters	3 50	3 50	3 50	3.50
Saw	3.50	3.50	2.65	2 65
Side rail or form setters	3 50	3 50	3 05	3 05
Unskilled	2 65	2.65	2.65	2 65
Wagon drill	3.00	3 00	3 00	3 00
Painters	5.75	5.75	5.50	5.50
Piledrivermen	5.00	5.00	4.80	4.80
Truck Drivers:				
Under 1½ ton	2.75	2.75	2 65	2.65
Single rear axle	2.75	2.75	2.65	2.65
Multi-rear axle or heavy duty, off road, single axle	3.00	3.25	2.85	2.85
Winch truck and A-Frame	3.70	3.25	3.25	3.25
Welders - Receive rate for craft				
POWER EQUIPMENT OPERATORS:				
Aggregate spreader operator	3.45	3.45	3.45	3.45
Air Compressors	3.25	3.15	2.85	2 85
Asphalt distributor and asphalt spreaders	3.90	3.90	3.90	3.90
Asphalt mixers and pug mills & batch plants	3.30	3.44	3.30	3.30
Asphalt paving machines	3.85	3.85	3.85	3 85
Asphalt plant driers	3.30	3.44	3.30	3.30
Bulldozers	4.95	4.30	4.50	3.85
Bull floats	3.15	3.44	3.15	3.15

DECISION NO. AL78-1003

POWER EQUIPMENT OPERATORS (CONT'D)	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates
Concrete mixers (3-bags and under)	2.70	3 44	2 70	2 70
Concrete mixers (over 3-bags)	3.75	3 60	3 30	3 30
Concrete paving machines	3.30	3 60	3 30	3 30
Concrete paving finishing machines	3 30	3.60	3 30	3 30
Concrete paving spreaders	3 30	3.60	3.30	3 30
Cranes, clamshells, backhoes, derricks, draglines or shovels	4 95	4 95	4.95	4.75
Conveyors	2 70	3.13	2 70	2 70
Crusher and screening plants	3 30	3 44	3 30	3 30
Drilling machines	4 00	4.00	4 00	4 00
Elevating graders, gradalls or trenching	4 95	4 00	4.75	3.60
Firemen	2.70	3 15	2 70	2 70
Form graders	2.70	2 70	2 70	2 70
Hoist (2 drums or 2-cages or more)	3.30	3 60	3 30	3 30
Hoist (1 drum)	3 25	3 44	3.15	3 15
Mechanics	5 00	5 15	5 00	4 00
Motor patrols	5.00	5 00	5.00	5 00
Oilers and greasemen	3 90	3 85	4.00	3 60
Paving subgraders	3.15	3.15	3 15	3 15
Piledrivers	4 55	4.85	3 66	4 85
Pumps	2 70	2.70	2 70	2 70
Pumpcretes	3 15	3 15	3 15	3 15
Rollers, self-propelled	3 55	3 50	3 30	3 50
Rollers, self-propelled (on asphalt bases and pavements)	4.00	4 00	4 00	3 60
Scale operators	2 70	2 70	2 70	2 70
Scalemen	2 70	2 70	2 70	2 70
Scrapers	4.75	3 70	3.70	3 70
Seeding and mulching machines	2 70	3.35	2 70	2 70
Striping machines (paint)	3 40	3 40	3 30	3.30
Tractors and loaders (farm rubber tired)	3 10	3 35	3 00	2 75
Tractors & Loaders (over 80 H P.) or less) (draw-bar capacity)	3 10	3 40	3.00	3 00
Tractors and loaders (over H P)	4 00	4 00	4.00	4 00

DECISION NO. AL78-1003

COUNTIES:

ZONE 1 - Jefferson

ZONE 2 - Mobile

ZONE 3 - Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa and Walker.

ZONE 4 - Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox, and Winston Counties Alabama

FOOTNOTE:

a Plus fringe benefits of 30¢ Health and Welfare, 1% + 40 Pension & .5% Apprentice Training.

STATE: Alabama COUNTIES: *See below
DECISION NUMBER: AL78-1004 DATE: Date of Publication
Supersedes Decision No : AL77-1079 dated August 5, 1977 in 42 FR-56939
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

*Counties: Colbert & Lauderdale

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos workers	10.51	45	40		05
Boilermakers	10 005	.95	1 00		02
Bricklayers:					
Bricklayers, blocklayers, stonemasons	10 155				
Saw operator	10 405				
Carpenters:					
Carpenters, soft floor layers	9.60		.25		10
Piledrivermen	9.75		30		10
Millwrights	9.85		.25		10
Cement masons:					
Cement masons	8 66				
Power tool operators	8 91				
Electricians:					
Electricians	10.05	.40	3%+ 30		1%
Cable splicers	10.30	.40	3%+ 30		1%
Elevator constructors	9.14	495	32	4%+a+b	.02
Ironworkers	9 305	.60	.60		08
Laborers:					
Common	5.90	.30	.45		
Air tool operator (jackhammer, vibrator)	6.10	.30	.45		
Plasterers' tenders	5.90	.30	.45		
Mason tenders	5.90	30	.45		
Mortar mixers	5.90	.30	.45		
Pipelayers	6.10	.30	.45		
Painters:					
Commercial	8 00		25		.05
Industrial	8.75		.25		.05
Plasterers	8.91				
Plumbers, steamfitters	10 40	.40	50		.08
Roofers	8.35		.20		.10
Sheet metal workers	10.35	.69	.82		.09
Sprinkler fitters	10 35	.65	.95		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6 paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

AL78-1004 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	9 98	40	40		
GROUP B	8 64	40	40		
GROUP C	7 92	40	40		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, conctete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop) shovel, sweeper, tractor (spec equip), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist , central air comp , concrete mixer (port) fireman floating equip , front end loader, rubber tire, ½ cu yd & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port), conveyor, fireman stationary equip , mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $ 10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $ 25 per hour.

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Leavenworth
DECISION NO : KS78-4007 DATE: Date of Publication
Supersedes Decision No KS77-4149, dated July 1, 1977 in 42 FR 34188
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$11 77	60	1 55		05
BOILERMAKERS	11 00	1 15	1 00		02
BRICKLAYERS; Stonemasons	10 475	55	35	1 00	
CARPENTERS; Millwrights and Pile-drivermen	11 00	50	30		05
CEMENT MASONS	10 275	65	50		
ELECTRICIANS:					
Zone 1 - Delaware, Kickapoo, High Prairie and Leavenworth Townships)	11 82	.54	3%+ 51	95	06
Zone 2 - Remainder of County	12 00	45	3%+ 65		05
ELEVATOR CONSTRUCTORS	11 97	745	56	3%+a	025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	745	56	3%+a	025
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				

FOOTNOTES: a-Employer constributes 8% of basic hourly rate for over 5 years service, and 6% of basic hourly rate for 6 mos to 5 years as vacation Pay Credit Also 6 paid holidays

GLAZIERS	9 90	55	59	16 48%	.03
IRONWORKERS	9 60	70	1 00	1 00	05
LABORERS:					
General laborer	7.40	30	30		05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, rubbing concrete, form setters and liners, concrete paving, mason tenders, plaster tenders, mortar mixers for plasterers, masons & cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand & concrete gun nozzleman, powderman	7 65	30	30		.05
LABORERS (Site Preparation and Grading):					
Group 1	6 85	35	35		05
Group 2	7 00	35	35		.05
Group 3	7 10	35	35		05
Group 4	7 25	35	35		05
Group 5	7 35	35	35		05

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Board mat weavers and cable tiers, georgia buggy (manually operated, mixerman-no skip lift, nailers, salamander tenders, track man, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated) grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper (concrete saw, creosote material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line setter, form setter and liner on concrete paving, powderman, sandblasting and gunnite nozzleman, sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS	10.60	.40			
LINE CONSTRUCTION:					
Zone 1 - Southwest 2/3 of Leavenworth County					
Lineman	10.25	.45	3%		½%
Cable splicers	10.76	.45	3%		½%
Groundman, over 1 year	6.38	.45	3%		½%
Groundman, 1st year	4.83	.45	3%		½%
Powderman	8.50	.45	3%		½%
Line Truck & Equipment Operators;					
1st year	6.53	.45	3%		½%
2nd year	7.81	.45	3%		½%
Over 2 years' experience	8.50	.45	3%		½%
Zone 2 - Remainder of Leavenworth County					
Lineman	12.28	.45	3%+.15		½%
Lineman operator	11.43	.45	3%+.15		½%
Groundman powderman	8.52	.45	3%+.15		½%
Groundman	8.09	.45	3%+.15		½%
Groundman (1st 6 mos.)	6.93	.45	3%+.15		½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE AND TILE SETTERS	11 25	5%	4.25%		
MARBLE AND TILE SETTERS' HELPERS	9.65				
PAINTERS:					
Zone 1 - Northern 2/3 of County					
Brush, roller, tapers	8 95	55	.70		
Spray	9 45	55	.70		
Zone 2 - Remainder of County					
Brush, roller, tapers	8.70	30	.35		
Spray	9 70	.30	.35		
PLASTERERS	11 90				
PIPEFITTERS	12.22	.62	1 35		.12
PLUMBERS	12.59	.75	.85		.12
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	10.60	.75	1.00	.75	.10
Group 2	10 35	.75	1 00	.75	.10
Group 3	8.95	.75	1 00	.75	.10
Group 4	9.45	.75	1.00	.75	.10
Group 5	9 70	75	1 00	.75	.10
Group 6	10 85	.75	1 00	.75	.10
Group 7	11.10	.75	1 00	.75	.10
Group 8	10.60	.75	1.00	.75	.10
Group 9	11.60	.75	1.00	.75	.10
Group 10	11.10	.75	1.00	.75	.10
Group 11					
(a)	10.35	.75	1.00	.75	.10
(b)	10.10	.75	1 00	.75	.10
(c)	10 10	.75	1.00	.75	.10
(d)	9.20	.75	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; backfillers; backhoe, all types; barber-green loader (similar type); blade-power, all types; boats-power; boilers (2); boring machines (all types); cable ways; cherry pickers (all types); chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; dredges-any type power; gradeall-similar type; hoist, endless chain power operator with power travel; loaders-all types; mechanic and welders; mucking machine; orange peels; pumps-material-all types; push cats; scoops-all types; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONTD:

GROUP 2 - Boilers (1); brooms-power operator (all types); chip spreader (front man); clef plane operator; compressor (1) 105' or over; compressors (2) 105 ft. or over not more than 20' apart; compressors-tandem (any sizes); compressors single, truck mounted; concrete saws, self-propelled; crab-power operator; curb finishing machine; elevator; finishing machine; firemen on rigs; flex plane, floating machine; form grader; greaser; hoist, endless chain-power operated;hopper-power operated; hydra hammer (all types); lad-a-vator-similar typel rollers-all types; siphons, jets and jennies; sub-grader; tractors over 50 h p

GROUP 3 - Oiler

GROUP 4 - Fork lift-masonry; oiler driver-all types

GROUP 5 - "A" frame trucks; fork lift-all types and sizes (except masonry); mixers (with side loaders); pumps (with well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h p

GROUP 6 - Clamshells, 80 ft of boom or over (including jib); crane or rigs, 80 ft of boom or over (including jib); draglines, 80 ft of boom or over (including jib); pile drivers, 80 ft of boom or over (including jib)

GROUP 7 - Crane or rigs, over 200 ft of boom

GROUP 8 - Hoists-each additional drum over I drum

GROUP 9 - Master mechanic

GROUP 10 - Crane-tower or climbing

GROUP 11 - Ready Mixed Concrete Plants:

(a) Crane operator
(b) Loader operator
(c) Plant man
(d) Conveyor operator

POWER EQUIPMENT OPERATORS (CONTD)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Site Preparation and Grading					
Group 1	10 10	.50	1 00	.75	.10
Group 2	9 85	50	1 00	75	10
Group 3	9 60	.50	1 00	75	10
Group 4	8 60	.50	1 00	.75	.10
Group 5	9 10	.50	1 00	.75	10
Group 6	10 35	50	1 00	.75	.10
Group 7	10 60	.50	1 00	75	10
Group 8	10 10	.50	1 00	75	.10

CLASSIFICATION DEFINIIONS

POWER EQUIPMENT OPERATORS:

GROUP 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, backhoe, blade operator, all types, boilers - 2; booster pump or dredge, boring machine (truck or crane mounted), bulldozer operator, clam-shell operator, compressor maintenance operator - 2; concrete plant operator, central mix, concrete mixer, paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine, rotary, self-propelled, high loader-fork lift, hoisting engine - 2 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, piledriver operator, pitman crane operator, pump-2, quad-trac, scoop operator all types, scoops in tandem, self-propelled rotary drill (Leroy or equal - not air tac); shovel operator, side discharge spreader, sideboom cats, skimmer scoop operator, slip-form paver (CMI, REX, or equal), throttle man, truck crane welding machine maintenance operator - 2

GROUP 2 - A-frame truck asphalt hot mix silo, asphalt plant fireman, drum, or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller operator, backfiller operator, chip spreader, concrete batch plant, dry power operator, concrete mixer operator, skiploader, concrete pump operator, crusher operator, elevating grader operator, greaser, hoisting engine-1 drum, latourneau rooter, multiple compactor, pavement breaker, self-propelled, of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator over 50 h p

GROUP 3 - Boilers - 1 chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets, sub-grading machine operator, tank car heater operator operators - combination boiler and booster, tractor, 50 h p or less, without attachments, vibrating machine operator,not hand, welding machine maintenance operator-1

GROUP 4 - Mechanic's helpers, oiler

GROUP 5 - Oiler, driver, all types

GROUP 6 - Clamshells, 3 yds capacity or over, crane or rigs, 80 ft. of boom or over (including jib), draglines, 3 yds capacity or over, piledrivers, 80 ft of boom or over (including jib), shovels, 3 yds capacity or over

GROUP 7 - Cranes or rigs, over 200 ft of boom (including jib)

GROUP 8 - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS	10.30	65	.60		.14
SHEET METAL WORKERS	11 355	.50	.50		.05
SPRINKLER FITTERS	11.48	.65	.95		.08
TERRAZZO WORKERS	10.91	5%	4.25%		
TRUCK DRIVERS:					
Building Construction:					
Group 1	9.325	.75	1.00		
Group 2	9.375	.75	1.00		
Group 3	9.45	.75	1.00		
Group 4	9.575	.75	1.00		
Group 5	9.475	.75	1 00		
Group 6	9.675	.75	1 00		
Group 7	9.525	.75	1.00		
Group 8	9.425	.75	1.00		

.. TRUCK DRIVERS (Building Construction) (CONTD)

CLASSIFICATION DEFINITIONS

Group 1 - Warehousemen and stock man
Group 2 - Flat beds, pick-ups, dump trucks, under 10 yds.
Group 3 - Dump trucks, 10 yds. and over, steel trucks, semi truck drivers
Group 4 - Straddle trucks, wheel tractors (when used for towing), hydro lift trucks, hydraulically operated aerial lifts, heavy hauling, a-frame winch and fork lifts, heavy excavating (dumpter, euclid, etc.), double bottom units (20 tons cap. and over)
Group 5 - Distributor truck drivers and operators, oilers, greasers and mechanics' helpers
Group 6 - Mechanics
Group 7 - Transit mix, 5 yds. and over
Group 8 - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
TRUCK DRIVERS:					
Site Preparation and Grading					
Group 1	8.89	.75	1.00	.75	
Group 2	9.09	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.665	.75	1.00	.75	

TRUCK DRIVERS
CLASSIFICATION DEFINITIONS

Group 1 - One team, station wagons, pickup trucks, material trucks, single axle, tank wagon drivers, single axle
Group 2 - Material trucks, tandem, two teams, semi-trailers, winch truck-fork trucks, distributors drivers and operators, agitator and transit mix, tank wagon drivers, single axle, tank wagon drivers tandem or semi-trailers, Insley wagon, dump trucks, excavating, 5 cu yds. and over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, lowboy, and boom truck driver
Group 4 - Mechanics and welders
Group 5 - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSECEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO KS78-4008 DATE: Date Of Publication
Supersedes Decision No KS77-4081, dated April 8,1977 in 42 FR 18809
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$10 60	58	325		.02
BOILERMAKERS	11 00	1 15	1 00		02
BRICKLAYERS; STONEMASONS	10.08	.50	25		.02
CARPENTERS:					
Carpenters	9 65	.50			05
Millwrights, piledrivermen	9 95	.50			.05
CEMENT MASONS:					
Cement masons	9 85				
Troweling machine operator	10.10				
ELECTRICIANS	10.50	60	3%+ 25		1%
ELEVATOR CONSTRUCTORS'	10 42	745	56	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	745	.56	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROR)	50%JR				
GLAZIERS	9 40	.55	57	14%	04
IRONWORKERS	10 48		.25	53	.02
LABORERS (BUILDING CONSTRUCTION):					
GROUP 1 - Common laborers	7.20	50	25		05
GROUP 2 - Power tool operators, compactors, concrete breakers chipping tools, drilling tools concrete saws, mechanicaly operated georgia buggy, mason tenders, plaster tenders, mortar mixers for plasterers, mason and cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand and concrete gun nozzleman, powderman	7 35	50	25		05
LABORERS (SITE PREPARATION & GRADING)					
GROUP 1	5 30	50	.25		05
GROUP 2	5 45	.50	25		05
GROUP 3	5 55	50	25		.05
GROUP 4	5.70	.50	25		.05
GROUP 5	5 80	50	25		05

FOOTNOTE: a-Employer contributes 8% of basic hourly rate for over 5 years service, and 6% of basic hourly rate for 6 mos. to 5 years as vacation Pay Credit Also 6 paid holidays.

DECISION NO. Page 2

CLASSIFICATION DEFINITIONS

LABORERS:
GROUP 1 - Board mat weavers & cable tiers, georgia buggy (manually operated) Mixerman-no skip, lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, & all other general laborer including flagmen
GROUP 2 - Air tool operators, cement handlers (bulk) chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper & scale man, mixer man, pier hole man working 10 ft deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper-dry batch, vibrator operator, wagon and churn drill operator
GROUP 3 - Asphalt raker, barco tamper, concrete saw, creosote material handling & applying, nozzle burner (cutting torch and burning bar)
GROUP 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sandblasting & gunnite nozzleman, sanitary sewer pipe layer, steel plate structure erectors, water and gas distrubution lines
GROUP 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS	$ 9.90		.15		01
LINE CONSTRUCTION:					
Linemen	10.05	45	3%		½%
Cable splicers	10 76	45	3%		½%
Groundman, over 1 year	6 38	45	3%		½%
Groundman, 1st year	4 83	45	3%		½%
Powerman	8.50	.45	3%		½%
Line truck & equipment operators:					
1st year	6.53	45	3%		½%
2nd year	7 81	45	3%		½%
Over 2 years experience	8 50	45	3%		½%
PAINTERS:					
GROUP 1 - Brush, sheetrock taping and finishing	9 47	10	30		.01
GROUP 2 - Stage chair and window jack work to and including five stories high	9 82	10	.30		01
GROUP 3 - Stage chair and window jack work over five stories high elevated tanks, towers, & stack over 75 ft high; sandblasting & water blasting work from picks; stage chairs or platforms 24 ft in height	10 07	10	.30		01
GROUP 4 - Structural steel not done from scaffolding	10 22	10	30		01
PLASTERERS	9.50				
PIPEFITTERS, PLUMBERS	11.37	.75	85		04

DECISION NO.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):					
GROUP 1	10.10	.50	1.00	.75	.10
GROUP 2	9.70	.50	1.00	.75	.10
GROUP 3					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
GROUP 4					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1 00	.75	.10
GROUP 5	10.60	.50	1.00	.75	.10
GROUP 6	10.35	.50	1.00	.75	.10
GROUP 7	10.60	.50	1.00	.75	.10
GROUP 8	12.10	.50	1.00	.75	.10
GROUP 9	11.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - boilers (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over 1 yd), hoist, two drums, locomotive, mechanic or welder, mixermobile, paver, or any othr machine with power swing, piledriver operator, power shovel pump, concrete or other material
GROUP 2 - A-Frame truck, barber-green loader or similar type, bob cat hi loaders (1 yd and under), boiler (1), ditching machine-small, elevator operator, firemen, fork lift, greaser, equipment, hoist, one active drum hydra hammer, jeep ditcher, mixer other than paver, power broom, pump, 4" or larger, small machine engineer, welding machine (1)
GROUP 3 - (a) farm tractor (without attachments), (b) Farm tractor (with attachments
GROUP 4 - (a) Oiler, (b) motor crane oiler
GROUP 5 - Tower cranes and derricks, frankie -type pile driving machines
GROUP 6 - Craned and shovels 100 ft. of boom or over (including job) or 2 yds. capacity or over or 30 tons or over (3) drum Hoist
GROUP 7 - Cranes and shovels booms 200 ft. and over; (4) drum hoist
GROUP 8 - Master mechanic
GROUP 9 - Cranes with lifting ring

DECISION NO

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING):					
GROUP 1	8.35	.50	1.00	.75	10
GROUP 2	8.10	.50	1.00	.75	10
GROUP 3	7.85	.50	1.00	.75	.10
GROUP 4	7.50	.50	1.00	.75	.10
GROUP 5	7.60	.50	1.00	.75	10
GROUP 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
Group 1 - Asphalt paver & spreader, back hoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete central plant operator, (automatic), crane, truck crane, pitman crane hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist-2active drums, loader, all types, mechanic or welder, mixer-mobile, multi-unit scraper, piledriver operator, power shovel operator, quad track, scoop operator, all types, side boom cat-cherry picker, skimmer scoop operator, pushcat operator
Group 2 - Asphalt plant operator, elevating grader operator
Group 3 - A-frame truck, asphalt roller operator, asphalt plant boiler fireman, backfiller operator, barber-greene loader, boiler-other than asphalt, bull float operator, shurn drill operator, compressor operator (1), concrete central plant operator, concrete mixer operator skip concrete pump operator, crusher operator, distributor operator, finish machine operator-concrete, fireman other than asphalt, flex plane operator, fork lift, form grader operator, greaser, hoist 1 drum, jeep ditching machine, pavement breaker, self-propelled (of the hydra hammer or similar type), pump operator, 4" or over, two, pump operator other than dredge, screening & wash plant operator, small machine operator spreader box operator-self-propelled tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt, siphon & jets, subgrading machine operator, tank or car heater operator, combination booster & boiler, towboat operator, vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut), conveyor operator harrow disc seeder, oiler, tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

DECISION NO KS78-4008 •

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS:					
Roofers, Kettlemen	8 80	28	20		
Pitch	9 55	28	20		
SHEET METAL WORKERS	11 11	80 + 3%	59		12
SPRINKLER FITTERS	11.48	65	95		08
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
GROUP 1 - Pickups, station wagons, flat beds-12,000# & under GVW lincense capacity	7 75	50	35		
GROUP 2 - Flat beds-16,000# GVW lincense capacity	7 825	50	.35		
GROUP 3 - Flat beds-20,000# over GVW lincense capacity, dump, batch & water truck, single axle	7 90	.50	35		
GROUP 4 - Lowboys, semi-trailers dumpstors, a-frame tandems winch truck when used as such & transit mix	8 00	.50	.35		
TRUCK DRIVERS PREPARATION & GRADING):					
GROUP 1	6 80	50	35		
GROUP 2	6 90	50	35		
GROUP 3	7 05	50	35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen
Group 3 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle), a-frame and winch trucks when used as such, euclid, end and bottom dump, tournarockers, atheys, dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidentel

STATE: Kansas COUNTY: Shawnee
DECISION NO : KS78-4009 DATE: Date of Publication
Supersedes Decision No KS77-4080 dated April 8, 1977 in 42 FR 18806
DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$11 77	60	1 55		.05
BOILERMAKERS	11 00	1 15	1 00		.02
BRICKLAYERS; Stonemasons	9 89	.40	.25		
CARPENTERS:					
Carpenters	8.90	.40	.35		.05
Millwrights; Piledrivermen	9.275	40	.35		.05
CEMENT MASONS:					
Cement masons	8.85	.40	.35		
Machine operators	8 975	.40	.35		
Composition color or chloride additives	9.05	.40	.35		
ELECTRICIANS:					
Electricians	12 00	.45	3%+.65		.05
Cable splicers	13 20	.45	3%+ 65		.05
ELEVATOR CONSTRUCTORS	10 42	.745	.56	3%+a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	56	3%+a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				

FOOTNOTE: - a-Employer contributes 8% of basic hourly rate for over 5 years of serice and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 6 paid holidays.

GLAZIERS	9 325	.55	.51	16 39%	03
IRONWORKERS	9 60	.70	1 00	1 00	.05
LABORERS (Building Construction):					
General laborers	7.65	.40	.35		.05
Power tool operators, compactors concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	7.85	40	.35		.05
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.95	.40	.35		.05
Sand and concrete gun nozzleman and powderman	8.05	.40	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS: (Site Preparation and Grading)					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	40	.35		.05
Group 5	7.30	.40	.35		.05

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burnig bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS	9.70		.20		
LINE CONSTRUCTION:					
Lineman	10.25	.45	3%		½%
Cable splicers	10.76	.45	3%		½%
Groundman, over 1 year	6 38	.45	3%		½%
Groundman, 1st year	4.83	.45	3%		½%
Powderman	8.50	.45	3%		½%
Line Truck and Equipment Operators:					
1st year	6.53	.45	3%		½%
2nd year	7.81	.45	3%		½%
Over 2 years' experience	8.50	.45	3%		½%
PAINTERS:					
Brush, drywall, sanding and taping	9.90	.45			.02
Painting of structures over 50' (all types); spray	10.40	.45			.02
PLASTERERS	9.25		.20		
PIPEFITTERS; Plumbers	11.43	.75	.65		.04
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	10 10	.50	1.00	.75	.10
Group 2	9 70	.50	1.00	.75	.10
Group 3:					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
Group 4:					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1.00	.75	.10
Group 5	10.60	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	11.10	.50	1.00	.75	.10
Group 9	12.10	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (2); boom cat, boring machine, ditching machine, concrete ready-mix plant; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall hi-loaders (over 1 yd); hoist, two; locomotive; mechanic or welder; mixer-mobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barber greene loader or similar type; bob cat hi-loaders (1 yd and under); boiler (1); ditching machine-small; elevator operator; firemen; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engineer; welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler
(b) Motor crane oiler

Group 5 - Tower cranes and derricks; frankie-type piledriving machines; (4) drum hoist

Group 6 - Crane & shovels 100 ft. of boom or over (including jib) or 2 yds. capacity or over or 30 tons or over; (3) drum hoist

Group 7 - Crane & shovels booms 200 ft and over

Group 8 - Cranes with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional 25¢

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS (Site Preparation and Grading)					
Group 1	8 35	50	1 00	75	10
Group 2	8.10	.50	1 00	.75	.10
Group 3	7 85	.50	1 00	75	10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1 00	.75	.10
Group 6	8 60	.50	1.00	75	10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, back hoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist - 2 active drums; loader, all types, mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; elevating grader oprator

CLASSIFICATION DEFINITIONS (Cont'd.)

POWER EQUIPMENT OPERATORS (Cont'd).

Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler - other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer of similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h p ; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat oprators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder,; oiler; tractor operator, 50 h p or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS, FLAT, SLATE & TILE DAMPROOFERS AND WATERPROOFERS	10.56		60	a	
ROOFERS WORKING IN PITCH, TAR OR CREOSOTE, COAL	11 41		.60	a	
FOOTNOTE: a-After 6 months of employment $1.26; after 5 years $ 52					
SHEET METAL WORKERS	10 34	3%+ 50	1 29		04
SOFT FLOOR LAYERS	8.53	.45	.45	10%	04
SPRINKLER FITTERS	11 48	.65	.95		.08
TILE SETTERS	9 00				
TRUCK DRIVERS (Building Construction):					
Light, pickups, station wagons	7.875	.40	.35		
Medium flat beds and dumps, 5 tons or less; warehousemen and partsmen	7.975	.40	.35		
Truck over 5 tons and semi-trailers	8 225	.40	.35		
TRUCK DRIVERS (Site preparation and grading);					
Group 1	6 90	.40	.35		
Group 2	7.00	40	.35		
Group 3	7.15	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); a-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; athoys; dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding in incidental.

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Kent
DECISION NUMBER: MI78-2001 DATE: Date of Publication
Supersedes Decision No. MI76-2171 dated December 28, 1976 in 41 FR 56590
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos Workers	$7.50				
Boilermakers	11.07	1.10	1.20	1.50	.03
Bricklayers & Stonemasons	7.45				
Carpenters	5.96				
Cement Masons	6.12				
Electricians	10.25	.40	3%+.35		.01
Elevator Constructors	9.90	.545	.35	4%+a&b	.02
Ironworkers:					
Structural & Ornamental	5.86				
Reinforcing	5.92				
Laborers - Unskilled	4.89				
Laborers - Mason Tenders	5.15				
Painters - Brush	8.05	.50	.25		.02
Painters - Tapers	8.05	.50	.25		.02
Plasterers	7.80				
Plumbers & Steamfitters	11.24	.60+.15	.75		
Roofers	5.55				
Sheet Metal Workers	9.55	.67+c	.65	.67	.02
Truck Drivers	5.62				
POWER EQUIPMENT OPERATORS:					
Backhoe Operator	7.15				
Bulldozer Operator	8.35				
Crane Operator	5.27				
Finishing Machine Operator	5.50				
Front End Loader	7.02				
Scraper	7.00				

FOOTNOTES:
a. 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
b. Employer contributes 4% or regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years & 2% for employee in business less than 5 years.
c. $5.00 per month - Life Insurance

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: MS78-1006 DATE: Date of Publication
Supersedes Decision No : MS77-1032 dated March 25, 1977 in 42 FR-16359
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos workers	9 63	45	50		
Boilermakers	10.25	.75	1 00		02
Bricklayers:					
Bricklayers	8 70	25	10		03
Stone, block, & marble masons	8 70	25	10		03
Caulkers, pointers, & cleaners	8 70	25	10		03
Tile & terrazzo setters	8 60	.25	10		03
Carpenters:					
Carpenters	8 15	.40	30		05
Drywall application	8 15	40	30		.05
Soft floor layer	8 15	.40	30		05
Power saw operator (1 hp or over)	8 15	40	30		05
Fiber glass insulation application	8 30	40	30		05
Millwrights	8 40	40	30		05
Piledrivermen	8 40	40	30		05
Cement masons:					
Cement masons	6.80	25	30	a	05
Float machine operator	7 00	25	30	a	05
Electricians:					
Electricians	9 70	35	3%+ 50		04
Cable splicers	9 95	35	3%+ 50		04
Elevator constructors:					
Elevator constructors	7 83	545	35	4%+a&b	02
Helpers	5 48	545	35	4%+a&b	02
Helpers (probationary)	3 915				
Glaziers	7 85				01
Ironworkers	8 80	.45	85		04
Laborers:					
Laborers	4 93	15	15		
Mason tenders	5 08	15	15		
Pipelayers	5 08	15	15		
Plasterers tenders	5 08	15	15		
Mechanical tool operator	5 18	15	.15		
Mortar mixers	5 18	.15	.15		
Lathers	8 65				.01

MS78-1006 - (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Line Construction:					
Linemen	8 88		3%	c+2%	½%
Cable splicers	9 19		3%	c+2%	½%
Groundman (over 1 year)	5 38		3%	c+2%	½%
Groundman (under 1 year)	4 99		3%	c+2%	½%
Painters:					
Brush; roller	7.15	.15			
Spray (except structural steel)	7 65	15			
Structural steel (brush)	7 40	15			
Swing stage; bos'n chair	7 40	15			
Structural steel (spray)	7 90	15			
Plasterers	7 80	25	50		05
Plumbers; steamfitters; pipefitters	9 37	55	1 00		
Roofers:					
Roofers	8.60		20		
Kettlemen	6 75		20		
Paper rollers	6 75		20		
Helpers	5 30		20		
Sheet metal workers	9.35	35	45		03+ 02
Sprinkler fitters	10 35	65	85		.08

FOOTNOTES:

a. Paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 2% for employees with less than 5 years

c One week paid vacation after one year's service

MS78-1006 - (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
GROUP I	9.40	.30	.30		
GROUP II	8.45	.30	.30		
GROUP III	8.20	.30	.30		
GROUP IV	7.75	.30	.30		
GROUP V	6.40	.30	.30		

GROUP I: Engineer, operating under air pressure.

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, miscellaneous, motor patrol and similar equipment, paver (21 c. f. or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps.

GROUP IV: Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (16" or smaller bucket line width), tugboat, well driller (1st helper), winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V:
Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hostler, mechanic helper, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine.

SUPERSEDEAS DECISION

STATES: Nebraska

COUNTIES: Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109

DECISION NO : NE78-4006 DATE: Date of Publication

Supersedes Decision No: NE77-4001 date January 7, 1977 in 42 FR 1685

DESCRIPTION OF WORK: Heavy and Highway (Construction excluding bridges across navigable waterways).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Carpenter	$6.10				
Carpenter Helper	4.70				
Cement Finisher	5.85				
Concrete Saw Operator	5.35				
Form Setter (road)	5.35				
Form Setter (structures)	5.05				
Laborer	4 00				
Manhole Builder	5 05				
Painter	4.25				
Pile Driver Leadsman	4.25				
POWER EQUIPMENT OPERATORS:					
All purpose Spreader	4 80				
Asphalt Distributor	4.70				
Asphalt Distributor Helper	4.40				
Asphalt Heaterman	4.40				
Asphalt Paving Machine	5 85				
Asphalt Paving Machine Screedman	5.05				
Stationary Pl (base or stabilization)	5.35				
Stationary Pl. (asphalt or concrete)	6.10				
Beginner Operator	5.05				
Bulldozer:					
Less than 115 Drawbar H P	5.45				
115 Drawbar H.P. and over	6.10				
Cement Handler	4.00				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	6.20				
Concrete Mixer	4.25				
Concrete Paver	5.35				
Slip Form Paver	6.10				
Concrete Finishing Machine and Spreader	6.10				
Conveyor	4.25				
Crusher (incl. those with integral screening plant)	5.45				
Dredge Pump Under 10"	4.80				
Dredge Pump 10" and over	5.35				
Fireman (boiler)	4.40				

DECISION NO NE78-4006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Front End Loader:					
3½ Cu Yds or Less	$5 35				
over 3½ Cu Yds	5 85				
Mechanic	6 20				
Mechanic Helper	5 35				
Motor Grader	6 20				
Oiler or Greaser	5 35				
Roller or Compactor, Self- Propelled	5 45				
Scraper, Under 16 Cu.Yds	5 45				
Scraper 16 Cu Yds and over	6 10				
Power Grade Machine (trimmer and profiler)	6.10				
Tractor:					
Farm Type	4 80				
Less than 115 Drawbar H P	5 45				
115 Drawbar H P and over	5 85				
Traveling Plant (stabilization)	5 45				
Traveling Plant Helper (stablization)	4 80				
Trenching Machine	5 05				
TRUCK DRIVER:					
Single Axle	4 25				
Tandem Axle	4 80				
Semi- Trail	4 80				
Transit Mix	4 80				
Lowboy	5 35				
Water Tanker, 6,000 Gal &over	5 45				
Welder	5 85				
Hydrohammer	4 75				

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTIES: NASSAU AND SUFFOLK

DECISION NO : NY78-3001 DATE: DATE OF PUBLICATION

Supersedes Decision No NY77-3013 dated May 13, 1977 in 42 FR 24631

DESCRIPTION OF WORK: Building Construction, Eexcluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos Workers	$12 38	1 02	1 82		
Boilermakers	13 19	5%	15%	7%	02
Bricklayers:					
Suffolk County:					
Center Moriches on the south shore and following Chichester Avenue, north of Walding River and areas east thereof including the Off shore islands: Bricklayers, cement masons, and plasterers	9 40	40	3 00	30	
Remainder of County:					
Bricklayers: Rehabilitation work on residential structures over 4 stories to include demolition, repair and alteration on existing structures which are intended for predominantly residential use	8 62	1 13	1 33		
Bricklayers -	11 04	1 48	3 38	30	01
Cement Masons	11 70	1 74	1 19		03
Plasterers	10 10	1 75		1 35	01
BRICKLAYERS:					
Nassau County:					
Bricklayers: Rehabilitation work on residential structures over 4 stories to include demolition, repair and alteration on existing structures which are intended for predominantly residential use	8 62	1 13	1 33		
Bricklayers	11 04	1 48	3 38	30	01
Cement Masons	11 70	1 74	1 19		03
Plasterers	10 10	1 75		35	01
CARPENTERS:					
Nassau County except that part south of the Southern State Parkway west of Seaford Creek--also Smithtown, Islip line on the east; Long Island Sound on the north and Middle Island Railroad track on the south:					

DECISION NO. NY78-3001	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Carpenters, Millwrights, Piledrivers and Soft Floor Layers	11 05	1 08	1.46	90	06
Remainder of County:					
Carpenters, Millwrights, Dockbuilders, Piledrivers and Soft Floor Layers	11.45	1.40	1.78	.70+a	04
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structures which are intended for predominantly residential use	9 16	1 25	49		02
CARPENTERS:					
Suffolk County:					
Fishers Island; Building:					
Carpenters and Soft Floor Layers	10.00	.80	.55		03
Remainder of County, Building:					
Carpenters and Soft Floor Layers	11 05	1 08	1 46	.90	06
Suffolk County, Heavy and Highway:					
Carpenters, Dockbuilders, Wharfbuilders, Piledrivers and Timbermen	11.05	1 08	1.46	.90	.06
ELECTRICIANS AND LINEMEN	12.05	7 %+.40	13½%	5%	5/8%
ELEVATOR CONSTRUCTORS	11.32	.745	.32+b	c+d	.02
ELEVATOR CONSTRUCTORS HELPERS	8.04	.745	32+b	c+d	.02
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	5 66				
ELEVATOR CONSTRUCTORS REPAIR	9.70	745	.32+b	c+d	.02
ELEVATOR CONSTRUCTORS REPAIR HELPERS	7.275	.745	32+b	c+d	02
ELEVATOR CONSTRUCTORS MODERNIZATION	10.55	.745	.32+b	c+d	.02
ELEVATOR CONSTRUCTORS MODERNIZATION HELPERS	7.91	.745	.32+b	c+d	.02
GLAZIERS	11.20	.66	1.66	67	.01
IRONWORKERS, ORNAMENTAL FINISHER	10.67	1.18	2.55	.78	.05
IRONWORKERS, STRUCTURAL	11.50	1.55	3.00	1.60+e	.07
IRONWORKERS, REINFORCING	10.41	1.325	1.985	.75+f	03

DECISION NO NY78-3001	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS, BUILDING:					
Laborers, Mason tenders and mortar mixers	8 80	1 14	1 03	84+g	
LATHERS, METALLIC	10.41	1.325	1 985	75+f	03
LATHERS, NAIL-ON (SUFFOLK COUNTY)	11 35	94	20		
LEADBURNERS	10 75	40	.25	h	01
MARBLE CARVERS	10 15	1 13	1 19	i	
MARBLE CUTTERS AND SETTERS	10 00	1 13	1 19	i	
MARBLE SAWERS, RUBBERS AND POLISHERS	9 77	1.13	1 19	i	
MARBLE FINISHERS, CRANE OPERATORS AND DERRICKMEN	8 28	1 13	1 19	i	
MILLWRIGHTS	11 45	1 40	1.78	70+a	04
PAINTERS:					
SUFFOLK COUNTY:					
Brush	9 20	3 00	60		.18
Structural Steel	11.60	3 00	60		18
Spray	11 40	3.00	.60		18
NASSAU COUNTY:					
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:					
Painters	9 55	8½%	5%+j	3%	
Spray and Scaffold	11.38	8½%	5%+j	3%	
Fire Escapes	10 71	8½%	5%+j	3%	
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structures which are intended for predominantly residential use	8.50	90	.50		
West of Port Washington Blvd. and north on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:					
Structural Steel	11.68	11%	14%		
Structural Steel Spray	12.68	11%	14%		
Remainder of County:					
Painters	8.91	1.29	1.60	.50	.03

DECISION NO NY78-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS:					
NASSAU COUNTY	11 00	90	1 14	1 10	20
SUFFOLK COUNTY	10.85	85+k	1 70	1 30	235
POINTERS, CAULKERS, AND CLEANERS:					
Pointers, Caulkers and Cleaners	10 17	1 10	1 87		05
Sandblasters	11 27	1 10	1 87		05
Steamcleaners	10 42	1 10	1 87		05
ROOFERS:					
Composition, Damp and Waterproofers	10 20	1 01	2 28	1 50	01
Slate and Tile	11 07	55	1 40	2 00	
SHEET METAL WORKERS:					
SUFFOLK COUNTY:					
Fishers Island	10 95	50	66		.07
Remainder of County	11 545	3%+ 90	4%+1 20	3%+ 75	1%+ 03
NASSAU COUNTY:	11 545	3%+ 90	4%+1.20	3%+.75	1%+ 03
SPRINKLER FITTER AND STEAMFITTERS	10 97	2.65	1 12	.86	07
STONE DERRICKMEN AND RIGGERS	11 87	98	2 01		01
STONEMASONS	11 00	.50	1 00		
TERRAZZO WORKERS	11 18	1.21	1 50		
TILE SETTERS	9 15	85	2 10		
TILE SETTERS FINISHERS	8 81	68	77		
TRUCK DRIVERS:					
BUILDING:					
Ready-mix concrete, Sand Gravel, Asphalt and Bulk Cement	8 87	1 2125	1 8525	g+1	
Euclids and Turnapulls	8 725	1 2125	1 8525	g+1	
HEAVY:					
Euclids and Turnapulls	8 825	1.2125	1 8525	g+1	
HIGH-RISE:					
Truck Drivers	9 44	1 2125	1 8525	g+1	
TUCKPOINTERS:					
Tuckpointers and Waterproofers	8 72	.70	1 44	50	015
Sandblasters	9.72	70	1 44	50	015
Steamcleaners	8 97	.70	1 44	.50	015
WELDERS: receive rate prescribed for craft perfroming operation to which welding is incidental.					

DECISION NO. NY78-3001

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a Employees employed on the last working day before Christmas Day and New Years Day and who report to work on such days shall receive 3 hours pay without working in the afternoon

b. Employer contributes $8 00 per day to Annuity Fund

c. Paid Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day

d Employer contributes 6 4% of basic hourly rate for 5 years or more of service or 4 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e Paid Holidays: Christmas Eve and New Years Eve: If employee works a full ½ day on the working day immediately preceeding Christmas Day and New Years Day, they shall receive a full day's pay

f Work on Christmas Eve and New Years Eve shall terminate at Noon, but employees will receive a full day's pay

g Paid Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Veteran's Day provided the employee works 2 days in the calendar week in which the holiday falls and each remaining work during such calendar week

h. Paid Holidays; A through F, Washington's Birthday, Good Friday, and Christmas Eve providing the empolyee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceeding and following the holiday

i. Paid Holiday: ½ day's pay for Labor Day

j Employer contributes $5.00 per day to an Annuity Fund

k. Employer contributes $4 00 per day to a Security Bebefit Fund

l. For each 15 days worked with the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year

DECISION NO. NY78-3001

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
LABORERS:					
Concrete and curb form setters, Asphalt rakers	$ 8 25	10%	13%	.75+a	
Asphalt workers and roller boys, Asphalt top shovelers and smoothers, Asphalt tampers	8 05	10%	13%	.75+a	
Jackhammers, and drill men, Hoppermen, Carpenters' tenders, Pipe jointers and setters, Concrete laborers (structures), Stone spreading laborers, Trackmen, Grading and excavating laborers, Yard laborers, Puddlers on concrete pavement, Laborers (other than above) on concrete pavement, Landscape laborers, Asphalt plant (batcher and hopper men)	7 65	10%	13%	.75+a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

DECISION NO. NY78-3001

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$ 11.73	8%	1.65	a	.15
Backhoe, dragline, gradall, piledriver, shovel	12.005	8%	1.65	a	.15
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	11 905	8%	1.65	a	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	10.555	8%	1.65	a	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	11.555	8%	1.65	a	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	11.755	8%	1.65	a	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	11.305	8%	1.65	a	.15
Crane and boom truck (setting structural or stone)	12.13	8%	1.65	a	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	11.18	8%	1.65	a	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	12.105	8%	1.65	a	.15
Compressor (structural steel)	11.705	8%	1.65	a	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	10.805	8%	1.65	a	.15

DECISION NO NY78-3001

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
POWER EQUIPMENT OPERATORS: (CONT'D):					
Crane with clam shell bucket	12.005	8%	1.65	a	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	12 255	8%	1 65	a	.15
Boom lengths of 150' (including jib) but less than 250'	12.505	8%	1.65	a	.15
Boom lengths of 250' (including jib) but less than 350'	12.755'	8%	1.65	a	.15
Boom lengths of 350'	13 255'	8%	1.65	a	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	11.50	8%	1.65	a	.15
Dredge	11.88	8%	1.65	a	.15
Elevator, forklift, hoist (1 drum)	11.93	8%	1.65	a	.15
Forklift (walk-behind, power operated)	11.72	8%	1.65	a	.15
Grader	11.33	8%	1 65	a	.15
Hoist (2 and drum)	12.07	8%	1.65	a	.15
Hoist (multiple platform)	14.60	8%	1.65	a	.15
Mechanical compactors (hand operated), trench machine (hand)	10.18	8%	1.65	a	.15
Hoist tandem platform	12.98	8%	1.65	a	.15
Hydra-hammer, ridge cutter	10 72	8%	1 65	a	.15
Lead engineer	13.20%	8%	1.65	a	.15
Loading machine (with capacity of 10 yds or over	11 43	8%	1.65	a	.15
Oiler, stump chipper	10 285	8%	1 65	a	.15
Power buggies	10.43	8%	1.65	a	.15
Roller, trench machine	11.805	8%	1 65	a	.15
Scoop, carry-all, scraper in tandem	12 18	8%	1 65	a	.15
Sideboom tractor (used in tank work)	12.265	8%	1 65	a	.15
Striping machine	11.23	8%	1.65	a	.15
Tank work	12 03	8%	1.65	a	.15
Tower crane (engineer)	12.50	8%	1 65	a	.15
Tower crane (oiler)	10 055	8%	1 65	a	.15
Welding machine, structural steel	11.78	8%	1 65	a	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 Vacation fund.

DECISION NO. NY78-3001

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$ 11.73	8%	1.65	a	.15
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	12.10	8%	1 65	a	.15
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11 955	8%	1 65	a	.15
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	9 48	8%	1 65	a	.15
Boiler	11.23	8%	1 65	a	.15
Boring machine (post holes)	11.67	8%	1.65	a	.15
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10 92	8%	1.65	a	.15
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	11 455	8%	1 65	a	.15
Compressor (2 or more in battery)	11 15	8%	1.65	a	.15
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	11.615	8%	1.65	a	.15
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	10 545	8%	1.65	a	.15
Loading machine, with bucket capacity of 10 yards or over	11.17	8%	1 65	a	.15

STATE: Wyoming

COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY78-5013

DATE: Date of Publication

Supersedes Decision No. WY77-5054 dated May 20, 1977, in 42 FR 26188

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCITON	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$11.44	.57	$ 1.20		
BOILERMAKERS	11.30	.85	1 00		.02
BRICKLAYERS; Stonemasons:					
Goshen, Laramie and Platte Counties	9.90		.30		
Converse, Natrona and Niobrara Counties	10 00				
CARPENTERS:					
Carpenters	9.49	.60	.60	.50	.15
Piledriverman	9.74	.60	.60	.50	.15
CEMENT MASONS:					
Cement Masons	9.55	.50			.05
Working with composition material; Scaffold, swing stage or temporary platform over 8' high; Operator of power machines	9.80	.50			.05
ELECTRICIANS:					
Goshen, Laramie, Niobrara and Platte Counties					
Electricians	10 85	.62	3%+.25		3/4of1%
Cable Splicers	11.10	.62	3%+.25		3/4of1%
Converse and Natrona Counties					
Contracts $150,000 and under:					
Electricians	9.80	.62	3%+.25		3/4of1%
Contracts over $150,000:					
Electricians	10.15	.62	3%+.25		3/4of1%
ELEVATOR CONSTRUCTORS	11.14	.545	.35	a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	10.60	.65	1.15		.10
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona and Niobrara Counties	10.00				
MILLWRIGHTS	9.93	.78	.85	6%	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS:					
Converse, Natrona and Niobrara Counties					
Painters, Brush and roll; Hardwood Finishers; Sandblast; Pot Tenders	$ 9.00	.65	.30		
Painters; Spray; Swing Stage and Chair	9.80	.65	.30		
Paperhanging; Drywall Finishers (hand)	9.25	.65	.30		
Sandblast (interior); Steeplejack	10.44	.65	.30		
Sandblast (exterior)	10.00	.65	.30		
Hazardous Work	9.75	.65	.30		
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Counties					
Zone 1 (15 miles radius from Cheyenne Post Office)	9.32	.75	.60	1.00	.18
Zone 2 (10 miles radius beyond Zone 1)	10 17	.75	.60	1.00	.18
Zone 3 (15 miles radius beyond Zone 2)	11.09	.75	.60	1.00	.18
Zone 4 (Jurisdiction beyond Zone 3)	12.31	.75	.60	1.00	.18
Zone 5 (Footnote "b")					
General Contracts $700,000.00 or less	9.32	.75	.60	1.00	.18
General Contracts over $700,000.00	9.82	.75	.60	1.00	.18
Converse, Natrona and Niobrara Counties					
Zone 1 (10 miles radius from Post Office in Casper)	9.85	.70	1.25	2.00	.15
Zone 2 (10 miles radius beyond Zone 1)	10.50	.70	1.25	2.00	.15
Zone 3 (20 miles radius beyond Zone 2)	11.15	.70	1.25	2.00	.15
Zone 4 (40 miles beyond Zone 3)	12.15	.70	1.25	2.00	.15
Zone 5 (Jurisdiction beyond Zone 4)	12.90	.70	1.25	2.00	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS	$ 9.75				
SHEET METAL WORKERS:					
Converse, Natrona and Niobrara Counties	10 37	.41	80		.02
Goshen, Laramie and Platte Counties	10 30	60	90		.08
SPRINKLER FITTERS	11.05	65	95		.08
WELDER: RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.					

FOOTNOTES:

a Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Spring within a 5 mile radius from the Post Office

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS (Building Construction)					
Group 1	$ 6.52	.33	40		.05
Group 2	6 74	.33	40		.05
Group 3	6.80	.33	40		05
Group 4	7.02	.33	40		05
Group 5	7 02	.33	40		05
Group 6	7 27	33	40		05
Group 7	7.11	33	.40		05
Group 8	7.00	.33	.40		.05
Group 9	6 84	.33	.40		.05
HEAVY CONSTRUCTION					
Carpenters	8 37	60	.60		15
Cement Masons	8.90	50	35		
Ironworkers, structural	6.21				
Ironworkers, reinforcing	5.50	35			
Painters, brush and spray	7.82				

LABORERS
(Building Construction)

Group 1: Axeman and hand faller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc , guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation and pre-wetting; Rodman; Riprap Man; Sandblaster pot tender; Signalman, grade, concrete, etc ; Scissorman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; Culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air grack, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

HEAVY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1:					
Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc Scissor Man or Hopper Man; Stake Jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 5.21				
Group 2:					
Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher) Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	5.31				

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 3:					
Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle shall receive $ 20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	$ 5.46				
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	5.71				
Group 5:					
Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5.69				
Bull Gang; Dumpman; Mucker; Trackman	5.53				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	5.96				
Nipper; Chucktender; Topman; Toplander	5.80				

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
Group 1	$ 7.12	.35	35		.01
Group 2	7.17	.35	.35		.01
Group 3	7.22	.35	.35		.01
Group 4	7 16	.35	.35		01
Group 5	7.29	.35	.35		.01
Group 6	7 34	.35	35		.01
Group 7	7 38	.35	.35		.01
Group 8	7.40	.35	.35		.01
Group 9	7 51	.35	.35		.01
Group 10	7 57	.35	.35		01
Group 11	7 59	.35	.35		.01
Group 12	7 77	.35	35		.01
Group 13	7 81	35	.35		.01
Group 14	7.88	.35	35		01
Group 15	7.94	.35	35		.01
Group 16	8 11	.35	35		01
Group 17	8.45	35	.35		.01

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hoppelman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler; Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu ft capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

HEAVY CONSTRUCTION
POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Curhser Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu yds); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator, (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat,Dozer, Tournadozer, etc. (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu. yds , all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

HEAVY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Pick-up Truck Drivers (when used for hauling)	$ 5 99	.35	.35		
Dump Truck Drivers (water level capacity box):					
7 cu yds. and less	6 04	.35	.35		
Over 7 cu yds to and including 10 cu yds.	6.19	.35	.35		
Over 10 cu. yds. to and including 13 cu. yds.	6.29	.35	.35		
Over 13 cu. yds. to and including 20 cu yds.	6.79	.35	.35		
Over 20 cu. yds to and including 25 cu. yds.	6.79	.35	.35		
Over 25 cu. yds. to and including 30 cu. yds	6 89	.35	.35		
Over 30 cu. yds to and including 35 cu yds.	6.94	.35	.35		
Over 35 cu. yds to and including 40 cu. yds	6.99	.35	.35		
Over 40 cu. yds to and including 45 cu yds.	7.04	.35	.35		
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	5.99	.35	.35		
Gravel Spreader	6.04	.35	.35		
Flat Rack Material Truck Drivers:					
Less than 2 tons	6.04	.35	.35		
2 tons to 5 tons	6.19	.35	.35		
Over 5 tons	6.29	.35	.35		
Low Boy and Tandem Axle Float Drivers	6.79	.35	.35		
Gang Truck Drivers	6.04	.35	.35		

HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Stringing Truck Drivers:					
Single axle type truck	$ 6.04	35	.35		
Multiple axle type truck; semi	6.79	.35	.35		
Winch Trailer Truck Drivers (cable and hoist)	6.29	.35	.35		
Utility Winch Truck Drivers	6.29	35	.35		
"A" Frame Truck Drivers	6.29	.35	35		
Warehousemen, Partsmen and Helpers	6 04	.35	.35		
Material Checkers	6.19	.35	.35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu. yds ; Single axle	6.29	.35	.35		
Over 5 cu yds. to and including 10 cu. yds.; Tandem axle	6.39	.35	.35		
Over 10 cu. yds.	6.49	.35	.35		
Power Broom Drivers and/or Operators	6.19	.35	.35		
Water Truck Drivers:					
2500 gal. or less (straight truck)	6.04	.35	.35		
2500 gal. or less (semi truck)	6.19	.35	.35		
Over 2500 gal. to and including 3600 gal.	6.29	.35	.35		
Over 3600 gal. (straight truck)	6.39	.35	.35		
Over 3600 gal. (semi truck)	6.49	.35	.35		
Power Broom Drivers and/or Operators	6.19	.35	.35		
Water Truck drivers:					
2500 gal. or less (straight truck)	6.04	.35	.35		

HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
2500 gal or less (semi truck)	$ 6 19	.35	35		
Over 25 gal to and including 3600 gal	6 29	35	.35		
Over 3600 gal (straight truck)	6 39	35	35		
Over 3600 gal. (semi truck)	6 49	.35	.35		
Heavy Duty (Euclids, electric or similar type)	6 79	.35	.35		
Fuel Service Truck Drivers	6 04	35	.35		
Greasemen, Tiremen, Service Men and Helpers	6 04	.35	.35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6 99	35	.35		
Helpers - field (welders, mechanics, etc)	6 55	.35	.35		

[FR Doc 78-2777 Filed 2-2-78; 8:45 am]

FRIDAY, FEBRUARY 3, 1978
PART V

Federal Register

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Health Care Financing Administration and Human Development Services Office

■

Federal Financial Participation in Expenditures for Abortion Funded Through Various HEW Programs

[4110-85]

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 50—POLICIES OF GENERAL APPLICABILITY

Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 2, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Public Health Service.

ACTION: Final rules.

SUMMARY: The Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to insure that (the statute is) rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATES: This regulation will be effective February 14, 1978. As explained in the preamble to 42 CFR Part 449 appearing in this issue at p. 4833, in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to those abortions which the Department will fund with its appropriations for fiscal year 1978, and to follow the dictates of Congress that the Department promptly issue regulations. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations, and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978.

In commenting please refer to PCO-187-RC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately two weeks after publication in Room 722-H, of the Department's offices at 200 Independence Avenue SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

ADDRESS: Address comments to: Marilyn Martin, Public Health Service, Room 722H, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Martin, Room 722H, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-7581.

SUPPLEMENTARY INFORMATION: For a preamble statement, which is being issued jointly by the Public Health Service, the Health Care Financing Administration, and the Administration for Public Services of the Office of Human Development Services, concerning conditions governing Federal funding of abortions, see 42 CFR Part 449 appearing in this issue at page 4833.

Part 50 is amended by adding a new Subpart C to read as set No. MC forth below:

Subpart C—Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

Sec.

50.301 Applicability.
50.302 Definitions.
50.303 General Rule.
50.304 Life of the mother would be endangered.
50.305 Severe and long-lasting damage to physical health.
50.306 Rape and incest.
50.307 Documentation needed by programs or projects.
50.308 Drugs and devices and termination of ectopic pregnancies.
50.309 Record keeping requirements.
50.310 Confidentiality.

AUTHORITY: Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

§ 50.301 Applicability.

The provisions of this subpart are applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service.

§ 50.302 Definitions.

As used in this subpart: (a) "Law enforcement agency" means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction.

(b) "Medical procedures performed upon a victim of rape or incest" means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

(c) "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she practices.

(d) "Public health service" means: (1) An agency of the United States or of a State or local government, that provides health or medical services; and (2) a "rural health clinic," as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485; except that any agency or facility whose principal function is the performance of abortions is specifically excluded from this definition.

§ 50.303 General Rule.

Federal financial participation is not available for the performance of an abortion in programs or projects to which this subpart applies except under circumstances described in §§ 50.304, 50.305, or 50.306.

§ 50.304 Life of the mother would be endangered.

Federal financial participation is available for the performance of an abortion when a physician has found, and so certified in writing to the program or project, that on the basis of his/her professional judgment, the life of the mother would be endangered if the fetus were carried to term.

§ 50.305 Severe and long-lasting damage to physical health.

Federal financial participation is available for the performance of an abortion when two physicians have found, and so certified in writing to the program or project, that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

§ 50.306 Rape and incest.

Federal financial participation is available for medical procedures performed upon a victim of rape or incest if the program or project has received signed documentation from a law enforcement agency or public health service stating that: (a) The person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim

of an incident of rape or incest; and (b) the report included the name, address and signature of the person who reported the rape or incest. Federal financial participation is also available for the performance of abortions for victims of rape or incest under the circumstances described in §§ 50.304 and 50.305 without regard to the requirements of the preceding sentence.

§ 50.307 Documentation needed by programs or projects.

Federal financial participation is unavailable for the performance of abortions or other medical procedures otherwise provided for under §§ 50.304, 50.305, and 50.306 if the program or project has paid without first having received the certifications and documentation specified in those sections.

§ 50.308 Drugs and devices and termination of ectopic pregnancies.

Federal financial participation is available with respect to the cost of drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 50.309 Record keeping requirements.

Programs or projects to which this subpart applies must maintain copies of the certifications and documentation specified in §§ 50.304, 50.305, and 50.306 for three years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 et seq.

§ 50.310. Confidentiality.

Information in the records or in the possession of programs or projects which is acquired in connection with the requirements of this subpart may not be disclosed in a form which permits the identification of an individual without the individual's consent except as may be necessary for the health of the individual or as may be necessary for the Secretary to monitor the activities of those programs or projects. In any event, any disclosure shall be subject to appropriate safeguards which will minimize the likelihood of disclosures of personal information in identifiable form.

Dated: January 26, 1978.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare.

[FR Doc. 78-2872 Filed 1-30-78; 2:15 pm]

[4110-35]

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Federal Financial Participation in State Claims for Abortions

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 2, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rules.

SUMMARY: The Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel setsregulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to insure that [the statute is] rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATE: The regulations will be effective February 14, 1978. As explained below, in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to which abortions the Department will fund with its appropriations for fiscal year 1978, and pursuant to the dictate of Congress that these regulations be issued promptly. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978. The Department's published response will indicate the extent to which, if at all, amendment of these regulations is in order in light of these comments.

In commenting please refer to PCO-187-RC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

ADDRESS: Address Comments to:

Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Michael Cook, Room 4423, Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-0962 (HCFA).

SUPPLEMENTARY INFORMATION: On December 9, 1977, the President signed Pub. L. 95-205. That Act appropriates funds for the Department's programs from December 1, 1977, through September 30, 1978, or until enactment of an appropriation for any project or activity provided for therein, whichever occurs first. Section 101 of that Act contains language which succeeds section 209 of the Labor-HEW Appropriations Act of 1977, Pub. L. 94-439, which has popularly been referred to as the "Hyde amendment."

STATUTORY LANGUAGE

Section 101 of Pub. L. 95-205 provides, in part, that:

[N]one of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

PRIOR DEPARTMENT POLICY

Section 209 of Pub. L. 94-439, the Labor-HEW Appropriations Act of 1977, prohibited the Department from

using any funds appropriated under that Act to pay for abortions "except where the life of the mother would be endangered if the fetus were carried to term." The Department was enjoined by a Federal District Court from enforcing section 209 in October, 1976, prior to its implementation. The injunction was dissolved on August 4, 1977, and the Department published a notice, 42 FR 40486 (August 10, 1977), specifying the method by which it would implement section 209.

The notice provided that: "the Department will provide Federal financial participation in the cost of abortions only where the attending physician, on the basis of his or her professional judgment, has certified that the abortion is necessary because the life of the mother would be endangered if the fetus were carried to term."

In addition, the notice indicated that the conference report to section 209 made clear that that section did not bar Federal funding for medical procedures necessary for the termination of an ectopic pregnancy, for drugs and devices to prevent the implantation of the fertilized ovum and for prompt treatment before the fact of pregnancy is established for victims of rape or incest.

Congress did not enact an HEW appropriations act for fiscal year 1978 by October 1, 1977, the end of the 1977 fiscal year. Congress did, however, enact two temporary resolutions which continued funding for the Department through November 30, 1977. These resolutions continued the limitations on Federal funding of abortions set forth in section 209.

Finally, on December 7, 1977, Congress enacted Pub. L. 95-205, which the President signed on December 9, 1977, providing funding for the Department through September 30, 1978. The Secretary issued a statement on December 10, 1977, which essentially restated the provisions on Federal funding of abortions contained in the Act, and indicated that the Office of the General Counsel would be preparing regulations to enforce these limitations. The Department transmitted that statement to all State Medicaid agencies, HEW Regional Offices, Public Health Service Hospitals and grantees, and State medical associations.

INTRODUCTION

These regulations have been drafted to implement the determinations of Congress with respect to the availability of Federal funds to pay for abortions. Congress has expressed its will in a statute, Pub. L. 95-205, and the Department's primary task in preparing these regulations has been to interpret that statute to implement congressional intent.

In construing Pub. L. 95-205, the Department has accorded maximum weight to the statutory language, for as the Supreme Court has noted, it is a cardinal principle of statutory construction that "[t]here is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning." "United States v. American Trucking Ass'ns," 310 U.S. 534, 543 (1940).

Examination of statutory language focuses primarily on its plain meaning, and in determining that meaning, the Department has been guided by so-called "intrinsic aids," such as the structure of the statute and the inferences that may be drawn from the normal usages of grammar and composition. Intrinsic aids are recognized as valuable tools of contruction. In the words of the most authoritative treatise on statutory construction, "[t]he use of intrinsic aids, by concentrating attention on the text of the law, thus appears to be most directly related to the object of deciding according to what the statute may be generally understood to mean." 2A Sutherland, "Statutory Construction" § 47.01 (Sands ed. 1973).

The Department has also thoroughly studied the legislative history of Pub. L. 95-205, which includes 10 different versions of the statute passed by either the Senate or the House and over 225 pages of congressional debate over 6 months.

Unfortunately, the reports of the House and Senate committees to which 1978 fiscal year appropriations bills were referred contain virtually no discussion of the issue of Federal funding of abortions. Also, because House and Senate conferees were never able to agree on the abortion issue, there is no conference report interpreting the statutory language. Thus, there is no official expression of the collective understanding of even one house of the Congress as to the meaning of this statute, and an interpretation of the legislative history must be based solely on the debates and the different versions of the statute. Although these debates serve as a valuable indication of congressional intent, they are at times inconsistent or inconclusive.

Nonetheless, the Department has sought to determine congressional intent with the greatest of care, using the traditional methods of statutory construction.

OPINION OF THE ATTORNEY GENERAL

The Department recognizes that the question of Federal funding of abortions is a matter of great concern to the American people.

The Department wishes to ensure that the regulations implementing section 101 are consistent with the will of Congress. Accordingly, on January 24, 1978, the Secretary, by letter, requested the Honorable Griffin B. Bell, Attorney General of the United States, to review the legal validity of these regulations. The Secretary's letter stated:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

WASHINGTON, D.C. 20201

JANUARY 24, 1978.

Hon. GRIFFIN B. BELL,
Attorney General, Department of Justice, Washington, D.C. 20530

DEAR MR. ATTORNEY GENERAL: As you are aware, Congress recently enacted Pub. L. 95-205, which provides for appropriations for the Department of Health, Education, and Welfare through the 1978 fiscal year and which contains certain restrictions upon the use of appropriated funds to pay for abortions.

Section 101 of Pub. L. 95-205 provides, in part, that "none of the funds provided for in [the HEW-Labor continuing resolution] shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians." In addition, section 101 provides that "[t]he Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced."

Enclosed is a copy of our final draft of the regulations implementing this statutory requirement. I understand that our legal staff has provided your staff, during the past several weeks, with an explanation of our interpretation of principal issues. Our views as to the legal basis and purpose of these regulations are expressed in the accompanying preamble.

In light of the importance of these rules, I would appreciate your formal opinion as to whether these rules comply with the statute. In particular, I would appreciate your opinion on the following questions of interpretation:

1. Do the "medical procedures" authorized for the victims of rape or incest include abortion?

2. Does the statute require this Department to specify through regulations what constitutes a "report," and, if so, has Congress indicated its intent on this issue?

3. Does the definition of "law enforcement agency" in the regulations properly reflect congressional intent?

4. Does the definition of "public health service" in the regulations properly reflect congressional intent?

5. Is the implementation in the regulations of the requirement that reporting be "prompt" consistent with the intent of Congress?

6. Are the procedures specified in the regulations to implement the reporting requirement consistent with the intent of Congress?

Because of the urgent necessity to give guidance to state agencies administering the

Medicaid program and Public Health Service hospitals and grantees, I would greatly appreciate a prompt response.

Thank you for your assistance.

Sincerely,

JOSEPH A. CALIFANO, Jr.

Enclosure.

The Attorney General responded to that request by letter of January 26, 1978. The Attorney General's letter states:

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D.C. 20530,

January 26, 1978.

Hon. JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare, Washington, D.C.

MY DEAR MR. SECRETARY: You have asked for my opinion whether certain provisions of your department's proposed regulations pertaining to federal funding of abortions with respect to victims of rape or incest are in conformity with the requirements of § 101 of Public Law No. 95-205, 91 Stat. 1461 (1977) (the "Act"), making further continuing Appropriations for fiscal year 1978, and for other purposes. Section 101 provides in part:

[N]one of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.[1]

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to insure that the provisions of this section are rigorously enforced.

You have asked in particular for my opinion with respect to a series of questions relating to the scope of various terms and language in § 101.

At the outset I believe that some general observations are in order. As a rule, administrative regulations properly promulgated under statutory authority are presumed valid. *Grubbs* v. *Butz*, 514 F. 2d 1323 (D.C. Cir. 1975); *United States* v. *Boyd*, 491 F. 2d 1163 (9th Cir. 1973). In order to sustain that presumption, an administrative officer exercising rulemaking powers delegated to him by Congress must adhere to two basic requirements: he must adopt regulations which are both reasonable and consistent with the intention of Congress as expressed by the statute. *United States* v. *Larionoff*, 431 U.S. 864 (1977); *Manhattan General Equipment Co.* v. *C.I.R.*, 297 U.S. 129 (1936). Within that framework, an administrative officer such as yourself has broad discretion.

The legislative intention with respect to abortion regulations implementing § 101 of the Act is, however, difficult to discern. For the most part, neither the language of the section nor its legislative history provides clear answers to the questions you raise. The provisions of § 101 had their origin in the proposed HEW Appropriations Act for 1978. The reports of the House and Senate Appropriations Committees on that proposed act contain no discussion of Federal funding of abortions. The reports of the Conference Committee are equally unenlightening, as the conferees were unable to reach agreement on the abortion funding provisions of the proposed act. The final version of § 101 was a product of compromise on the floor of both houses. Consequently, the floor debates provide the only source of Congressional intent other than the language of the statute itself. But, those debates are contradictory and inconclusive in many respects. They do reveal, however, that Congress intended to leave many matters of interpretation concerning § 101 to the sound discretion of the Secretary, rather than attempt a more detailed statutory scheme. See, e.g., 123 Cong. Rec. H12651 (daily ed., Dec. 6, 1977) (remarks of Representative Michel); id. S19397-19398 (remarks of Senator Magnuson).[2] After carefully reviewing the language of the section, the floor debates, and the views you express in the preamble to the proposed regulations, I conclude that the provisions of the regulations about which you have inquired are in conformity with both the language and intent of the section. I shall turn now to your specific questions.

ABORTIONS AS MEDICAL PROCEDURES NECESSARY FOR VICTIMS OF RAPE OR INCEST

Both the structure of § 101 and the available legislative history support my view that abortions are included in the phrase "medical procedures necessary for the victims of rape or incest." The section contains a broad prohibition against Federal funding of abortions followed by three exceptions. The second of those exceptions is for medical procedures in cases of rape or incest. The logical interpretation of the language of the paragraph is that Federal funding of abortions is permissible in the three circumstances enumerated. Moreover, if the exception for medical procedures in cases of rape or incest does not include abortions, the phrase would be surplusage. Immediately following the exceptions in the section is a new paragraph which describes non-abortion services for which Federal funding is available. Thus, there would be no reason to place an exception for medical procedures in the preceding language if such procedures did not include abortions. While it is possible to argue that by adding the term "medical procedures" to the exception covering victims of rape or incest Congress must have intended something other than abortions, that argument clearly runs counter to the thrust of the floor debates.

The Senate made it abundantly clear that it understood medical procedures to include abortions. In floor discussions which took place immediately before Senate passage of the Act, Senator Brooke, the ranking Republican conferee, asserted:

"I want to make it crystal clear, and I want to make it certain for the record, as to what was intended by the Senate and, as I understand, what was intended by the House by their vote—because no other change was referred to in that debate—is that we are talking about medical procedures being abortions. Cong. Rec. S19441 (Dec. 7, 1977)."

Senator Magnuson, the floor manager for the Senate conferees, unequivocally concurred in that understanding. Cong. Rec. S19441-19442 (Dec. 7, 1977).

The debates in the House of Representatives also indicate that the members of that body understood medical procedures to include abortions. See, *e.g.*, Cong. Rec. H12488 (Nov. 29, 1977) (remarks of Representative Conte); Cong. Rec. H12772, H12774 (Dec. 7, 1977) (remarks of Representative Hyde). The sole suggestion to the contrary in the debates appears in a colloquy between Representatives Michel and Volkmer. In response to questioning, Representative Michel asserted that medical procedures in cases of rape or incest did not include abortions. Cong. Rec. H12652 (Dec. 6, 1977). Both earlier and later in the debates, however, Representative Michel made statements implicitly contradicting that assertion. Cong. Rec. H12170 (Nov. 3, 1977); H12652 (Dec. 6, 1977). It is therefore my opinion that the phrase "medical procedures necessary for the victims of rape or incest" used in § 101 includes abortions.

REPORTS OF INCIDENTS OF RAPE OR INCEST

The legislative history offers little guidance in interpreting the requirement that victims of rape and incest "report" the incidents to a law enforcement agency or public health service. Congress did not specify the form or content of the report except to indicate that the victim need not herself be the reporter. See Cong. Rec. S19237 (Nov. 29, 1977) (remarks of Senator Brooke); Cong. Rec. H12653 (Dec. 6, 1977) (colloquy between Representatives Volkmer and Michel). The basic concern of Congress in adopting a reporting requirement was to prevent fraudulent claims. See, *e.g.*, Cong. Rec. H12489 (remarks of Representative Bonker). In my view, the reporting requirement in § 449.105(b) of the proposed regulations adequately reflects that concern and is compatible with Congressional intent.

DEFINITION OF LAW ENFORCEMENT AGENCY

The limited discussion of the term "law enforcement agency" in the floor debates does not suggest that Congress intended to ascribe a special meaning to the term. Cong. Rec. H10830 (Oct. 12, 1977); Cong. Rec. S19237 (Nov. 29, 1977). Section 449.101(a) of the proposed regulations defines the term as "an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction." This meaning appears to be within the common understanding of the term and its adoption is within the Secretary's discretion.

DEFINITION OF PUBLIC HEALTH SERVICE

Although the discussion of the term "public health service" in the floor debates is somewhat lengthier, the meaning intended for the term is nevertheless unclear. See, *e.g.*, Cong. Rec. H12654 (Dec. 6, 1977) (remarks of Representative Flood). Section 449.101(d) of the proposed regulations provides the following definition:

"(1) an agency of the United States or of a State or local government, that provides health or medical services; and (2) a "rural health clinic", as defined under section

[1] The paragraph in question appropriates funds for your department for fiscal year 1978.

[2] All references hereafter are to volume 123 of the daily edition of the Record.

1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485, except that any agency or facility whose principal function is the performance of abortion is specifically excluded from this definition."

Since that definition can reasonably be accommodated within the statutory language, its adoption is within the Secretary's discretion.

REQUIREMENT OF PROMPT REPORTING

The requirement in § 101 that cases of rape and incest be "reported promptly" is open to differing interpretations. There was no agreement during the floor debates on the permissible time limits for making such reports. Proposals ranged from a few weeks to several months. See, *e.g.*, Cong. Rec. S19397, S19398 (Dec. 6, 1977) (remarks of Senator Magnuson suggesting that a report within 90 days would suffice); Cong. Rec. H12653 (statement of Representative Bonker that "prompt" is not as long as "3 or 4 or 5 weeks later"). Section 449.105 of the proposed regulations requires reports of cases of rape or incest "within 60 days of the incident." Since that requirement seems within the permissible meaning of the words "reported promptly" its adoption is within the Secretary's discretion.

PROCEDURES FOR IMPLEMENTING THE REPORTING REQUIREMENT

Section 449.106 of the proposed regulations specifies the procedure for enforcing the reporting requirement. It provides:

"Federal financial participation is unavailable in any expenditures for abortions or other medical procedures otherwise provided for under [the sections of the regulations] if the State agency has paid without first having received the certifications and documentations specified in those sections.

Neither the statute itself nor the legislative history indicates that Congress intended the Secretary to implement the reporting requirement in any particular manner. The only concern expressed was that the Secretary develop procedures to prevent fraudulent claims. See, *e.g.*, Cong. Rec. H12652 (Dec. 6, 1977) (colloquy between Representatives Miller and Michel). In view of the absence of any congressional directive, it is my opinion that the method of implementing the reporting requirement in the proposed regulations is within the proper exercise of the Secretary's discretion.

In the final paragraph of § 101 Congress expressly directed the Secretary to promulgate regulations implementing its requirements. As the administrative officer charged with enforcement of the statute, the Secretary's construction of the section is entitled to great weight. The views expressed in his regulations need not be the only reasonable ones or the ones someone else might choose in order to be valid. *Udall* v. *Tallman* 380 U.S. 1 (1965). It is my opinion that the provisions of the proposed regulations discussed above are reasonable and consistent with the language and intent of the section, and that you are authorized to promulgate these regulations.

Yours sincerely,

GRIFFIN B. BELL,
Attorney General.

ANALYSIS

The following analysis explains the major issues covered by these regulations, including the requirements for Federal funding and the basis for each requirement.

GENERAL RULE

The regulations provide that Federal funds are not available to pay for abortions except in the three circumstances set forth in Pub. L. 95-205. The statute unequivocally provides that "none of the funds provided for in this paragraph shall be used to perform abortions except * * *." Since the prohibition on the use of funds is applicable to all of the Department's appropriated funds, the Department does not have statutory authority to fund any abortions other than those specifically provided for under the following three exceptions set forth in this statute:

"where the life of the mother would be endangered if the fetus were carried to term;"
"or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service;"
"or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians."

1. LIFE OF THE MOTHER WOULD BE ENDANGERED

The regulations provide that Federal funds will be available for the cost of abortions "when a physician has found, and so certified in writing * * * that on the basis of his/her professional judgment, the life of mother would be endangered if the fetus were carried to term." This section of the regulations essentially restates the statutory language and leaves to a physician the determination of whether a particular condition presents a life endangering circumstance. There are two reasons for leaving the determination to the discretion of a doctor.

First, Congress apparently intended that, in the absence of fraud, the physician's judgment would be conclusive. The life endangering exception in Pub. L. 95-205 is identical to the statutory exception contained in section 209 of the fiscal year 1977 HEW appropriations act. In implementing that provision, the Department left to physicians the determination whether a particular condition presents a life endangering circumstance. The Congress, in enacting section 101, did not indicate any disapproval of this interpretation. In fact, all evidence is to the contrary, since, as is discussed below, Congress clearly indicated that it expected physician judgment, in the absence of fraud, to operate conclusively under the very similar exception for severe and long-lasting physical health damage. The failure of Congress to question the manner in which HEW had previously implemented this exception, and its reenactment without change, should be understood as indicating congressional approval of the Department's interpretation. See, e.g., *Cammarano* v. *United States*, 358 U.S. 498, 508-09 (1959).

Second, as a practical matter, it would be virtually impossible to specify every possible medical circumstance that could endanger the life of a pregnant woman. Rather, this medical determination must be made in each case by a physician familiar with the entire medical history of the patient as well as her current condition.

The regulations do require a physician to certify in writing to the State agency, program or project that in his or her professional judgment the life of the mother would be endangered if the fetus were carried to term. The State agency, program or project may not pay for the abortion until it has received this certification. The purpose of the certification requirement is not to enable the Department to question physician judgment, but rather to ensure that physician judgment has in fact been exercised. This is the most efficient manner by which a State agency or a program or project—or the Department in conducting audits or other enforcement reviews—may ascertain that the statutory requirements for a claim for Federal financial participation in an abortion have been met. As such, it will aid the Department in complying with the congressional directive for rigorous enforcement of these rules.

2. SEVERE AND LONG-LASTING PHYSICAL HEALTH DAMAGE

The regulations also provide for Federal funding of abortions "when two physicians have found, and so certified * * * that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term." These requirements essentially follow the statutory language. The regulations do not attempt to list each circumstance that might fall within this exception. Rather, as with the life endangering exception, the regulation leaves this determination to the physician, since it would be impossible to list every medical circumstance which would result in severe and long-lasting physical health damage if the pregnancy were carried to term.

The record of the congressional debates in both houses of Congress supports this interpretation. In explaining to the Senate the exception regarding severe and long-lasting physical health damage, Senator Brooke, the ranking minority conferee and one of the chief proponents of Federal funding of abortions stated:

We know, when we are talking about severe and long-lasting physical health damage,

that *That is something that will be determined by a physician, because he is the only one who can determine that.* We are not in a position to determine what a severe and long-lasting physical health damage might be. It would be different from case to case. That is a medical determination that must be made, 123 Cong. Rec. S19442 (daily ed. Dec. 7, 1977) (emphasis supplied).

In the House, Representatives Hyde and Bauman, two chief proponents of strict limitations on Federal funding of abortions, objected to a prior version of section 101 which contained an exception for severe and long-lasting harm identical to the one enacted except that it omitted the "two physician" requirement:

MR. HYDE: The long and short of it is, whatever is serious, whatever is long lasting, is up to the doctor to decide. It can be a migraine headache or it could be varicose veins; *it could be any condition that, in the doctor's medical judgment, is serious and would be long lasting.* 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977) (emphasis supplied); and

MR. BAUMAN: *As to the mothers health exception, it would be left up to the judgment of the doctor. Id.* at H12773 (daily ed. Dec. 7, 1977) (emphasis supplied).

Based on the foregoing, the Department concluded that Congress intended that the determination as to severe and long-lasting physical health damage should be made by physicians.

This section of the regulations also requires that two physicians certify in writing that severe and long-lasting physical health damage would occur if the fetus were carried to term. As with the life endangering exception, the State agency, or program or project may not pay for the abortion without first having received this certification. This requirement provides the most efficient method by which the Department can monitor these determinations and comply with the statutory directive for rigorous enforcement.

3. MEDICAL PROCEDURES PERFORMED UPON VICTIMS OF RAPE OR INCEST

This section implements the third exception specified in section 101—medical procedures for victims of rape or incest. The regulations provide that Federal funding is available for "medical procedures performed upon a victim of rape or incest" provided that certain reporting requirements, explained later in the preamble at 3 (b), (c) and (d), are met.

(a) *Medical procedures.* The term "medical procedures performed upon a victim of rape or incest" is defined by these regulations to encompass "any medical service,[1] including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest." The Department has concluded, after a thorough analysis of the statutory language and the applicable legislative history, that Congress intended that the "medical procedures" authorized for the victims of rape or incest would include abortions.

The statutory language. As indicated earlier, statutory language is by far the most persuasive evidence of legislative intent. The language of section 101 of Pub. L. 95-205 plainly means that Congress intended to fund abortions for the victims of rape or incest. The statute specifies that "none of the funds provided in this paragraph shall be used to perform *abortions* except * * * for such medical procedures necessary for the victims of rape or incest, * * *." (Emphasis added.) "Medical procedures necessary for the victims of rape or incest" are thus explicitly authorized as one of three enumerated exceptions to the ban on funding for *abortions* and unless these procedures include abortions, it would make no sense for Congress to authorize their funding as an exception to the general ban on funding for abortions.

Moreover, the structure of the rest of the statute supports this conclusion. The placement of "medical procedures" as the second phrase in a series of three exceptions to the ban on the use of appropriated funds for abortions stands in instructive contrast to the sentence which follows the paragraph describing those exceptions. That sentence nowhere refers to abortions, but instead merely notes that "[n]or are payments prohibited" for drugs or devices or "for medical procedures necessary for the termination of an ectopic pregnancy." These items, grouped together in a separate sentence, are clearly not abortions, but are merely matters related to pregnancies as to which Congress meant to indicate that the abortion ban did not extend.

Had Congress intended that "medical procedures" for victims of rape and incest not include abortions but solely something different, the logic of ordinary English usage would have required the placement of the reference to the victims of rape or incest in the second paragraph, rather than in the paragraph describing the exceptions to the ban on funding for abortions.

The conference report to section 209 of the 1977 Labor-HEW Appropriations Act stated:

It is the intent of the Conferees to limit the financing of abortions under the Medicaid program to instances where the performance of an abortion is deemed by a physician to be of medical necessity and to prohibit payment for abortions as a method of family planning, or for emotional or social convenience. It is not our intent to preclude payment for abortions when the life of the woman is clearly endangered, as in the case of multiple sclerosis or renal disease, if the pregnancy were carried to term. *Nor is it the intent of the Conferees to prohibit medical procedures necessary* for the termination of an ectopic pregnancy or *for the treatment of rape or incest victims;* nor is it intended to prohibit the use of drugs or devices to prevent implantation of the fertilized ovum. H. Rep. No. 1555, 94th Cong., 2d Sess. 3 (1976) (emphasis added).

Commenting on the conference report in an opinion dated July 27, 1977, and addressed to the Secretary, the Attorney General contrasted the first two sentences, which "use[d] the word 'abortion,' describing generally those which may be funded and those which may not," with the last sentence, in which the word "abortion" nowhere appeared. Based on this juxtaposition, and based on the conference committee's rejection of a proposal to include rape and incest among the enumerated exceptions, the Attorney General concluded in his opinion of July 27, 1977, that Congress did not intend that "medical procedures" for victims of rape or incest in the fiscal year 1977 appropriations statute include abortions.

As Congress considered the abortion matter for the 1978 fiscal year, it was fully aware of the Attorney General's interpretation of the fiscal year 1977 statute and conference report. *See* 123 Cong. Rec. H10130 (daily ed. Sept. 27, 1977) (remarks of Representative Conte). In addition, early versions of the abortion funding restriction that passed the House did not refer to rape or incest in the "exception" sentence, while Senate drafts did. *Compare, e.g.,* House and Senate versions of October 12, 1977. In light of this history, it is clear to the Department that Congress was acutely aware of the significance of placing the reference to medical procedures for victims of rape and incest in the series of exceptions to the general ban on funding of abortions rather than in a separate and distinct sentence.

Accordingly, the placement in section 101 of the exception for funding for medical procedures for the victims of rape and incest clearly supports the conclusion that the plain meaning of the statute is that the phrase "medical procedures" includes abortions.

Furthermore, unless "medical procedures" is construed to include abortions, the reporting requirements in the case of rape or incest are difficult to explain. The statute provides that funding for medical procedures is available for the victims of rape or incest only "when such rape or incest has been reported promptly to a law enforcement agency or public health service." The legislative history is quite clear that the primary purpose of the reporting requirements was to

[1] The word "service" is placed in the definition to indicate that the term does not include drugs or devices which prevent implantation of the fertilized ovum. Federal funding for drugs or devices is permitted under another paragraph of the statute discussed below.

prevent Federal funding of abortions except in those circumstances specified by Congress. *See, e.g.,* 123 Cong. Rec. H12489, H12491, (daily ed. Nov. 29, 1977) (remarks of Representatives Bonker, Bauman, and Michel). Treatment other than abortions for rape or incest victims had been funded under the fiscal year 1977 appropriations statute, and there is no mention in the records that Congress had any evidence before it concerning fraudulent procurement of these non-abortion procedures. There would thus seem to be no reason for subjecting the "medical procedures" in Pub. L. 95-205 to the reporting requirements unless they included abortions.

The legislative history. While the Department believes that it is clear from the plain meaning and the structure of the statute that the authorized medical procedures for victims of rape or incest include abortions, the vast preponderance of the debates also indicates that Congress intended the term "medical procedures" to encompass abortions.

The intent of the Senate is unmistakable. Thus, a colloquy between Senator Brooke, the ranking minority conferee and ranking minority member of Senate Appropriations Committee, and Senator Magnuson, the Acting Chairman of the Senate Appropriations Committee and floor manager of the appropriations language, reads in pertinent part:

MR. BROOKE: I want to make it crystal clear, and I want to make it certain for the record, as to what was intended by the Senate and, as I understand, what was intended by the House by their vote—because no other change was referred to in that debate—is that we are talking about medical procedures being abortions.

There is no doubt in my mind that medical procedures are abortions, * * *

* * * * *

So, there are major changes now as to what poor, indigent women would be eligible for medicaid abortions. If the woman is a victim of rape or incest, she is eligible under the conditions of the reporting provision * * *

We fully intend medical procedures to include again, abortions. So long as the rape or incest has been reported to a law enforcement agency or to a public health service, the woman is clearly eligible for a publicly funded abortion.

Am I correct about our intent, that medical procedures do include abortion? Is that the chairman's understanding?

MR. MAGNUSON: That is correct. I think we should make it clear to the Secretary, Mr. Califano, that we mean that a woman who is a victim of rape or incest may have an abortion as long as she reports the incident, and he should issue regulations * * * that will carry out that intent * * * 123 Cong. Rec. S19441-42 (daily ed., Dec. 7, 1977).

In addition to these remarks, Senate debates on virtually identical versions of section 101 contain many other instances in which Senators indicated that "medical procedures" included abortions. *See* 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977); *id.* at S 19239; *id.* at S 18583 (daily ed. November 3, 1977); *id.* at S 18586. In fact, there is a total absence from the records of debate in the Senate of even a single instance in which a Senator expressed a contrary view.

Records of the House debate also indicate, with one exception, that members of that body understood the phrase "such medical procedures necessary for the victims of rape or incest" to include abortions.

The phrase "medical procedures necessary for the victims of rape or incest" first appeared in the version of the statute considered and passed by the Senate on November 3, 1977. *See* 123 Cong. Rec. S18584 (daily ed. Nov. 3, 1977). This proposal was submitted to the House later that day, whereupon Representative Mahon, the Chairman of the House Committee on Appropriations, who had negotiated this phrase with the Senate conferees and who was its proponent before the House, was questioned as to its meaning:

MR. VOLKMER: Mr. Speaker, in the language it says "except for medical procedures necessary for the victims of rape or incest." Would the medical procedures necessary for the victims of rape or incest include abortions? Would they necessarily include abortions?

MR. MAHON: This language excludes abortions "except for medical procedures necessary for the victims of rape or incest." That language it seems to me is a little bit fuzzy and at the same time not too bad.

MR. VOLKMER: Is the gentleman telling the House that it would not include abortions?

MR. MAHON: *It could possibly include abortions,* but the regulations would have to be promulgated and rigorously enforced by the HEW. 123 Cong. Rec. H12169 (daily ed. Nov. 3, 1977) (emphasis supplied).

Although somewhat tentative, Chairman Mahon's statement is inconsistent with the view that "medical procedures" could under no circumstances include abortions. That this language was perceived as permitting abortions for the victims of rape or incest is further established by the remarks in opposition to the Senate proposal by Representative Michel, the ranking minority House conferee and ranking Republican on the HEW-Labor Subcommittee of the House Appropriations Committee:

The Senate language does not include the words "forced rape," and thus could be interpreted to allow abortions on demand in cases of statutory rape. 123 Cong. Rec. H12170 (daily ed. Nov. 3, 1977). *Contra,* 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977) (remarks of Representative Michel indicating his view that "medical procedures" did not include abortions).

For this and other reasons, the House on November 3 rejected the version proffered by the Senate.

From the time of the first Senate proposal including the phrase "medical procedures necessary for the victims of rape or incest" in the paragraph describing the exceptions to the general ban on Federal funding of abortions until its passage of the appropriations act, its opponents in the House objected to including the phrase in the exceptions paragraph in part because they thought it would permit the funding of abortions. For example, earlier on the same day on which the House ultimately approved Pub. L. 95-205, it rejected language that was identical to the statute as passed except for the words "when so determined by two physicians" at the end of the first sentence. Opposing the inclusion of "medical procedures" in the exceptions paragraph, Representative Hyde, perhaps one of the most active Members of the House opposing Federal funding of abortions, stated:

The other body has removed "forced" from the definition of rape and thus opens medicaid abortions to any woman under the age of consent * * *." 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977).

A week earlier, commenting on identical language, Representative Hyde stated:

In the rape of an 18-year-old girl or a 17-year-old girl, depending upon what the statutory age is in a given State, she would get her abortion. If she becomes pregnant, she gets an abortion. There is no requirement of force, or anything else. Statutory rape is covered. She gets an abortion. 123 Cong. Rec. H12489 (daily ed. Nov. 29, 1977).

Similar criticism of this language was offered by Representatives Conte and Mahon. See 123 Cong. Rec. H12487, H12488 (daily ed. Nov. 29, 1977).

The sole instance in the debates of a direct expression by a Member of Congress that the phrase "medical procedures necessary for the victims of rape or incest" did not include abortions occurred during a colloquy between Representatives Michel and Volkmer:

MR. VOLKMER: * * * In the first sentence or the first phrase the word "abortion" is used providing that none of the funds be used except where the life of the mother would be endangered.

Then we say "or except for such medical procedures * * * and there we use the term "medical procedures"; we do not use the word "abortion"; and therefore, the word "abortion" is not included in "medical procedures"; is that correct?

MR. MICHEL: That is correct.

* * * * *

MR. VOLKMER: Is it the gentleman's intention in presenting this amendment to the House that the *words "medical procedures"* as used in here, and where reference obviously is made to them, *does not include the word "abortion";* is that correct?

MR. MICHEL: Yes. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977) (emphasis supplied).

Representative Michel's statement must be accorded due weight, given his leadership role in the abortion dispute, but it contradicts, not only his earlier statement concerning the identical language on November 3, quoted above, but also additional statements made by Representative Michel during the debate of December 6. Thus, when asked by another Member to comment on the prompt reporting aspect of the rape or incest exception, Representative Michel stated:

Yes. At least in this gentleman's mind it certainly does, and of course that prompt treatment is pretty much available today almost any place in the country. But "prompt" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known until the raped victim has missed her first period. So it seems to me that "prompt" embraces a period that is at least in the 30-day range and still would be acceptable as prompt treatment and prompt reporting. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977).

By making this statement, Representative Michel indicated that he would have permitted the performance of "medical procedures" after the fact of pregnancy is established. But it is precisely whether the fact of pregnancy has been established that distinguishes certain forms of treatment from abortions.

Given these differing statements, the record[2] is unclear whether, in Representative Michel's view, "medical procedures" includes abortion. Even assuming, however, that Representative Michel was consistent throughout in his view that "medical procedures" did not include abortions, that view is insufficient to overcome the plain meaning of the statute, the unequivocal expression of intent by the Senate, and the remaining debate in the House.

For the foregoing reasons, the Department has concluded that Congress intended to permit the funding of abortions for the victims of rape or incest.

It should be noted that since Congress considered but dropped proposals that would have limited the availability of abortions to victims of "forced" rape, it is clear that Congress intended that funding would be available for abortions for the victims of statutory rape. See, e.g., 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977) (remarks of Representative Hyde).

[2] After the law was passed by Congress and signed by the President, Members of both houses of Congress wrote the Department expressing their varying interpretations of the meaning of several statutory terms. It is well settled that such post-enactment expressions may not be considered as probative evidence of legislative intent. Cf. *Waterman S. S. Corp.* v. *United States*, 381 U.S. 252, 268-9 (1965), 2A Sutherland, Statutory Construction § 48.16 (Sands ed. 1973).

Finally, the phrase "medical procedures performed upon a victim of rape or incest" does not encompass the use of drugs or devices to prevent the implantation of the fertilized ovum. (See 123 Cong. Rec. S19442 (daily ed. Dec. 7, 1977), and medical procedures necessary for the termination of an ectopic pregnancy. The statute explicitly provides "* * * *nor are payments prohibited* (for those procedures)" (emphasis supplied), in a sentence separate from and following the one providing for the general prohibition against Federal funding of abortions and the exceptions thereto. These items are not abortions. Accordingly, a separate subsection of the regulations provides for Federal funding of these procedures.

Finally, it should be noted that a victim of rape or incest may obtain an abortion under the other two exceptions to the general funding ban without reporting the incident to a law enforcement agency or public health service.

(b) *Report to a law enforcement agency or public health service.* The regulations effectuate the statutory requirement that an incident of rape of incest must be reported to a law enforcement agency or to a public health service for Federal funding to be provided for an abortion under this exception. Federal funds will be made available only where the State agency, program or project has received, prior to payment for the abortion, signed documentation from a law enforcement agency or public health service certifying that the person upon whom the abortion was performed was reported, within the time period specified by the regulations, to have been a victim of rape of incest. These requirements are explained in greater detail below.

(i) *Who must report.* The incident of rape or incest need not be reported by the victim herself. The Department has concluded that Congress intended that anyone may report on behalf of the victim. First, the words of the statute allow for Federal funding of "medical procedures * * * when such rape or incest *has been reported* promptly to a law enforcement agency or public health service." Thus, the statute does not specify that the victim must report the incident of rape or incest.

Second, the congressional debates demonstrate that the ranking minority conferees of both Houses of Congress agreed that third parties could make the report. Senator Brooke stated:

Our language does not say who must make the report to the law enforcement agency or public health service or its equivalent. It is our intent that the report may be made by third parties, such as doctors, attorneys including, but not limited to legal services lawyers, rape center counselors, welfare agencies, poverty agencies or family members or relatives. Our only requirement here is that someone or some organization make the report to relevant authorities cited in the provision. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977). *See also* 123 Cong. Rec. S19397 (daily ed. Dec. 6, 1977).

Similarly, Representative Michel engaged in the following colloquy with Representative Volkmer:

MR. VOLKMER: * * * As I read the amendment of the gentleman, I do not find any requirement in it that the young lady herself makes that report. I just find it needs to be reported, which to me, and tell me if this is right or not, it could be reported by anyone. It could be reported by a private family planning agency. It could be reported by a father, mother, sister, brother, friend, or anyone else, as I read the amendment; is that correct, first?

MR. MICHEL: Well, there is a significant stigma, no matter who reports it. If a raped victim is singled out by name and address, and I do not care who reports it, there has to be some stigma attached to that.

MR. VOLKMER: The language says only reported; it does not say by whom.

MR. MICHEL: No, it does not.

MR. VOLKMER: It could be anyone.

MR. MICHEL: The Department of HEW may want to tie this down by rules, that could be done.

MR. VOLKMER: * * * what is the gentleman's intention in that regard?

MR. MICHEL: I would not be one to force that particular victim as an individual to report. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977).

(ii) *Law enforcement agency.* With respect to the meaning of law enforcement agency, the Congressional Record consists of statements of two members of Congress who described a law enforcement agency in the following manner:

MR. McCLORY: * * * the proper authorities * * * 123 Cong. Rec. H10830 (daily ed. Oct. 12, 1977);

. . . . .

MR. BROOKE: * * * [O]bviously a law enforcement agency includes the police—State, county or city. But it is not exclusively these organizations. Since we are dealing with women who are victims of attack, we do not want to pile trauma upon tragedy by forcing them to go through a process that is more geared to criminals than to people who deserve our greatest sympathy. If, for example, there is a human relations division within a police department, the report could be made through such an office. A police chaplain's office could be assigned the job of receiving reports. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977).

In light of the clear language in the statute and the foregoing statements, the regulations define "law enforcement agency," as "an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction." The reference to "any part thereof" is to make it clear that the report may be given to a rape crisis center or chaplain's office which is part of or administrated by a law enforcement agency. The reference to "general penal statutes" is intended to preclude reporting to a specialized law enforcement

agency such as the Drug Enforcement Administration, Secret Service, or their State or local equivalents.

(iii) *Public Health Service.* The regulations define "public health service" primarily as "an agency of the United States or of a State or local government, that provides health or medical services * * *." The Department believes that this definition most closely comports with the intent of Congress; however, the Department acknowledges that what Congress meant by "public health service" is not entirely clear. The range of possibilities was suggested by one Congressman as follows:

> What in the world is that? Most Members know of an organization called the U.S. Public Health Service. Is that what is meant by this amendment? I cannot find out. Or does it mean that one could have a conversation with the public health nurse next door? * * * The language of this amendment is wide open to interpretation. It could mean anything you want it to mean. 123 Cong. Rec. H12654 (daily ed. Dec. 6, 1977) (remarks of Representative Flood).

The text of the statute offers substantial, although not conclusive, evidence that Congress intended that reporting be restricted to governmental entities. First, the phrase "public health service" is used along with "law enforcement agency," and it is a general rule of statutory construction that "the meaning of doubtful words may be determined by reference to their association with other associated words and phrases." 2A Sutherland, "Statutory Construction" § 47.16 (Sands ed. 1973). Law enforcement agencies are by definition governmental entities, and the close association of the two statutory phrases suggests that Congress intended "public health service" to have a similar meaning. In addition, the close similarity of the statutory phrase with the United States Public Health Service suggests that Congress intended to limit reporting to the Public Health Service, its State and local analogues, and other governmental entities.

The legislative history with respect to this phrase is brief and inconclusive. Only two statements in the Senate shed any light on its meaning. The first, by Senator Brooke, describes the meaning of the term "a public health service or its equivalent" when that language was under consideration by the Senate:

> We also want to tell HEW what we mean by a "public health service or its equivalent." A public health service is one that serves the public in the immediate local area, or over a wider region. *It could be a Government service and in many areas likely would be. But where such Government service does not exist, we intend that the private sector equivalent of such service would be eligible to receive the relevant report.* Thus, *in addition to services funded from public moneys* we also would include services funded by a combination of public and private moneys, or even moneys totally from the private sector, if that is the best "equivalent" that can be found.
>
> Thus, authorized recipients of reports would include, but not be limited to, family planning organizations, health maintenance organizations, rape crisis centers, health and counseling centers run by local charitable organizations, special phone-in counseling services, or any kind of neighborhood or other health or counseling center for people with problems. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977)

It should be emphasized that these statements were made in the context of a proposed version of the statute containing the phrase "a public health service or its equivalent." Significantly, the phrase "or its equivalent" was ultimately deleted. The critical passage in Senator Brooke's statement thus is: "[b]ut where such Government service does not exist, we intend that the private sector *equivalent* of such service would be eligible to receive the relevant report." (Emphasis supplied.) With the deletion of the phrase "or its equivalent," the most reasonable inference would seem to be that the Senate intended that *only* governmental entities would be eligible to receive reports from the victims of rape or incest.

Discussion in the House as to the meaning of "public health service" tended to focus on the desire that the term not be so broad as to include abortion clinics. On November 29, 1977, Representative Michel in a colloquy with Representative Bauman indicated that medicaid-financed abortion clinics should be excluded:

> MR. BAUMAN: Mr. Speaker, if the gentleman will yield further, anyone can see the obvious conflict that exists in a medicaid-financed abortion clinic, which makes most of its money from performing abortions, having the right to certify that these pregancies were a result of rape or incest. Obviously, it would be almost an automatic act by people who have a patent conflict of interest and wish to perform the abortion and be paid. That certainly should not be the intent of the conferees.
>
> MR. MICHEL: No, it should not. I would sincerely hope that they would be getting the message downtown and that lines would be drawn accordingly. 123 Cong. Rec. H12491 (daily ed. Nov. 29, 1977).

The only additional House legislative history of any significance on the issue of what constitutes a public health service consists of the following colloquy between Representatives Volkmer and Michel:

> MR. VOLKMER: That is, what is a public health service? What does the gentleman mean by a public health service? Does that include family planning centers and others that could be referred to?
>
> MR. MICHEL: In my judgment, it is every public health center that is funded to any degree by Federal funds.
>
> MR. VOLKMER: To any degree by Federal funds?
>
> MR. MICHEL: Yes.
>
> MR. VOLKMER: What about State and local funds?
>
> MR. MICHEL: I am talking about federally funded centers. The gentleman and I well know that in Cook County or Peoria County today they are taking care of situations that we are prohibiting here, but they feel a need locally to do it and if there are no Federal funds, I have no voice in it. I am not about to eliminate or restrict what they are doing.
>
> MR. VOLKMER: But the receivers of the report can only be public health services that are partially or fully funded by the Federal Government?
>
> MR. MICHEL: Yes, sir. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977).

As this brief review of the legislative history indicates, what Congress meant by the term "public health service" is not entirely clear. Only two possibilities have any support in the legislative history—a definition limited to governmental entities or a definition limited to Federally funded entities. The language of the statute and the deletion of the phrase "or its equivalent" led the Department to conclude that Congress intended to entrust the reception of reports from the victims of rape or incest, an integral part of a statutory requirement intended to deter fraud, only to those agencies ultimately accountable to the political process. Accordingly, the definition of "public health service" in these regulations is restricted primarily to governmental entities that provide health services. These may include health department offices, public hospitals and clinics and facilities operated by the Public Health Service.

This definition also encompassed quasi-public corporations or authorities, such as the New York City Health and Hospital Corporation, that provide general medical services pursuant to a delegation of governmental authority by a State or local government or through a multi-jurisdiction compact.

The Department recognizes that in certain rural areas no appropriate governmental agency or facility may be available. In order to insure that a responsible entity will be accessible for purposes of receiving the required report, the definition includes rural health clinics, a term defined in recently enacted Pub. L. 95-210, 91 Stat. 1485, to mean Federally funded clinics in certain medically underserved rural areas.

The Department believes that this definition of "public health service" will not prevent necessary reporting. Since reporting need not be done in person by the victim, communication by mail to a law enforcement agency or public health service from a health facility where a rape or incest victim went for medical help should prevent any problems of inaccessibility.

Finally, because of several clear expressions in the congressional debates

that abortion clinics cannot be considered proper facilities to receive reports of rape or incest, the definition of "public health service" specifically excludes any facility whose principal function is the performance of abortions. The Department believes that permitting reporting to abortion clinics would be inconsistent with the concept of rigorous enforcement.

(c) *The requirement that rape or incest be "promptly" reported.* Section 101 provides that Federal funding is available for "such medical procedures necessary for the victims of rape or incest, *when such rape or incest has been reported promptly* * * *." (Emphasis supplied.) To implement this requirement, the regulations provide that the report must be filed within 60 days of the incident of incest or rape. The 60-day period is consistent with congressional intent and was arrived at by balancing the competing interest of providing sufficient time to permit victims of rape or incest to make reasoned decisions as to how and whether to report these incidents, with the necessity to protect against fraudulent reporting. Thus, in explaining this requirement, one Congressman commented:

> The intent is to insure that innocent victims of rape will receive treatment with a minimum of difficulty, but that sufficient steps have been taken by the victims to demonstrate the fact of the rape. 123 Cong. Rec. H12489 (daily ed., Nov. 29, 1977) (remarks of Representative Bonker).

The records of the debates in Congress indicate that Congress was aware of both policies that are balanced in these regulations, but that the members had conflicting views as to what would constitute prompt reporting, varying from as little as two or three weeks, to 60 to 90 days, to "months."

In the Senate, Senators Magnuson, Brooke and Metzenbaum, engaged in the following colloquy:

> MR. BROOKE: In addition, we also include the word "promptly," to provide that any reporting must be prompt. By this we do not mean hours; we mean a much longer period of time that is reasonable yet humane * * *.
>
> • • • • •
>
> MR. METZENBAUM: In yielding to the House with respect to putting in the word "promptly," it seems to me that it opens the door to a wide variety of interpretations * * *.
>
> • • • • •
>
> MR. METZENBAUM: Does the Senator from Massachusetts, therefore, interpret the word "promptly" to mean a number of weeks and possibly months after the traumatic experience has occurred, rather than a requirement to get on the telephone immediately after that kind of occurrence? I believe it does have relevance, and I would appreciate to some elaboration on the subject from the Senator from Massachusetts.
>
> MR. BROOKE: Mr. President, I agree with the Senator from Ohio that the word "promptly" is subject to interpretation.
>
> As I view it, "promptly" would mean a reasonable and humane period of time in which the rape or incest would be reported to a law enforcement agency or to a public health service; it might be reported by a parent or someone in behalf of that victim of rape or incest, or it could be reported by the victim.
>
> We may be talking about children. As the distinguished Senator from Ohio well knows, it is a matter that concerns me deeply and concerns him and others deeply. We may be talking about young children, so we may be talking about the reporting of the parent, where the child cannot be in a position to make that report promptly. It is not a question of hours, as I see it, but maybe days, weeks—a reasonable and humane period of time, whatever that may be considered.
>
> MR. METZENBAUM: Possibly weeks and months.
>
> MR. BROOKE: It could be, yes.
>
> MR. MAGNUSON: I would not suggest that they wait months. As with any piece of legislation, you cannot spell out the time. We probably could say within 90 days or within 60 days or within the first part of the pregnancy. But we have to leave it up to the Department to make what we hope will be reasonable regulations to carry out what the word "promptly" means.
>
> In reverse, I think it means that you cannot wait and wait and wait and all of a sudden show up some place and say, "I was raped," or, "Incest took place." You would have to do it within a reasonable time, with respect to the Department.
>
> In this amendment, we go even further. We say:
>
> The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.
>
> I think that would mean that they would interpret the word "promptly" not to apply to any length of time, but that it should be done, say, in 90 days, or say that was the middle figure, that it be before that time, not "promptly" after a long period of time.
>
> I am sure that is the way the regulations would read.
>
> MR. BROOKE: I think a reasonable and humane period of time would be a fair period of time. I think there might be extenuating circumstances in certain cases which should be taken into consideration.
>
> MR. MAGNUSON: Each case has to be taken into consideration.
>
> MR. BROOKE: I can conceive of a case where there is an extenuating circumstance such as requiring a longer period of time, say, than the normal case. So I think that would be the intent of the language.
>
> MR. METZENBAUM: I appreciate the assurances of the distinguished Senator from Massachusetts and the distinguished Senator from Washington that "promptly" in this sense in this legislation does not mean "promptly" as we normally think of it such as when we expect the Secretary of HEW to act promptly in issuing regulations. That is a different kind of promptness than that which we expect under these circumstances.
>
> MR. BROOKE: I agree.
>
> MR. MAGNUSON: I hope this will set an example for other regulations they have to issue down there. 123 Cong. Rec. S19397-98 (daily ed. Dec. 6, 1977). *See also id.* at S 19442 (daily ed. December 7, 1977).

A somewhat more restrictive view had been stated by Senator Helms when he earlier had unsuccessfully introduced an amendment that would have required prompt reporting:

> The word "promptly" before the word "reported" will eliminate the possibility that 2 or 3 months after the fact a supposed victim would claim to have been raped when, as a matter of fact, she had not. 123 Cong. Rec. S19238 (daily ed. Nov. 29, 1977).

The prevailing view in the House was closer to that of Senator Helms. One representative, referring to the Senate colloquy on the meaning of promptly, expressed apprehension that the Senate might consider the term to encompass months.

> MR. BAUMAN: Then they [the Senators quoted above] went on to explain in their view months could pass and still lead to prompt reporting. In other words, this is a very large loophole, and this debate in the Senate could support a complete reversal of the attitude of the House when we desired a prompt reporting of when the rape occurred. Read what the Senate said. 123 Con. Rec. H12772 (daily ed. Dec. 7, 1977).

In response to that remark, Representative Mahon related his belief that prompt was shorter than "months" and meant "reasonably quick."

> MR. MAHON: Regardless of what may have been said by any Member of the other body and by any Member of this body, in plain english "prompt" means reasonably quick. It does not mean months, regardless of what anybody may have said. I do not accept everything I read in the Congressional Record. I know what the word "promptly" means, and I know that Mr. Califano, the Secretary of HEW, is a man of integrity, and he is required under the language in this proposal to promptly issue regulations to rigorously enforce the import of the resolution. So I would not be concerned about that matter. *Id.*

However, even after the Chairman's assurance to the contrary, Representative Bauman reiterated his fears that "prompt" could be interpreted to mean months after the occurrence of the rape:

> * * * With the inclusion of the broadly interpreted "prompt reporting" months after the occurrence as the Members of the other body readily interpret it—and legislative history does play a part—we have another estimate. *Id.* at H 12773.

On the previous day, Representative Michel provided his view on the meaning of prompt reporting:

> But "prompt" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known until the raped victim has missed her first period. So it seems to me that "prompt" embraces a period that is at least in the 30-day range and still would be acceptable as prompt treatment and prompt reporting. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977).

The significance of this comment is that it indicates this Member's belief

that "prompt" encompasses at least a sufficiently lengthy period of time so as to permit the victim to know whether or not she is pregnant.

The only additional explanation of the meaning of "prompt" was a comment by Representative Bonker, on December 6, 1977 that:

> It has to be reported promptly and that does not mean it can be done 3 or 4 or 5 weeks later and reported and thus qualify for a medicaid abortion. *Id.* at H12653 (daily ed. Dec. 6, 1977).

In the face of these sharply conflicting expressions of Congress, the Department believes that a 60-day reporting period is within the middle range of the various time limits mentioned in the debates. More importantly, the Department believes that a 60-day reporting period accommodates both basic policies, of permitting access by eligible individuals while discouraging fraud, advanced in support of the promptness requirement.

(d) *The procedure for prompt reporting.* There is virtually no evidence as to what procedures Congress envisioned should be followed to implement the reporting requirements for the victims of rape or incest. The Department, in the absence of congressional guidance in formulating these requirements, has attempted to balance concerns for individual privacy with the statutory mandate that the Secretary shall "establish procedures to insure that the provisions of this section are rigorously enforced." The regulations require only that information necessary to confirm the fact that an incident of rape or incest has been reported to a law enforcement agency or public health service, be provided.

The regulations provide that Federal financial participation is available for medical procedures performed upon a victim of rape or incest if the appropriate State agency or program or project has received signed documentation from a law enforcement agency or public health service. The documentation must state that the person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of rape or incest and that the report included the name, address and signature of the person who reported the incident.

The regulations do not specify the manner in which reporting must be accomplished and do not require the reporting of any details concerning the underlying incident other than the name of the victim. However, it should be noted that the regulations require an official of the agency or service that received the report to certify in writing to the fact of prompt reporting. This may be done, for example, by inclusion in the certification of a statement that the rape or incest was promptly reported as required by the regulations or by a recitation of the date of the report to the law enforcement agency or public health service and the date of the incident of rape or incest.

In order to implement the requirement of rigorous enforcement, the regulations require that the relevant documentation must be received by the applicable State agency, program or project prior to payment to the provider of the abortion. In other words, no Federal funds may be expended for an abortion until the State agency, program or project has on hand the requisite documentation. Providers, however, may perform abortions prior to the receipt of such documentation, but they do so at the risk of not receiving Federal reimbursement should such documentation subsequently not be forthcoming.

In addition, it must be noted that any person who knowingly submits a falsified claim for Federal funds, or who aids or abets in the submission of a falsified claim, may be subject to prosecution under section 1909(a) of the Social Security Act or another applicable provision of law.

4. RETENTION OF RECORDS

The regulations also require that the State agency, or the program or project maintain copies of all requisite documentation and certifications for the three year period specified in the maintenance of record requirements at 45 CFR 74.20. These records must be retained to facilitate audits and other enforcement reviews. However, in order to safeguard personal privacy, these records are subject to the safeguarding requirements specified in 45 CFR 205.50.

WAIVER OF PROPOSED REGULATIONS

Section 102 of Pub. L. 95-205 specifies that the statute governs the Department's appropriations effective as of December 1, 1977. Section 101 of that Act places specific limitations upon those abortions for which Federal funds are available. Accordingly, it is critical that States and other grantees be made aware of the instances in which Federal funding will be available as soon as possible. Moreover, Congress has dictated that these regulations must be issued promptly to enforce rigorously these limitations. For this reason, the Department has determined that there is good cause to waive notice and opportunity for public comment prior to issuing these regulations in final form, and to waive the normal requirement that 30 days elapse between publication of the regulations and effective date. However, comments will be received, as noted earlier, with the possibility of modifying the regulations in response to those comments.

EFFECTIVE DATE

These regulations will be effective February 14, 1978. The Department understands that a reasonable amount of time is necessary to make adjustments to comply with the reporting and record keeping procedures. The Department, however, believes that this can be done in substantially less time than the normal 30 days, given the minimal nature of the requirements imposed upon States and other grantees. The Department has concluded that a 12 day lead time is sufficient.

Part 449 is amended by adding a new Subpart A after § 449.82 to read as set forth below:

Subpart A—Federal Financial Participation in State Claims for Abortions

449.100 Applicability.
449.101 Definitions.
449.102 General rule.
449.103 Life of the mother would be endangered.
449.104 Severe and long-lasting damage to physical health.
449.105 Rape and incest.
449.106 Documentation needed by State agency.
449.107 Drugs and devices and termination of ectopic pregnancies.
449.108 Record keeping requirements.
449.109 Safeguarding requirements.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); sec. 101 of Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

Subpart A—Federal Financial Participation in State Claims for Abortions

§ 449.100 Applicability.

This subpart applies to programs administered under Title XIX of the Social Security Act.

§ 449.101 Definitions.

As used in this Subpart:

(a) *"Law enforcement agency"* means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction.

(b) *"Medical procedures performed upon a victim of rape or incest"* means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

(c) *"Physician"* means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she practices.

(d) *"Public health service"* means: (1) An agency of the United States or of a State or local government, that provides health or medical services; and

(2) A "rural health clinic," as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485, except that

any agency or facility whose principal function is the performance of abortions is specifically excluded from this definition.

(e) *"State"* means each of the fifty States of the United States, the District of Columbia, Guam, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands.

§ 449.102 General rule.

Federal financial participation is not available in expenditures for an abortion except under circumstances described in §§ 449.103, 449.104, or § 449.105.

§ 449.103 Life of the mother would be endangered.

Federal financial participation is available in expenditures for an abortion when a physician has found, and so certified in writing to the applicable State agency, that on the basis of his/her professional judgment, the life of the mother would be endangered if the fetus were carried to term.

§ 449.104 Severe and long-lasting damage to physical health.

Federal financial participation is available in expenditures for an abortion when two physicians have found, and so certified in writing to the applicable State agency, that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

§ 449.105 Rape and incest.

Federal financial participation is available in expenditures for medical procedures performed upon a victim of rape or incest if the State agency has received signed documentation from a law enforcement agency or public health service stating that: (a) The person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of an incident of rape or incest; and (b) the report included the name, address and signature of the person who reported the rape or incest. Federal financial participation is also available in expenditures for abortions for victims of rape or incest under the circumstances described in §§ 449.103 and 449.104 without regard to the requirements of the preceding sentence.

§ 449.106 Documentation needed by the State agency.

Federal financial participation is unavailable in any expenditures for abortions or other medical procedures otherwise provided for under §§ 449.103, 449.104, and 449.105 if the State agency has paid without first having received the certifications and documentation specified in those sections.

§ 449.107 Drugs and devices and termination of ectopic pregnancies.

Federal financial participation is available in expenditures for drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 449.108 Record keeping requirements.

State agencies must maintain copies of the certifications and documentation specified in §§ 449.103, 449.104 and 449.105 for 3 years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 *et seq.*

§ 449.109 Safeguarding requirements.

State agencies must safeguard against improper disclosure of information contained in the certifications and documentation described in §§ 449.103, 449.104, and 449.105 pursuant to the requirements at 45 CFR 205.50(b).

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program.)

Dated: January 26, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare.

[FR Doc. 78-2870 Filed 1-30-78; 2:16 pm]

[4110-12]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS); DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Federal Financial Participation in State Claims for Abortions

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 2, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Administration for Public Services (APS), Office for Human Development Services (OHDS), Department of Health, Education, and Welfare.

ACTION: Final rules.

SUMMARY: Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to ensure that [the statute is] rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATE: These regulations will be effective February 14, 1978. As explained in the preamble to 42 CFR Part 449 appearing in this issue at p. 4833 in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to those abortions which the Department will fund with its appropriations for fiscal year 1978, and to follow the dictates of Congress that the Department promptly issue regulations. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations, and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978.

In commenting please refer to APS-3. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 2225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-9415.

ADDRESS: Address comments to: Commissioner, Administration for Public Services, Department of Health, Education, and Welfare, P.O. Box 1923, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Mrs. Johnnie U. Brooks, Room 2225, Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-9415.

SUPPLEMENTARY INFORMATION: For a preamble statement, which is

being issued jointly by the Administration for Public Services of the Office of Human Development Services, the Public Health Service, and the Health Care Financing Administration, concerning conditions governing Federal funding of abortions, see 42 CFR Part 449 appearing in this issue at page 4833

45 CFR 228 is revised as follows:

1. The Table of Contents for Subpart I is revised as follows:

Subpart I—General Provisions

Sec.
228.90 Expenditures for which Federal financial participation is available.
228.91 Expenditures for which Federal financial participation is not available.
228.92 Federal Financial Participation in State Claims for Abortions.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); and Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

2. Subpart I is revised to add a new § 228.92 as follows:

§ 228.92 Federal Financial Participation in State Claims for Abortions.

Federal financial participation in State claims for abortions is governed by 42 CFR 449.100 through 449.109.

(Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.)

(Catalog of Federal Domestic Assistance Program No. 13.771, Social Services for Low Income and Public Assistance Recipients.)

Dated: January 26, 1978.

WARREN MASTER,
Acting Assistant Secretary for Human Development Services.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare.

[FR Doc. 78-2871 Filed 1-30-78; 2:16 pm]