SAVE YOUR VISION WEEK
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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.
Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202–523–5240.

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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.
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 amended 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.


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.

* * * * *


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

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.


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) Office of the Secretary. * * *

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

* * * * *


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

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.


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.


UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,

Executive Assistant to the Commissioners.

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


FOR FER INFORMATION CONTACT:
William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312 is amended 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.


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, 1978, the former position was revoked in error: One Special Assistant to the Deputy Administrator of the Small Business Administration.


FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

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

§ 213.33 Small Business Administration.

(b) Three Special Assistants to the Deputy Administrator.

(5 CFR 3301, 3302; EO 10577, 3 CFR 1954-1955 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]

[3410-02]

Title 7—Agriculture

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

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 acts needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.


FOR FURTHER INFORMATION CONTACT:


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 make good the pronouncements of the act. 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, Neb., requesting that authority be provided for the disposal, 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 is provided under terms of the marketing order and 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 Benis 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 would tend to effectuate the declared policy of the act. There is the need for regulation and recommendations made by 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 Saturday. 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 hereinbefore set forth, will tend to effectuate the declared policy of the act.

The regulation is as follows:

§ 923.218 - 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) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on May 15, 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 and for minor damage 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, with an exception for in-cells and culls.

(b) Size requirements. (1) "Small"—1 to 2¾ inches in diameter, and limited to whites only;

(2) "Repacker"—1¼ to 3 inches in diameter, with no more than 1 inch in diameter or more than 2 inches in diameter 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. Except as provided in paragraphs (b) and (c) 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 3½ 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)(XII) of this section, unless an inspection certificate has been issued thereon as prescribed by the committee.

(2) Upon approval of the committee, each handler shall on the first workday following completion of inspection, but not to exceed 100 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.

(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 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 onions in containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (b), (c), 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, the handler shall report thereon as prescribed by the committee.

(f) Reporting requirements for shipments in designated special purpose containers. Each handler who handles shipments of onions in containers customarily packed for the retail trade, or 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 shall be made on or before 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.

(g) Definitions. "U.S. onion standards" mean the U.S. Standards for Grades of Bermuda-Granex-Granola Type Onions (7 CFR 2851.3195-2851.3209), or the U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Granola 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 "T.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. 145, as amended, and this paragraph.
This order of suspension is issued pursuant to the provisions of the Agricultural Marketing 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, 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 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 1978.

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

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) of §1139.12(b)(5)) of the order are hereby suspended with respect to fluid milk markets during the months of March through July 1978.

Effective date: February 3, 1978.


JERRY C. HILL,
Deputy Assistant Secretary.

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

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Support—Eligibility Requirements for Price Support

Miscellaneous Amendments

AGENCY: Commodity Credit Corporation, USDA.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
RULING REGULATIONS

SUMMARY: This rule amends the regulations under section 1425 of the Consumer Credit Corporation to specify that the Commodity Credit Corporation (CCC) must distribute to its members proceeds received through CCC price support loans and purchases. The rule is needed for purposes of administrative efficiency. In addition, this rule changes the designation of responsibilities for administering the provisions of the regulations in this Part.


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 54560) 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 its members loan and purchase proceeds received from CCC.

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 part 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 part will be administered by the State and county Agriculture Stabilization and Conservation committees, and where applicable, the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, bylaws, resolutions, or a marketing agreement.

(b) Membership. A cooperative shall be an association of members who are producers of a commodity and who are participating in a price support program for that commodity. A cooperative shall be a corporation, bylaws, resolutions, or a marketing agreement.

(c) 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 capital interest in the cooperative owned by inactive and nonmember members 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.

§ 1425.3 Application.

(a) Initial approval. A cooperative which desires approval to obtain price support on any authorized commodity for the 1977 and succeeding crops 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.

(b) Application of eligibility requirements to new commodities. The commodity date for commodities 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.

(c) 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 capital interest in the cooperative owned by inactive and nonmember members 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.

(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

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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.

* * *


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 counties 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.
FOR FURTHER INFORMATION CONTACT:

Dr. Glenn 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 quarantines.

* * *

(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 Pulsom; 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 45 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.

(Recs. 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. 5 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-125, 134b, 134d); 37 FR 28454, 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 1976.

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 11241 and OMB Circular A-101.

E. A. SCHULF,
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-Brucellosis-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.
FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veteri-
SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the Modified Certified Brucellosis-Free 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 are 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:


(b) Specific Counties Within States:

Arkansas: Baxter, Bradley, Carroll, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Johnson, Marion, Monroe, Montgomery, Newton, Ouachita, Searcy, Sharp, Stone, Union, Woodruff.
Kentucky: Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Johnson, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owen, 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, San Miguel, San Juan, Santa Fe, Sandoval, Socorro, Taos, Valencia.
Tennessee: Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Fentress, Grainger, Greene, Hamblen, Hancock, Jefferson, Johnson, Knox, La Follette, Lauderdale, Macon, McMinn, McNairy, Meigs, Monroe, Morgan, Perry, Polk, Roane, Robertson, Scott, Scottsbluff, Sevier, Sullivan, Unicoi, Union, Van Buren.
Wyoming: Albany, Big Horn, Campbell, Carbon, Converse, Crook, Logan, Natrona, Park, Platte, Sheridan, Sweetwater, Teton, Uinta, Washakie, Wind River.
§ 78.21 Modified Certified Brucellosis Areas.

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

(a) Entire States. Alabama, Louisiana, Oklahoma.

(b) Specific Counties Within States. The following counties, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:
**RULING AND REGULATIONS**

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

**South Dakota.** Jones, Stanley.


**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.


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.

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.

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 11921 and OMB Circular A-107.

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

[FPR Doc. 78-2802 Filed 2-2-78; 8:45 a.m]
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 require that 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 container 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.


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. 555, 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 11592 and OMB Circular A-167.

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
SUBCHAPTER D—INSPECTION, SEARCH, AND SEIZURE

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 filing 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 during 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.


FOR FURTHER INFORMATION CONTACT:


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 can 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:

FEDERAL REGISTER, VOL 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
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.

[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 provisional listing of lead acetate. The new closing date is February 28, 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-0600]

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 the revision 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.


FOR FURTHER INFORMATION CONTACT:


For Further Information Contact:


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 57688). In the Federal Register of December 13, 1977 (42 FR 62979), the Commissioner proposed to postpone the closing date for lead acetate until April 30, 1978 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 color 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 suspending the provisions of the Color Additive Amendment of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618; see, 203, 71 Stat. 404-407 (21 U.S.C. note)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 81 is amended in §81.1 Provisional listing of color additives, by revising the entry for the closing date for the color additive lead acetate in paragraph (g) to read “February 28, 1978.”

Effective date: January 31, 1978.

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 nutrients than under the current standard. For this reason, the Commissioner is revising §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 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 (c) and (e). Further, he is revising §135.110(a) (2) and (3) to the extent that they establish minimum milk protein requirements, and he is revising §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 revising §135.120(a)(2) (21 CFR §135.120(a)(2)) to the extent that it establishes minimum milk 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 revising §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 revising §135.140(a)(2) with respect to the provisions for “nonfat milk-derived solids” and “milk-derived solids.”

In the revision 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, 21 CFR 121, 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 solides, 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 "safe 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 (sec. 401, 701(c), 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 in nutrient levels 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 normal evidentiary public hearing, as provided for in 21 CFR Part 12, on these provisions unnecessary.

Part 135 is amended:

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 and added to 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 16 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 solids present when milkfat is removed, or 8 percent solids present when milkfat is removed, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 16 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 solids present when milkfat is removed, or 8 percent solids present when milkfat is removed, and weighs not less than 4.5 pounds to the gallon.

(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 from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified 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 0.1N 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 0.1N 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 0.1N 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 calcium carbonate, casein prepared by precipitation with calcium carbonate and sodium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Casein may be added in liquid or dry form, but must be free of excess alkali.


(2) [Reserved]

(e) Nomenclature. (1) The name of the food is "ice cream"; except that when egg yolks are used, the name of the food is "ice cream containing egg yolks". If the food contains both a natural and an artificial flavor, the name of the food shall be accompanied by the common 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".

(2) If the food contains both a natural and an artificial 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".

(3) If the food contains both a natural 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 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".

*Copies may be obtained from: Association of Official Analytical Chemists, Post Office Box 840, Benjamin Franklin Station, Washington, D.C. 20044.
height of the letters in the name of the characterizing flavor, e.g., "artificial Vanilla", or "artificially flavored Strawberry" or "artificially flavored Vanilla and artificially flavored Straw-

berry".

(3)(i) If the food is subject to the requirements of paragraph (e)(2)(ii) of this section or if it contains any artificial flavoring ingredient, 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 characterizing flavor and in any event the size of the type is not less than 6-

point on packages containing less than one pint, nor less than 10-

point on packages containing at least one 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 an amount equal to or greater than a substantial amount of the ingredients listed in §101.4(b) (3), (4), (5), (6), (7), (8), and (9) of this chapter used in combination with "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 if:

(i) In the case of vanilla beans or vanilla extract used in combination with vanilla if the amount of vanilla 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 an 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 used is (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 quantity 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 of the fruits or fruit juices, 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".

(v) If two or more flavors of ice cream are distinctly 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.

(1) 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), (5), (6), (7), (8), and (9) of this chapter are used or alternatively as permitted in §101.4 of this chapter. Pursuant to section 402(e) 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 declaration 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) Casemates 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:

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<th>Percent milkfat</th>
<th>Minimum percent nonfat milk solids</th>
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(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 "artistically colored", "artificial coloring added", "with added artificial color", or "____ 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.

(ii) Sherbet shall have a weight of 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 is 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, 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 rule 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 0.1N 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 8.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey, when adjusted with water to a total solids content of 8.5 percent, has an alkalinity of ash, not more than 115 milliliters 0.1N 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 8.5 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, potas-
(1) 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 provisions 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, 1978, shall fully comply. As to the provisions hereby revoked, the effective date is February 3, 1978.

(2) Support the approval of this application (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted 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 diethylcarbamazine citrate.

(b) (2) Amount 

(1) 25 to 50 milligrams per pound of body weight as an aid in treatment of ascariids in dogs and cats; for prevention of heartworm disease in dogs.

(2) 3 milligrams per pound of body weight daily for prevention of heartworm disease.

(c) Indications for use. As an aid in treatment of ascariids (Toxocara canis and Toxascaris leonina) Infections in dogs and cats; for prevention of heartworm disease (Dirofilaria immitis) in dogs.

(1) Limitations. The drug is packaged in a multiple-dose container incorporating a suitable dosing pump. Each 8-milliliter dose contains amoxicillin trihydrate equivalent to 40 milligrams of amoxicillin. Ita potency is satisfactory if it is not less than 90 percent and not more

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[4110-03]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Amoxicolin 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, Division of Beecham, Inc., Bristol, Tenn.


FOR FURTHER INFORMATION CONTACT:

Charles E. Halnes, 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.

Amoxicolin 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-milliliter 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 must not exceed 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. Test 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 B) to give a final volume of 500 milliliters. Blend for 3 to 5 minutes. Further dilute an aliquot of this stock solution with solution B to the reference concentration of 0.01 milligram 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 400 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 extracts with the first, and diluting to volume with distilled water.

(2) Moisture. Proceed as directed in §436.301 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.

(2) 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

§540.207a Sterile ampicillin trihydrate suspension.

(a) Requirements for certification— 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.

(b) 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.

(c) 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.; generalized infections due to E. coli, Pseudomonas spp., Streptococcus spp., and Staphylococcus spp.; and soft tissue infections (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. and Streptococcus 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 Section 1.801-2 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 (1) and (a), 82 Stat. 347, 350-351 (21 U.S.C. 360b (1) and (a)).


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

(1) Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

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 (c).

2. On page 64693, first column, the first and second entries under “Corporation X” should be deleted, and “1974 181/365 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, “[par-ent]” and “subsidiary” in the 20th line of Example (2) in paragraph (c).

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 the last number 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 §1.1561-2(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:


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 "9" that should have been a "9." This document corrects that error.

DRAFTING INFORMATION

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

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
EXAMPLE 4 OF § 2200.34

§ 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. Contents 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.

(e) When a petition for discretionary review 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 by 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 91-589, 84 Stat. 1603-1605 (29 U.S.C. 661(d)).


For the Commission.

RAY H. DARLING, JR.,
Executive Secretary.

[FR Doc. 78-2454 Filed 2-2-78; 8:45 am]

§ 888g-9 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 and 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 personnel, or to assist, command, counsel or otherwise encourage such an act.

§ 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 employees" 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 installments. 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.
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.

3. Membership in Certain Organizations. Military members of the Air Force will not become or remain members of any organization under the following conditions:

   (1) After the Secretary of the Air Force determines in accordance with §888g.10 that the organization presses, promotes, values, or seeks to press, promote, or value loyalty or obedience to lawful orders; and

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

4. The military members intend to promote the conduct upon which the determination is based, and

5. The military members actively participate in activities of the organization.

(d) 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 (e)(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), and for the selective application of such determinations to particular Air Force installations.

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 the facts and data, 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:

   (1) 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

   (2) 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, 106, 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, 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 Majcoms.

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 SECAP 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 APR 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.
<table>
<thead>
<tr>
<th>Rule</th>
<th>If the incident concerns</th>
<th>and</th>
<th>then the installation commander</th>
<th>and</th>
<th>reports the incident IAW §889.13.</th>
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<td>1</td>
<td>an individual or organiza-</td>
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<td>the purpose is for negotia-</td>
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<td>stration, meeting or pro-</td>
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<td>conduct such activities</td>
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<td>letting, or other such ac-</td>
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<td>the organization proposes</td>
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<td>or holds itself out as pro-</td>
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<td>posing to engage in nego-</td>
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<td>9</td>
<td>an individual or organization that attempts to recruit military members of the Air Force on base for any organization</td>
<td>permission has not been requested</td>
<td>directs individuals or organizations to cease and desist and removes violators from the base</td>
<td>reports the incident IAW  §888g.13.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>permission was previously requested but denied</td>
<td></td>
<td>takes disciplinary action, when appropriate, and reports incident IAW §888g.13.</td>
<td></td>
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<tr>
<td>11</td>
<td>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</td>
<td>such contact or posting constitutes or includes an invitation to engage in negotiation or collective bargaining, or a strike or other concerted action</td>
<td>denies access to the base or removes violators and prohibits further contact, posting or distribution of such material pending determination by SECAF (see note)</td>
<td>reports the incident IAW §888g.13.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>SECAF makes determination that the organization poses a clear danger to discipline, loyalty, or obedience to lawful orders</td>
<td>posts the notice required by paragraph 5b(4).</td>
<td></td>
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<tr>
<td>13</td>
<td>an individual or organization that attempts on-base distribution of literature</td>
<td>permission has not been requested</td>
<td>halts distribution and reviews the literature to determine whether it constitutes a clear danger to discipline, loyalty or morale IAW AFR35-15.</td>
<td></td>
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<td>14</td>
<td>the commander decides the material does not constitute a clear danger to discipline, loyalty or morale</td>
<td>permits distribution.</td>
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<td>15</td>
<td>the commander decides the material does constitute a clear danger to discipline, loyalty or morale</td>
<td>prohibits further distribution and advises distributor to cease and desist</td>
<td>reports the incident IAW §888g.13.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>permission to distribute was previously denied</td>
<td>halts further distribution, confiscates available literature, and removes violators from the base</td>
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<td>17</td>
<td>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</td>
<td>distribution is through the US Mail</td>
<td>takes no action</td>
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<td>18</td>
<td>a military member who asks about the legality of joining a union or other organization</td>
<td>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</td>
<td>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.</td>
<td></td>
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<tr>
<td>19</td>
<td>a military member who joins a labor organization for representation not related to off-duty employment</td>
<td>SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders</td>
<td>gathers information on subject organization IAW AFR 124-13</td>
<td>reports the information IAW § 888.8-13 (See Note).</td>
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<tr>
<td>20</td>
<td></td>
<td>SECAF has made determination that the organization poses a clear danger and enters it on attach 3</td>
<td>posts notice IAW § 888.8-7(b)(4)</td>
<td></td>
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<tr>
<td>21</td>
<td></td>
<td>SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities</td>
<td>takes disciplinary or administrative action, when appropriate,</td>
<td>reports the incident IAW § 888.8-13.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>a military member who already belongs to a labor organization for representation not related to off-duty employment</td>
<td>SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders</td>
<td>gathers information on subject organization IAW AFR 124-13</td>
<td>reports the information IAW § 888.8-13 (See Note).</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td></td>
<td>SECAF has made determination that the organization poses a clear danger and enters it on attach 3</td>
<td>posts notice IAW § 888.8-7(b)(4).</td>
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<tr>
<td>24</td>
<td></td>
<td>SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities</td>
<td>takes disciplinary or administrative action, when appropriate</td>
<td>reports the incident IAW § 888.8-13.</td>
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</table>

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 § 888.8-12, Installation commander posts notice IAW § 888.8-7(b)(4).

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

[FR Doc. 70-2868 Filed 2-2-78; 8:45 am]
In response to the May 6, 1977, Federal Register notice, EPA received one comment 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 alternative 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 K--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 SIP. These received regulations were adopted by the State following public hearing in accordance with 40 CFR 51.4. The 1974 regulations required 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 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. These regulations were proposed in the Federal Register, Vol. 42, No. 58 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.
2. Although the Commission agreed in the initial stages of this proceeding to explore the possibility of making a class A 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 Rulemaking did not request a hearing on the Order to Show Cause. Vlt stated that it would not request a hearing on the Order to Show Cause. Vlt stated that it would not request a hearing on the Order to Show Cause. Vlt stated that it would not request a hearing on the Order to Show Cause.

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 preferable to Channel 240A. WHAB submitted a Roanoke Rapids - Anamosa 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 channel 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 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 233A), Sandersville, Ga., filed comments and a Petition for 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 licensee will reimburse WSNT for its expenses incurred in the modification of its license;
(b) That if additional engineering reports will be required, the Commission in connection with the modification of WSNT's license (legal and engineering) will be borne by the class C permittee;
(c) That WSNT would not be requested to change its station's facilities 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 beneficial party. The 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 (a) 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, B FCC 2d 150 (1967), the appropriate costs making up the "reasonable" reimbursement figure are generally left to the good faith judgment of the parties involved. The equitable considerations contained in sections 403 (g), (h) of the Communications Act of 1934, as amended, should so desire. Ten days prior to commencing operation on Channel 228A at any time prior thereto if it should so desire. Ten days prior to commencing operation on Channel 228A at any time prior thereto if it should so desire. Ten days prior to commencing operation on Channel 228A at any time prior thereto if it should so desire.

6. WSNT also has requested that, if it is required to change over to operation on Channel 228A, the modification of WSNT-FM's construction permit should be made effective on the date specified below. The effective date herein of its acceptance of this modification.

7. 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 233A 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 228A and 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.

9. 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.

* As noted, the vacant assignment at Sparta, Ga., also must be changed.
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 providing service to people residing in sparsely populated areas.

EFFECTIVE DATE: March 17, 1978.
FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.
SUPPLEMENTARY INFORMATION:
REPORT AND ORDER—PROCEEDING TERMINATED

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Burlington, Colo.), Docket No. 21480, 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. 2,929), seat of Kit Carson County (pop. 7,830), 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.

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 67201-01, showing which indicates that a class C station operating with 27 kilowatts and antenna height of 197 meters (350 feet) a.m., would provide a first FM service to 2,351 persons 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 2,351 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 461, 503 (g), and (r) and 307(b) of the Communications Act of 1934, as amended, and § 1068 of the Commission's rules.

8. In light of the foregoing; IT IS ORERED, 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.

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

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.
FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.
SUPPLEMENTARY INFORMATION:
REPORT AND ORDER—PROCEEDING TERMINATED

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falls City, Nebr.), Docket No. 21458, RM-29511.

1. On November 1, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 58186, 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. 5,661), seat of Richardson County (pop. 12,277) is located approximately 240 kilometers (150 miles) east of Omaha, Nebr. Falls City is presently served by daytime-only AM Station KNAB, which is licensed to petitioner.

Colorado: Wray (pop. 1,953); Limon (1,814); Akron (1,778); Brush (3,377); Las Animas (3,148); Hoyleoke (1,640); Kansas St. Francis (1,725); Tribune (1,013); Sharon Springs (1,012); Atwood (1,053); Oakley (2,237); Syracuse (1,720); Leoti (1,016); Nebraska: Benkelman (1,349); Imperial (1,589); Cambridge (1,458); Cozad (4,219); Gothenburg (2,184); Curtis (1,160); Grant (1,699); Brush, Colo., and Cozad, Nebr., have AM stations.

1Population 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 27A 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(d), 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 this proceeding is terminated.

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

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

**RULES AND REGULATIONS**

**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 second service.

**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:**


In the matter of amendment of § 73.202(b) of the Commission's rules.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted October 28, 1977, 42 FR 57976, proposing the assignment of class C FM Channel 270 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), 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 225).

3. Petitioner states that Kearney has had a rapid growth in the last 10-30 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 population requirements. Although 15 communities,

- Nebraska: Orleans (pop. 2,439); Red Cloud (2,190); St. Paul (2,028); Minatare (2,659); Millard (2,549); Central City (2,813); Kansas: Hill City (2,071); Ellis (2,137); Wakeeny (2,344); Ellsworth (2,080); Smith Center (2,589); Oberlin (2,291); Horton (3,677); Plainville (2,807); Beloit (4,121).

Population figures are taken from the 1970 U.S. Census.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 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), 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 broadcast 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.

4. 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.

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 Chatom, Ala., is amended as follows:

City and Channel No.

Chatom, Ala., 276A.

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

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

[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 first FM channel to Chatom, Ala., as its first FM assignment, at the request of Valkyrie Broadcasting, Inc. (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.

1. On November 1, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 57975, 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), is located approximately 83 kilometers (52 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 1950-1970, 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 inform-

1Population figures are taken from the 1970 U.S. Census.
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 servio that community.


FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated


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. 1,542), in Worcester County (pop. 24,442), 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 a license.

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(c) 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.

(FPR Doc. 78-3029 Filed 2-2-78; 8:45 am)

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 are satisfied. Also, in other situations, mobile stations may be operated by any person the licensee may designate.


FOR FURTHER INFORMATION CONTACT:


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 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 § 0.313(d) of the Commission's rules. Inasmuch as the amendments ordered are non-substantive 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.

(See 1, 2, 301, 307, 48 Stat., as amended, 1064, 1081, 1083; 49 U.S.C. 151, 152, 301, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LIGHTWART, 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 (c) and (d) 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.

(5) 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 immediate-
Assistant Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-276-1038 or 276-1056.

SUPPLEMENTARY INFORMATION: In the first report in this proceeding, 35t ICC 27, 82-64, the Commission adopted corporate disclosure regulations, published at 42 FR p. 35853, July 7, 1977. The regulations required 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 rules 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 $10,000 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 restrictions 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]

RULES AND REGULATIONS

monensis) and Mona ground Iguana (Cyclura stenegeri) to be Threatened species. Thilion is being taken because of the threats of habitat modification and the effects of feral mamilons 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:

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 with documentation 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 so small 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 Monto Islands as Critical habitat, and thus preventing all human activity, the extinction of the proposed species might be halted 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 the 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) Feral cats and pigs 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" boa 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 boa 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.

P. 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 against feral animals 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. But 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 three Mona reptiles as did James Lazell, Jr. (Massachusetts Audubon Society); neither added any new information.

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 that as either Endangered or Threatened will be prepared. At this time, nothing is known about the status of E. granti. Cyclura stejnegeri will be retained as designated by Dr. Wiewandt 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-
tions 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)(1) 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 probably is 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 major 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 27005-27007).

Based on this review, the Critical Habitat for the Mona boa (Epictimos montanus montanus) and Mona ground iguana (Cyclura ickesii) 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 assure 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 carrying out provisions 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 4986-4986) 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, will apply. The 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 on certain 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(ies) 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 for the Mona 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, 202-243-7614.

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

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Mona ground iguana to the list, alphabetically, under "Reptiles" as indicated below:

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Scientific name</th>
<th>Known distribution</th>
<th>Portion</th>
<th>Status</th>
<th>When listed</th>
<th>Special rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reptiles</td>
<td>Boa, Mona</td>
<td>Epicrates monensis</td>
<td>NA</td>
<td>U.S.A.</td>
<td>Entire</td>
<td>T</td>
<td>33 NA</td>
</tr>
<tr>
<td></td>
<td>Iguana, Mona ground</td>
<td>Cyclura stejnegeri</td>
<td>NA</td>
<td>do</td>
<td>do</td>
<td>T</td>
<td>33 NA</td>
</tr>
</tbody>
</table>

§ 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)


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.


LYNN A. GREENWALT,
Director, Fish and Wildlife Service.
DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
[7 CFR Part 223]
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. Reslin, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-427-9072.

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 State 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 § 225.16(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 proposal is received 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...
PROPOSED RULES

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(c)). 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 have not been deficient in prior years. The proposed regulations would require 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 it is necessary for State agencies to 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 agreement would authorize sponsors 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 would 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, (2) one ounce of fish, meat, meat alternates, (3) eight fluid ounces of full-strength fruit or vegetable juice, 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 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 subcon t 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 non-Program meals, and those who 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 contracts 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 provision 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 tailored to the needs 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 510.

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 Circul ars A-105 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.


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 non-profit 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 discharge Federal functions 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 implementing 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 § 225.3.

(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 the ground(s) for denial and the denial may be appealed in accordance with the provisions of § 225.17.

(c) Claims against sponsors.

(d) FDA shall proceed to approve other applications in accordance with its responsibilities under paragraph (b) of this section, without regard to the application under review.

(e) The State agency shall not approve the application of any applicant sponsor which submits fraudulent information or 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.

(f) 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;

(8) The State agency shall when evaluating proposed sites ensure that:

(a) If a camp, the proposed site serves and operates within any poor economic conditions exist;

(b) 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

(c) The area which the site proposes to serve is 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.

(d) The State agency shall not approve any applicant sponsor to operate more than 300 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.

(e) 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 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;

(9) All meals served under the Program shall meet the requirements of §225.6.

§225.6 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, 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.

(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 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;

(1) Each State agency 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 if 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 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]

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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;

(1) Each State agency 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 if 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 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.

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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;

(1) Each State agency 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 if 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 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.

(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 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;

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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 audit or 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.

(4) 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.

(5) 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 operation of a food-service operation which will 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 or 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.

(a) (Reserved)

(b) 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.

(c) 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.

(d) Bid opening monitoring. Each State agency shall be present at all procurement bid openings of sponsors which expect to receive more than $100,000 in Program payments.

(e) Sponsor certifications. Each State agency shall require applicant sponsors submitting Program applications, site information sheets, Program agreements or Claims for Reimbursements, and accounting and advance payments, to certify that the information submitted on these forms is true and correct and that the sponsor is aware of any misrepresentation or withholding of information which may result in prosecution under applicable State and Federal statutes.

(f) 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.

(g) 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.

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(v) 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.

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(ff) 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.
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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 available 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.

(1) 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 (1) 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 agreement 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, States in which FNS/RO 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 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(6) (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 or 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 separation, 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, as large quantities as may be efficiently utilized in the program, foods designated as plentiful by the State agency or the Department;

(12) Have access to facilities necessary for storing, preparing and serving foods;

(13) Maintain a financial management system as prescribed by the State agency;

(14) Maintain on file documentation of site visits in accordance with §225.8(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 administrative 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.

(j) 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 225 of this chapter, or any other federally funded program for meals served under the program.

(l) Each applicant 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) One-half pint (1 cup) of milk as a beverage or on cereal or used in part for each meal;

(2) One-half serving of fruit or vegetables or 8 fl oz of full strength fruit or vegetable juice;

(3) 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:

(1) One-half pint (1 cup) of milk as a beverage.

(2) 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.

(ii) 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.

(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.

(iv) Supplemented food shall contain two of the following four components:

1. One-half pint (1 cup) of milk,
2. One ounce of meat or meat alternate,
3. 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,
4. 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 shall be stipulated: A serving of a starchy vegetable, such as nft, samplers, yams, plantains, 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.

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 recommendations for 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 one 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 nutritionally sound, 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 in the State in which the sponsor will operate as provided for under paragraph (a) of this section. 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, for the assembly of the meal.

(i) The sponsor must submit to the sponsor that so employs a food service management company and the State agency for approval before acceptance.

All bids in an amount which exceeds $10,000 or more shall be submitted to the State agency for approval before acceptance.
the lowest bid by more than two (2) cents per meal shall be submitted to the State agency for approval before acceptance. Any bid that 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 certificate 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 code at 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 rate by type set forth in §225.5(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 increases 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 those food costs. 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 than 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 administrative 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) [Reserved]
§ 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 may use 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(c)(1) (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(c)(1) (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 claims, protests of award, source selection 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 laws, 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) Procurement procedures 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 sponsor to utilize, with priority, minority-owned businesses 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, adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (d) below is necessary to accomplish 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. 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:

(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
(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 be compared to an 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 written 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 opportunity 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 convenience 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 witness; (vii) the hearing shall be conducted and the decision made by a hearing official who did not par-
proposals in making the decision under appeal, 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; (x) that the family and any designated representatives shall be notified in writing of the decision of the hearing official; (xi) 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 officer, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and (xii) 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 32015, July 30, 1976), or attachment L of the Office of Management and Budget Circular A-110 (42 FR 45826, 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, 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 the State agency or a sponsor or any recoveries 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:


(c) In the States of Alabama, Florida, Georgia, 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, 550 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.


CAROL TUCKER FOREMAN, Assistant Secretary.

(F.R. Doc. 78-3182 Filed 2-2-78; 9:15 a.m.)
DATE: Written comments should be submitted on or before April 4, 1978.

The requirement is proposed to be effective 8 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:

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 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 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 at 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 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) hepatocellular (postural disturbances 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 occasional liver function 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, and 212 cases resulted in death. 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 555 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, 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 is widely used as a substitute for aspirin, which 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 15-25 grams may result in one death. If the average adult weight of 70 kg. these values would indicate a mini-
The proposed rules are intended to establish a standard for special packaging for acetaminophen products. The Commission concludes that special packaging for acetaminophen products is feasible, practicable, and appropriate. The proposed effective date is 180 days after the final regulation is issued. The proposed rule addresses the potential for producing serious injury or illness in children under five years of age. The Commission has preliminarily concluded that preparations containing more than 1 gram of acetaminophen in a single package are not 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 proposed packaging must be child-resistant and not interferes with its storage or use. The packaging should be appropriate for acetaminophen products and should be designed to prevent serious injury or illness in children under five years of age. The proposed packaging must also be 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) after the issuance of 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 follows the proposed action on petition PP 76-9.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 3(a), 3(b), 86 Stat. 1700-72; 15 U.S.C. 1471(a), 1472, 1474) and under the authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-572, secs. 3(a), 3(b), 86 Stat. 1231; 15 U.S.C. 1203(a)), the Commission proposes to add a new paragraph (a)(2)(A) 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
PROPOSED RULES

The scientific literature review shows, among other studies, the following information 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 Federal Interagency Societies for Experimental Biology:

Sucinic 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.

Sucinic acid fed to phosphorized 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 glycerophosphatidyl choline 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 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 urinary sample contained 4.15 mg of citric acid per mg of urinary creatinine, while the normal fasting individual it was as antiketogenic as an equivalent amount of glucose.

The minimum lethal dose of succinic acid injected subcutaneously into frogs was 2 g per kg body weight. Rabbits tolerated 0.54 g of succinic acid injected subcutaneously 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 excretion 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 derived from which at which 10 percent of the test animals died in 24 hours. The oral LD50 of a mixture of succinic acid (63.3 percent) and magnesium phosphate (35.7 percent) was 192 mg per kg body weight. Albino rats, seven days old, were injected subcutaneously with 0.5 mg of succinate 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 (97.3 days) compared with the controls (49.6 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 day 3 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 succinate 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.

Possile estrogenic properties of succinic acid were investigated in two-month-old ovariecimized 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 estrus vaginal smears. Injection of 7.5 mg of sodium succinate hexahydrate into the yolk sac 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 insulin. The investigators suggested that the teratogens interfered with mitochondriation and function of 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 ferrous sulfate in human subjects increased 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 insulin, 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 compared with insulin alone.

No studies on possible cardiogenic 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 intermediate 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 tissues. 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 kg body weight. Considering the level succinic acid occurs naturally in human 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. Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 348, 371(a) and under authority delegated to the Commissioner (21 CFR 1.1)), it is proposed that Parts 182 and 184 be amended as follows:

§182.1091 Succinic acid.

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 (C4H6O4, CAS Reg. No. 110-15-8), also referred to as amber acid and ethylene succinic 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).

(c) The ingredient is used as a flavor enhancer as defined in §170.309(x)(11) of this chapter and pH control agent as defined in §170.309(x)(23) of this chapter.

(d) The ingredient is used in food, in accordance with §184.10(b) of this chapter, at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.065 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)(23) 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

Copies may be obtained from National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20550.
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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 6, 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 11282 (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.


JAMES P. HILD
Associate Commissioner for Compliance.

[FR Doc. 78-2723 Filed 2-2-78; 8:45 am]

[4110-03]

[21 CFR Part 333] [Docket No. 56N-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, 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 substantially 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 §300.10(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 recommend monograph and that nearly 3 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. 1053-1055 as amended, 1055 (21 U.S.C. 352, 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 51).


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. 56N-0283].

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)
SUPPLEMENTARY INFORMATION:
A proposed rule concerning uses of bovine teat dips was published in the Federal Register of August 9, 1977 (42 FR 40317). 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 therefore appears.

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(1), 82 Stat. 347 (21 U.S.C. 360(b)(1)) and authority delegated to the Commissioner (21 CFR 5.1).


WILLIAM F. RANDLOPH,
Acting Associate Commissioner
for Compliance.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
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. 66-65, 1966-1 C.B. 125, 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 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 §1.61-15 immediately after §1.61-14. The new section reads as follows:

§1.61-15 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 section 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]

(42 FR 47222)

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: CCR-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, 202-622-3035, 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: CCR-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 cannot 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. 78-3041 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 planning of neutral site schools. These activities are authorized by amendments to the

DATES: Comments must be received on or before March 28, 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 207, FEB-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, 301 G Street NW, Cleveland, Ohio, Room WCWA, Willey Room, 2d Floor, 3201 Euclid Avenue 44115.
- Dallas, Tex., Room 207, Human Systems, Inc., Executive Tower, Room 506, 3300 West Mockingbird 75233.
- San Francisco, Calif., Far West Laboratory for Educational Research and Development, 1855 Folsom Street 94103.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas W. Fagan, 202-245-2465.

PROPOSED RULES

DEFINITIONS

Definitions of some terms used in Subpart L are contained in existing regulations pertaining to the Emergency School Aid Act. See, in particular, § 185.102(c). In Subpart L contains definitions of certain terms used in that Subpart alone. The definitions of "magnet school" and "neutral site school" are taken from § 185.02.

"Magnet school" means a school 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 of some terms used in Subpart L are contained in existing regulations pertaining to the Emergency School Aid Act. See, in particular, § 185.102(c). In Subpart L contains definitions of certain terms used in that Subpart alone.

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 emphasizing either special subject matter or a special teaching methodology. The "special curriculum" need not be unique. An applicant may seek funds with connection with more than one school offering the same curriculum, or schools offering different curricula, so long as the curriculum at each school is generally available in the applicant's school.

The definition of "special curriculum" excludes curricula designed 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 in all schools offering the same curriculum, 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 intellectual ability.

At this time, the Commissioner has determined that the curriculum of the school is "capable of attracting substantial numbers of students of different racial backgrounds" (20 U.S.C. 1610(a)). 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 be 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 cautions 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 the school after 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 after the beginning of the school term.

The experience of the Office of Education with the first group of magnet school applications has shown requirements for 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. If the application enrolling 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)(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 magnet school as that term is defined in the statute. (See 20 U.S.C. 1619(11) and §185.02(a) of the ESAA regulations.) Therefore, the regulations establish a ceiling 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 enrollment. (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 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.
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 major 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 magnet school 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 determination of a school's fiscal effort for fiscal year 1978 grants and for fiscal year 1977. For fiscal year 1978 grants these periods are (1) fiscal year 1978 compared to fiscal year 1979 when the assisted activities would be carried out, and (2) fiscal year 1976 compared to fiscal year 1978.

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 whose 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 §185.105 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 185.105 sets out the funding procedures for the award of grants under Subpart L. It provides for a minimum 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 for 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 13.999—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.
§ 185.101 Definitions.

(a) "Neutral site planning criteria." The provisions of § 185.103(a), (b), and (c) relating to the conduct of educational programs in a magnet school shall describe the criteria 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.

(b) 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 and percentage of minority 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.


ERNST L. ROYER,
U.S. Commissioner of Education.


PETER D. RALIG,
Acting Assistant Secretary for Education.


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

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 Application procedures.

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.

185.108 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 education 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.

§ 185.102 Eligibility.

(a) Any local educational agency may apply for a grant under this subpart.

§ 185.103 Authorized activities.

1. The Table of Contents is amended 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) Planning and design of one or more magnet schools; and

(ii) 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:

(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 § 185.03(e)) 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 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.
proposed rules

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) 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.

(c) Funds may be used for—

(1) Planning, development, construction, installation and operation of the school; or

(2) Any activity related to the operation of the school.

(d) The computation described in paragraph (b) of this section is repeated using the number of minority group students to be enrolled in the applicant's schools in the project year. 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.

§ 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 (m), relating to applications, apply to applications for a grant under this subpart. An applicant shall include in its application the information and assurances required by these 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 cooperation, 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 under 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) If an applicant is eligible for assistance under this part under a plan described in § 185.11(b)(5) or a project described in § 185.11(c) 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 solely 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.
### Table II—Continued

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#### PROPOSED RULES

§135.106 Educational criteria—magnet schools and university/business cooperation.

In evaluating an application for a grant under this subpart to carry out activities described in §135.103 (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); (2) The extent to which the need is supported by objective evidence (5 points).

(b) Statement of objectives (10 points). (1) 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 (2 points); and (3) The extent to which the objectives were developed by persons with relevant experience and 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 (2 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 applicant plans for the purchase of equipment to sustain the proposed activities (2 points); and (iv) The extent to which the proposed activities will promote interracial and intercultural contact and understanding (3 points); (v) The extent to which the proposed activities will meet the needs of individual students, including students of varying levels of achievement (4 points); (vi) The extent to which the proposed activities will reflect the interests of parents, students, and other members of the community (3 points); (vii) The extent to which the curriculum which the proposed activities relate includes materials pertinent to the racial and ethnic composition of the schools or community to be served (2 points); (viii) The extent to which instruction in basic skills is integrated into the proposed activities (2 points); and (ix) 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).

(d) Staffing (6 points). (1) 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); and (iii) The extent to which the proposed activities include necessary staff training (2 points).

(e) The computation described in paragraph (b) 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 multiplied by two.

(f) If the applicant relies solely on a plan described in §135.11(b)(3) or a project described in §135.11(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 §135.11(b)(3) or a project described in §135.11(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 of the plan or project.

(20 U.S.C. 1601(b), 1603(d), 1608(a) (12-14), 1608(c) (1)-4.)
§ 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 (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 (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 applicant sets out a plan for meeting the logistical requirements for the proposed activities (3 points); and
(iii) The extent to which the applicant sets out a detailed and realistic schedule of implementation (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 plan for meeting the logistical requirements for the proposed activities (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).

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§ 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 funds to carry out—
(1) Activities described in § 185.103(a) or (b) relating to magnet schools and university/business cooperation respectively; and
(2) 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 insufficient promise of achieving the purposes described in § 185.41, 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.

The provisions of § 185.41 apply to any applicant for a grant under this...
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. The first phase 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 parties 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 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 requested 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 the 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 1, 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. Average schedule companies should submit annual financial statements, peg counts, and main station counts.

4. 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 of the 1971 NARUC-FCC Separations Manual; (2) the allocative factors actually used (e.g., SPF, DEM, MM, 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 Commissioners 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
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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 1910 M Street NW., Washington, D.C.

1. 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.


1. Alaska LOC's shall submit:
   (a) Traffic (1) Interstate, intrastate, and total toll—originating, terminating, and total.
   (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.
   (d) Revenue required and earned rate of return: Washington D.C., District of Columbia.

2. RCAA shall submit:
   (a) Traffic (1) Interstate, Intrastate, and total toll—originating, terminating, and total, and (2) local exchange.
   (b) Billed originating toll revenues and collect revenues: Interstate, Intrastate, total.
   (c) Revenues and earned rate of return: Interstate toll, Intrastate toll, local toll.

3. AT&T shall submit:
   (a) Originating, terminating, and total interstate toll traffic—Mainland/Hawaii—Mainland—measured as in 1(a).
   (b) Toll service revenues (Before and after settlement) from traffic 5(1a) 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, 1978)

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 1979)

All parties shall submit data on an annualized basis for the calendar years 1979, 1980, and 1981. Since traffic and cost projections must necessarily be made, the basis for estimates should be well documented. Parties shall submit the same data requested 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, and local.
2. A study showing the effects of (a) separate integration settlement ratios; (b) existing settlement ratios; and (c) settlements based upon separations studies—upon the rates charged for interstate toll and local service.

In addition to the above, Hawaiian Telephone shall prepare and furnish the following studies showing the effects on U.S. toll charges for the telephone separations plans utilized by the United States Independent Telephone Association (USTA) 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 (Hawaii Plan II).
Case 2—Present NARUC-FCC separations procedures plus all local COE assigned on Ozark SPF.
Case 3—Hawaii 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 plan assigned one-third (1/3) exchange, one-third (1/3) State toll and one-third (1/3) interstate.
Case 9—Subscriber plan assigned fifty-fifty (50-50) toll and exchange.
Case 10—Effect of Case II with $3 exchange rate credit allocated on rate 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.

[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 Communications 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 to 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.

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Commission policy to issue appropriate notices to licensees bringing to their attention phase indications observed during station inspections which were excessive by 3 degrees from specified values. Finally, whenever changes to the antenna system occur which cause operation at variance from licensed values, including phase variations of 3 degrees or more, 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 69-165) 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 18, 1973, 38 FR 1913) the Commission considered the appropriateness of the values reflected in the rules. In the light of the comments received, the Commission's conclusion that a tolerance of ±3 degrees phase tolerance was thorough-

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 not to be satisfactory 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 revised in paragraph four above, the appropriateness of ±3 degrees phase tolerance was thoroughly discussed in Docket No. 18471. Further consideration of ±3 degrees 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))

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 not to be satisfactory 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.

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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 not to be satisfactory 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.

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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 not to be satisfactory 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.

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 not to be satisfactory 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.
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.

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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.

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 thereto, 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. 1266, as amended; sec. 2, 65 Stat. 693; and secs. 9 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134d) and delegations of authority thereunder (27 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. Ziegler Company, Inc., Selma
ARKANSAS
*AR Valley Institutional Packing Company, Pine Bluff
Broadway Packing Company, Inc., Jonesboro
Cleburne County Packing Company, Inc., Heber Springs
*Edward's 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
*Kruze Packing Company, Inc., Alexander
*Masey Meat Company, Paragould
*Meacham Packing Company, Batesville
*Michigan Beef Company, Fayetteville
*Miller Packing Company, Inc., J o d s o nia
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
*Redman Wholesale Meats, Inc., North Little Rock
*Sheridan & Harold Furr dba/Furr Meats, Ivan
*Taylor Brothers Wholesale Meats, Gurdon
*Twin Lakes Packing Company, Hot Springs
V.I.P. Foods, Pine Bluff
*White County Packing Inc., Searcy
*Will Packing Company, Pocahontas
FLORIDA
*Bell Packing Company, Bonifay
*Brickell Meat Processing, Brickell
*Brooks Meat House, Vernon
*Chaires Circle "C" Beef, Tallahassee
*Cromartie's Packing Company, Chipley
*Delmore Meats, Cottondale
*Dzolzer School for Boys, Marianna
*Dragers & Son Meat Company, Jasper
*Exxon Custom Cut Meat, Quincy
*Esto Meat Processors, Inc., Estes
*Florida Packing & Provision Company, Inc., Palatka
*Gates Meat Company, Quincy
*H. S. Camp and Sons, Ocala
*Johnstons Locker Plant, Monticello
*Jones Chambless Company, Jacksonville
*Micklers Market, Ponte Vedra
*Nettles Sausage Company, Lake City
*Register Meat Company, Columbus
*Simmons Meat Packing House, Vernon
*S & S Meat Packing, Green Cove Springs
*Stones Chipley Packing Company, Chipley
*Summers' Meat Plant, Quincy
*Swann Packing Company, Live Oak
*Taylor Industries of Santa Rosa County, Jay
*Thompson's Meat Supply, Inc., Pensacola
*Tri-City Market, Century
*Union Correctional Center, Raiford
*Valley Packing Company, McAlpin
*Willerson Sausage Company, Glendale
*GEORGIA
*Dalton Slaughter House, Dalton
*North Georgia Meat Processing Company, Dahlonega
*Idaho
*Alpine Pec, Boise
*Bledsoe Packing Company, Rupert
*Boise Valley Packing, Eagle
*Bonds Meat Packing, Fruitland
*Bryant Packing Company, Burley
*Clark's For Shopping, Inc., Oatlcy
*Custom Packing, Inc., Pocatello
*Esto Cold Storage dba/Kenneth Hutchins, Estes
*Emmett Meat Company, Emmett
*Fred's Custom Butchery, Ucon
*Gem Meat Packing Company, Boise
*Genese Meats, Genesea
*Gibson Brothers Meats, Burley
*Glenwood Custom Pack, Roberts
*Greenfield Packing, Meridian
*Goodby & Sons Meats, Inc., Sandpoint
*Hi' Boys Meat, Emmett
*Hillcrest Packing Company, Nampa
*Hollings Custom Pack, Idaho Falls
*Hollins Packing Company, Blackfoot
*Howard's Meats, Grangeville

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INIDIARA
*Sinnett
*Rutzel Slaughter House, Aurora
*Mischler
*Miller Packing Company, Kokomo
*Merkley
*Lengerich Meats Inc., Monroe
*Harlow Meat Market, Seymour
*Fisher Packing Company, Portland
*Gutwein Packing Company, Jasper
*Hargcr'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
*Osian Packing Company, Osian
*Walter Price Abattoir, Inc, Plymouth
*Prudon Packing Company, Inc, Terre Haute
*Rob Packing Company, Indianapolis
*Roe City Packing Company, Inc., Newcastle
*Rutzel Slaughter House, Aurora
*Schmitt Packing Company, Inc, Decatur
*Schuler Packing Company, Ferdinand
*Simmel & Son Packing Company, Wadesville
*Spendal Meats, Clinton
*Standard Packing Company, Kokomo

**State Line Packing, Monee, Ill.
*Street & Smith Packing Company, Indianapolis
**Top-of-Indiana Beef Company, Ft Wayne
*Troy Packing Company, Inc, Indianapolis
*Vetter Meats Company, Downey
*Vieatt Packing Company, Clinton
*Ward Packing Company, Monon
*Wilcox Inc., North Liberty
*Wolf's Processing Plant, New Albany
*Young Bros., Inc., Ladoga

**Louisiana
*Austin Packing Company, Houma
*H. O. Berry Packing Company, Bastrop
**Circle "V" Meat Processing Plant, Abbeville
*Crawford Slaughter house, Covington
*L. A. Frey & Sons, Inc., Lafaycte
*Harold's, Raceland
*Micelle's Meat Packer, Lake Charles
*Millwood Packing Company, Baton Rouge
*North La Packing Company, Sarepta
*Ruston Processing Plant, Ruston
*Savole's Meat Market, Lockport
*Shreveport Packing Company, Shreveport
*J. W. Strother, Oakdale
*Thompson Packers, Caddo

**Maryland
*Articora Locker Plant, Frederick
*A & W Country Pack, Inc., Timbuctown
*Brook MEOW Dixon Provitions Corp., Hagerstown
*Buxar, Ray S., Williamsport
*Burtner's Meats, Burkittsville
*Calvert Meats, Inc., Prince Frederick
*Greets Meats & Sons, Inc, Cumberland
*Hans, Sr., Salisbury
*Hamps, Inc., Jefferson
*Roy L Hoffman & Sons, Inc., Hagerstown
*Martins Meats, Joppa
*Maurier & Miller Meats, Inc, Manchester
*Mt. Airy Locker Company, Mount Airy
*135 Meat Market Inc, Mt. Lake Park
*George C Ruppersberger & Sons, Inc., Baltimore
*Schmidt, A. W. and Son, Inc, Baltimore
*Shaffer Meats, Emmitsburg
*Thompson's Food Market, Maryland Line

**Michigan
*Ada Beef Company, Ada
*Bay DeNoe Packing, Escanaba
*Bellefleur Brothers, Wilson
*Bol's Market, Cadillac
*Brady's Midway, Cassopolis
*Carlton's Freezer Processing, Inc., Blissfield
*Charlotte Meats, Inc., Charlotte
*Custer Brothers #412, Nashville
*Mark DeBoer & Son Wholesale Beef Company, St Johns
*Dawler Packing Company, Inc., Gaylord
*Dunleavy & Sons, Hicklund
*Eds Meat Processing, Union City
*Feldman Brothers, Detroit
*Fishers Custom Foods, Union
*Geukes Market, Michigan
*Bert Hazel & Son, Muskegon
*Hillsdale County Meat, Waldron
*J & L Meats, Niles
*Kastel Slaughterhouse, Riga
*Keefer's Market, Monroe
*Kemp's Slaughterhouse, Milford
*Lake Superior, St Joseph
*L & S Slaughter, Lake City
*L & M Packing Company, Monroe
*Louis' Meats, Traverse City
*Ludka Packing, Inc, Traverse City
*Maynard Packing Company, Port Huron
*Meats & Fruits by Anderson, Inc., Kalamazoo

**Minnesota
*Milligan's Packing Company, Farma
*Moore's Meat Packing, Inc., Homer
*Mosherville Meat Processing, Joesville
*Newcom's Slaughter House, Niles
*Reznik Packing, South Haven
*Rechelau Meats, Inc, Richmond
*Rechter Packing Company, Rochester
*C. Roy & Son, Yale
*Sola's Packing Company, Northville
*Hubert H. Smith Packing Company, Muskegon
*Snyder's Wholesale Beef, Foley
*Stanley Packing Company, Marshall
*Tamaren Beef Company, Detroit
*Terrill's Super Market, Marelius
*Will and Son Meats Packers, Memphis
*Ray Weeks & Sons Company, Inc., Richmond
*Zimmern's Market, Marine City

**Mississippi
*A & A Country Meats Packers, Pecahatchie
*Bryan's Meats, Inc., Taylorsville
*Calhoun County Processing Plant, Calhoun City
*Custom Butchering Company, Yazoo City
*Delta Packing Company, Inc., Meridian
*Erie Meat Processing Plant, Echuca
*Esell'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
*Moby's, Meridian
*Oronzo Packing Plant, Ellisville
*Owen Bros. Packing Company, Meridian
*Peebles & Peebles Slaughter Plant, Philadelphia
*Penderecca Processing Plant, DeKalb
*River Route Packing Company, Dunee
*Sandown Ranch and Processing Plant, Grenada
*Winona Packing Company, Winona
*Wilson Slaughter House, Crystal Springs

**North Carolina
*Ashe Abattoir, West Jefferson
*Bank's Packing Company, Elizabeth
*A. L. Beck & Sons, Inc., Winston Salem
*Blind Cold Storage, Inc., Elizabethtown
*James E. Bringle, Inc, Salisbury
*Bruns and Becht Meat, Morganton
*Caldwell's Meat Packers, Brownfield
*Cool Springs Meat Processing, Statesville
*Frank Corrillier, Linics
*Crawley & Higgins Abattoir, Morganton
*Disher Packing Company, Yadkinville
*Falcon Wholesale Meats, Falcon
*Gaston County Abattoir, Mt. Holly
*Harold McLaughlin, Mooresville
*Hubbard's Meats, Cleveland
*Jenkins Foods, Shelby
*Key Packing Company, Robbins
*Lodford's Livestock Farm Slaughter Plant, Franklin
*Lincoln Frozen Foods, Lincoln
*Marion Packing Company, Marion
*Mel's Meats, Goffsboro
*Mt at Processors, Inc, Malden
*Micro Slaughter House, Micro
*Mt. Airy Abattoir, Mount Airy
*Parker Meat Company, Vass
*Peacock Meat Company, Inc, Rocky Mount
*Peter's Custom Meat, Hickory
*Quaker Brand Meats, Belvidere
*Rainbow Meat Products, Robersonville
*Seabrooks Packing Company, Asheboro
*Sluder's Packing Company, Asheboro

FEDERAL REGISTER, VOL 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
*Southeastern Meat Processors, Inc., Whiteville
*Standing 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, Dilworth
*Ward's Slaughterhouse, Hendersonville
*Wayne Maye Meat Processing, Taylorsville
*White Packing Company, Salisbury
*Z. B. Bullock, Inc., Rocky Mount

**South Dakota

*Arctic Locker Plant, Davis
*Apache Meat Processing, Inc., Apache
*Abbott Processing Plant, Gracemont
*Robert Winner Sons, Inc., Osgood

**Ohio

*Joseph R. Nosse, Middlefield
*R. F. VonderHaar dba/VonderHaar Meat Packing Company, Kirkersville
*Trenton Frozen Locker, Trenton
*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/Wordfield Packing Company, Wordfield
*Welting 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, Inc., Oskaloosa
*Bauer & Son Slaughterhouse, Sand Springs

**Oregon

*Braned Packing Company, Ponca City
*Joe S. Brown & Sons Packing Company, Tulsa
*R. F. R. Packing Company, Chickasha
*Suender 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
*Cooby's Meat Processing, Enid
*Davis Packing Plant, Stillwater
*Barkerfield of Tulsa, Tulsa
*Dudley Tucker Slaughterhouse, Durant
*Shields Packing Company, Enid
*Fairfax Packing Company, Fairfax
*Fincham and Son, Sand Springs
*Patt, Cobb Locker, Pt. Cobb
*Cheser Packing Plant, Laxton
*Harris Packing Company, Oklahoma City
*Harymons Slaughter House, Tuttle
*Minni Packing Company, Enid
*Moore's Processing Plant, Antlers
*Mountain View Meat Company, Stillwell
*O'Brien Meat Company, Tulsa
*E & S Packing Company, Tomson
*Ralph Crane Packing Company, Perkins
*Green County Smokehouse, Tahlequah
*Stoffer Packing Company, Covington
*Oklumgelle Packing Company, Okeemue
*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 Slaughterhouse, Ehrhardt
*Blue Ridge Beef, Belton
*Blue Ridge Packing Plant, Inc., Pageland
*C. G. Barber, N. Charleston
*Carolina Abattoir, Columbia
*Calhoun Meat Plant, Lexington
*Cheraw Packing Plant, Inc., Cheraw
*Childress Poultry Company, Laurens
*Conway Refrigerator and Locker Company, Conway
*Cottamian Packing Company, Dillon
*Count's Sausage Company, Prosperity
*Cromer's Abattoir, Inman
*Edgfield Packing Plant, Inc., Edgfield
*Fountain Inn Frozen Food Plant, Inc., Fountain Inn
*Gillet Packing Company, Inc., Pelzer
*G & E Packing Company, Hickory Grove
*Hemingway Refrigerator and Locker Company, Hemingway
*Holly Hill Locker Company, Holly Hill
*Kimmerlin Meats, Inc., Orangeburg
*Lancester Frozen Foods, Inc., Lancaster
*Loris Cold Storage, Inc., Lorri
*Lynx's Meat & Produce, Darlington
*Marvin Meats, Inc., Hollywood
*Mullsion Food Processing Corp., Mullins
*Nicholas Cold Storage, Nicholas
*Ocone Abattoir, Seneca
*Palmetto Meat & Packing Company, Inc., Moncks Corner
*Ravenel Abattoir, Ravenel
*R & R Meats, Walterboro
*Richardson's Slaughter Plant, Gresham
*Saldana Frozen Food Center, Saluda
*South Carolina Department of Corrections, Columbia
*Spartanburg Abattoir, Spartanburg
*Burrell Frozen Foods, Inc., Sumter
*Union Packing Company, Union
*Vanogh Packing Company, Inc., Greer
*Walker Farms Abattoir, Anderson

**Texas

*Allen's Wholesale Meats, Inc., McKinney
*Anderson Slaughter & Processing, Inc., Sherman
*Antil's Locker Plant, Atlanta
*Auge Packing Company, San Antonio
*Berryhill Packing Company, Inc., Levelland
*Burtles Quality Meats, Lufkin
*Caddo Packing Company, Inc., Marshall
*Graham Ice & Locker, Graham
*Haley's Meats, Crowley
*Hendley Packing Company, Denton
*Kay Packing Company, Inc., Houston
*Kleiman Meat Packing Company, Tompall
*Morton Packing Company, Morton
*Nemecek Brothers, West
*Perego 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, Logan
*Lower Packing Company, Smithfield
*Dave T. Smith & Sons Meat Packing Company, Inc., Draper
*Spanish Fork Packing Company, Spanish Fork

**Virginia

*George H. Meyer Sons, Inc., Richmond
*Lee Packing Company, Penncross Gap
*McGuire Meats, Tazwell
*Mississip Meats Packing Company, Chesaapeake
*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
*Coomen Packing Company, Appleton
*Dale's Meat Market, Stockton
*Gaut, Henry & Sons, Mayville
*Felders Meats, Beloit
*Penny Meat Plant, Colfax
*Poss Locker Plant, Sparta
*Green County Frozen Food, Monroe
*Hagert's Locker Service, Sixin
*Harry Hanson's Meat Service, Franklin
*Helgands Food and Locker Service, Juda
*Holmen Locker Service, Holmen
*Jaw-Daw Cuttings, Rhinon
*Klimes Hesper Farm, Superior
*Luck Meats and Locker Service, Luck
*Marcelle's Meats, Waucan
*Marchant Food, Inc., Brussels
*Paulus Market, Cedarburg
*Royal Meats, West Bend
*Sawyer Farm & Meat Plant, Inc., East Troy
*Schroeder's Market, Jefferson
*Seymour Meat Processing, Peshtigo
*J. A. Schau, Company, La Crosse
*S & S Meats, Stoughton
*Stemmerman Locker Company, Oostburg
*Streidler's Market, New Glarus
*Super Lockers, Inc., Amery
*Tarilton Meat Products, Athelstane
*Thomson Packing Company, Inc., West De Pere
*Townsend-Piller Packing Company, Cumberland
**NOTICES**

**WEST VIRGINIA**

- Barnhart's Beef & Pork, Hedgesville
- Bluegrass Packing Plant, Lewisburg
- Camp Packing Company, Parkersburg
- Chadwick Slaughterhouse, Wayne
- Cloverdale Packing, L. V. Parkersburg
- De'veult 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./Jefrries Slaughterhouse, Lecklissickville
- Harkers Customs Slaughtering, Fairview
- Harris Meat Processing, Burlington
- Hawes' Food Market, Marietta
- Huffs Slaughter, Delbarton
- Hyde's Meat Market, Enterprise
- Independent Dressed Beef Company, Inc., Morgantown
- Jones Custom Processing, Ona
- Frank Kidwiler Butcher Shop, Harpers Ferry
- Lambert Packing Company, Squire
- Livengood Slaughter House, Centenary
- Luebbe Meat Packing, Inc., Luebeck
- L. M. McCown and Son, Charleston
- MCDaniel Custom Butchering, West Columbus
- Martini Packing Company, Inc., Wheeling
- Murphy's Meats, Fairview
- Nate Stuart and Son, Inc., Mt. Clare
- Rolfe Custom Slaughtering, Ona
- Romney Slaughtering, Romney
- Rush's Custom Slaughtering, Fairview
- Smittle Packing, Paducah City
- Solomon's Market, Fairview
- Spitzmogle, Glen L., Slaughtering Establishment, Huntington
- S. S. Logan Packing Company, Huntington
- Stagg's Meat Market, Burlington
- Steve Davis Mts., Sharonsville
- Thompson Brothers, Brush 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
- Woodall's Meat Market, 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 carcass 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 are preceded by an asterisk specifically approved for the purposes of §§ 78.9, 78.10, and 78.11 only:

**ARKANSAS**

- *Arkansas National Stockyards, Inc., Little Rock*
- *Arkansas Livestock Auction, Inc., Bentonville*
- *Bebee Auction Company, Beebe*
- *Bentenville Livestock Auction, Bentonville*
- *Boothon Livestock Auction, Avalon, Blytheville*
- *Busters Livestock Auction, Blytheville*
- *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*
- *New 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., Bakersville*
- *Fulton County Auction, Salem*
- *Glover Livestock Commission Company, Pine City*
- *Harrington Livestock Auction, Inc., Harrison*
- *Hops L/S Auction, Inc., Hops*
- *Jonestown Livestock, Jonesboro*
- *Lewisville Livestock Auction, Conway*
- *London Livestock Auction, London*
- *McCorkle Livestock Auction, Inc., Batesville*
- *Montgomery county Auction, Mt. Ida*
- *Montgomery Livestock Auction, Searcy*
- *Mountain Home Livestock Auction, Inc., Mountain Home*
- *Nottleton Stockyards, Jonesboro*
- *North Arkansas Livestock Auction, Green Forest*
- *Nuil Hill Livestock Auction, Batesville*
- *Ola Livestock Auction, Ola*
- *Panascaul Livestock Auction, Papasaul*
- *Pulaski Livestock, Paris*
- *Randolph County Livestock Auction, Fowcett*
- *Rector Auction Barn, Inc., Rector*
- *Rex White Livestock Auction, Russellville*
- *Saline-Ouachita Valley Commission Company, Warren*
- *Scott County Livestock Auction, Waldron*
- *Shaw County Auction Company, Marshall*
- *Shultz Livestock Auction, North Little Rock*
- *Silosprings Sale Barn, Silosprings*
- *Van Buren County Auction, Clinton*
- *Washington County Sales Company, Fayetteville*

**COLORADO**

- *Alamosa Auction, Alamosa*
- *A. A. Blakley Livestock Commission Company, Denver*
- *Bain Livestock Commission Company, Inc., Durango*
- *Brush Livestock of Colorado, Inc., Brush*
- *Burlington Livestock Market Center, Burlington*
- *Burlington Packers Livestock Marketing Co., 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*
- *Grovry Producers Association, Greeley*
- *Hotchkiss Sales Yard, Hotchkiss*
- *Kay National Western Livestock Market, Inc., Denver*
- *K & R Livestock Commission Company, Broomfield*
- *La Junta Livestock Commission Company, La Junta*
- *Lamar Livestock Commission Company, Lamar*
- *Limon Livestock Auction Company, Limon*
- *Litchfield, Inc., Limon*
- *Longmont Sales Yard, Longmont*
- *Monte Vista Livestock Commission Company, Inc., Monte Vista*
- *Mountainaire Livestock Commission Company, Inc., Wray*
- *Rifle Livestock, Inc., Rifle*
- *Salida Livestock Sales, Inc., Salida*
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<td>Jake Zook Livestock Company, Sheldon</td>
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<td>Meskill Livestock Market, Spirit Lake</td>
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<td>*New Liberty Livestock Auction, New Li-</td>
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<td>Oelwein Dairy Sales, Oelwein</td>
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<td>Woodbury County Livestock Auction, Law-</td>
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NOTICES

Washington County Producers Association, Poteau
Waseca Auction Company, Waseca
Wayne County Producers Association, Greenville
Western Missouri Feeder Calf Association, Appleton City
Wheelaton Livestock Auction, Wheaton
Winston Auction Company, Windsor

MONTANA

Beaverhead Livestock Market, Inc., Dillon
Billings Livestock Commission Company, Billings
Billings Livestock Auction Company, Billings

MISSOURI

Springfield Livestock Auction, Springfield
"Versailles Auction Company, Versailles
"Unionville Sale Barn, Unionville

NEBRASKA

Alsworth Livestock Market, Alsworth
Alamo 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, Chadron
Chappell Livestock Auction, Chappell
Columbus Sales Pavilion, Inc., Columbus
Crawford Livestock Auction Market, Crawford
Crest Livestock Market, Crest
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 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

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ROCKY MOUNTAIN

*Red Cloud Livestock Commission Co., Inc., Red Cloud
*Scottdale Livestock Auction, Inc., Scottdale
*Sheridan Livestock Commission Company, Sheridan
*Sioux County Livestock Auction, Harrison
*Superior Livestock Commission Company, 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., Val-entine
*Verdigre Livestock Market, Verdigre
*Wahoo Livestock Auction Company, Wahoo
*West Point Sales Company, West Point
*Wells Commission Co., Fremont
*Western Livestock Auction Company, North Platte
*York Livestock Sales Company, York

NEW ENGLAND

*Smithfield Livestock Co., Smithfield
*Seven Ponds Livestock Auction, Grenville
*Southwest Livestock Auction, Westfield
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns
*Southwest Livestock Commission Co., South Kingstown
*South County Livestock Commission Co., South Kingstown
*Southwest Livestock Commission Company, New Britain
*Springfield Livestock Commission Company, Springfield
*Springfield Livestock Co., Springfield
*St. Johns Livestock Auction, St. Johns

NEW MEXICO

*Clovis Livestock Market, Clovis
*Five States Livestock Auction, Clayton
*Las Vegas Livestock Commission Company, Inc., Las Vegas
*Los County Livestock Market, Lovington
*Portales Livestock Commission Company, Portales
*Ranchers and Farmers Livestock Auction, Clovis
*Roswell Livestock auction company, Ros- well
*Socorro Livestock Market, Inc., Lemitar

NORTH CAROLINA

*Benson Hog and Livestock Market, Benson
*Brite & Tatum Livestock Company, Elizabeth City
*Carolina Stockyards Company, Siler City
*Cattlemen's Livestock Yard, Inc., Canton
*Carolina-Virginia Stock Yard, Winderer
*Central Carolina Farmers Livestock Market, Hillsborough
*Edman's Livestock Yard, Shelby
*Farmers Cooperative Livestock Market, Lexington
*Farmers Livestock Barn, Kannapolis
*Farmers Livestock Exchange, Marthaville
*D. F. Forst Livestock Auction Market, Greensboro
*Franklin Livestock Auction, Franklin
*Greenville 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
*Lamberton Livestock Company, Lamberton
*MCM Livestock, Inc., Whitesville
*Mount Airy 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., Mount Airy
*Western 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 Market, Ellendale
*Harvey Livestock Auction, Harvey
*Hettinger Livestock Market, Inc., Hettinger
*James Valley Livestock Market, Jamestown
*Lake Region Auction and Livestock Market, Inc., Devils Lake
*Linton Livestock Sales, Linton
*Lorens Livestock Sales, Hazen
*McQuade Livestock, Watford City
*Minnit Livestock Market, Inc., Minot
*Missouri Slope Livestock Auction, Inc., Bismarck
*Napoleon Livestock Auction, Napoleon
*Rock River Livestock Exchange, Park River
*Rugby Livestock Auction Market, Inc., Rugby
*Stockmen's Livestock Exchange, Inc., Bismarck
*Stockmen's Livestock Exchange, Inc., Dickinson
*Sitting bull Auction Company, Williston
*Triple S Livestock Company, Valley City
*Turtle Lake Livestock Sales, Inc., Turtle Lake
*Wakker Livestock Yards, Inc., Hettinger
*Union Stockyards Co. 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
*Beall Livestock Co., Carrollton, OH
*Carrollton Livestock Market, 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., Marcel- ta
*Farmers Stockyard, Inc., Bucyrus
*Geauga Livestock Commission, Inc., Middlefield
*Grainville Livestock Sales, Inc./W. Munson, Grainville
*Richard L. Harrisberger dba/Degraff Live-stock Sales, Deagraff
*Kenton Farmers Marketing Co., Kenton
*Kenton Livestock Auction, Inc., Kenton
*Lugbly Bros., Inc., Archbold
*Lugbly Bros., Inc., Columbus
*Middendorf Inc. dba/ Western Ohio Livestock, Celina
*Mt. Hope Auction, Div. Wayne Door Compa-ny, Mt. Hope
*Tri-State Farms, Inc., dba/Interstate Farm-ers Livestock Company, Oxford

MUSKINGUM LIVESTOCK SALES COMPANY, William W. Osborne dba/Sugar Creek Livestock Auction, Sugar Creek
*Producers Livestock Association, Bucyrus
*Producers Livestock Association, New Philadelphia
*Producers Livestock Association, Lewis
*Producers Livestock Association, Massillon
*Producers Livestock Association, Mount Vernon
*Producers Livestock Association, Springfield
*Producers Livestock Association, Wapakoneta
*Producers Livestock Association, Washington Court House
*Producers Livestock Association, Wilmington
*Producers Livestock Association, Westerville
*Producers Livestock Association, Zanesville

OKLAHOMA

*Ada Livestock, Ada
*Alva Livestock Auction, Alva
*Antlers Livestock, Antlers
*Apache Livestock Sale, Apache
*Ardmore Livestock Auction, Ardmore
*Arlington Livestock, Atoka
*Atoka Livestock, Atoka
*Beaver Livestock Sale, Beaver
*Beeline Auction Yard, Gibsland
*Blackwell Livestock Auction, Blackwell
*Carnie Livestock Auction, Carnegie
*Chandler Auction Co., Chandler
*Cherokee Sales Company, Cherokee
*Clinton Livestock Auction, Clinton
*Collinsville Livestock Exchange, Collinsville
*Coahoma Livestock Sales, Coahoma
*Defiance Livestock, Defiance
*Delaware County Livestock Auction, Grove
*Enid Livestock Market, Inc., Enid
*Fairview Sale Barn, Fairview
*Farmers and Ranchers Livestock Auction, Van Nuys
*Farmers and Ranchers Livestock, Van Nuys
*Friends of Livestock Sales, Comanche
*Fort Smith Stockyards, West Fort Smith
*Freeman Livestock Auction, Sulphur
*Gentry Livestock Auction, Gentry
*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/ Honka Livestock Center, Wapakoneta
*Lawn Livestock Auction, Circleville
*LeFlore County Livestock Auction, Hobart
*Locust Grove Livestock, Locust Grove
*Mangum Livestock Auction, Mangum
*Marion County Livestock, Marion
*Marysville Livestock Auction, Marysville
*McAlester Union Livestock, McAlester

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*Meeker Livestock Market, Meeker
*Mid-America Stockyards, Bristow
*Muskogee Livestock Market, Muskogee
*Newkirk Sales Company, Newkirk
*Northeast Oklahoma Feeder Pig and Live-
*stock Auction, Leach
*Oklahoma Stockyards, Hominy
*Oklahoma National Stockyards Company, Ok-
*lahoma City
*Oklumeg L/S Auction and Stockyard, Ok-
lumeg
*Panhandle Livestock Commission, Guymon
*Pauls Valley Livestock, Pauls Valley
*Pennway Livestock Market Center, Inc., Pa-
nawee
*Perkins Y Livestock Auction, Inc., Perkins
*Perry Livestock Center, Inc., Perry
*Poor Boy Livestock Auction, Winter
*Pryor Stockman’s Auction, Pryor
*Purell Livestock, Purell
*Ringling Livestock Market, Ringling
*Sallisaw Sales Barn, Sallisaw
*Sayre Livestock Auction, Sayre
*Selling Sales Association, Inc., Selling
*Snyder Stockyards, Snyder
*Splitter Auction, Inc, Prague
*South Coffeyville L/S Market, Inc., South
*Coffeyville
*Stigler Sales Barn, Stigler
*Tabilekah Sales Barn, Tabilekah
*Textoloma Livestock Commission Company, In-
c., Texola
* Tillman County Stockyards, Inc., Frederick
*Triangle Livestock Company, Alva
*Tulsa Stockyards, Tulsa
*Tulsa Cow Palace, Tulsa
*Watonga Livestock Commission, Inc., Wat-
onga
*Waurika Livestock Market, Waurika
*Western Livestock Auction, Elk City
*Woodward Livestock Auction Market, Inc., Wood-
ward

PENNSYLVANIA
Belleville Livestock Market, Inc., Belleville
Belknap Livestock Market, Inc., Dayton
Edgar K, Stockyard, Edgar
K. M. Border, Dover
Carlisle Livestock Market, Inc., Carlisle
Cattle Sales, Inc dba/Scenery Hill Stock-
yards, Scenery Hill
Chambersburg Livestock Sales, Inc., Cham-
bersburg
Chesley's Sales, Inc, Northeast
Cowan Valley Livestock Auction, Knox-
ville
Wayne F. Craig & Sons, Shippensburg
Danville Cattle Co., Danville
Dewart Livestock Market, Dewart
Eighty-Four Auction Sales, Inc., Eighty-
Four
Enon Valley Community Sales, Enon Valley
Fayette Stockyard, Inc., Unlontown
G & M Livestock Market, Inc., Duncanville
Greenacres Livestock Market, Inc., Greenac-
estate
Green Dragon Livestock Sales, Ephraim
Hickory Auction and Sales, Inc., Hickory
Indians Stockyard Market, Inc., Indiana
Jersey Shore Livestock, Inc., Jersey Shore
Keister's Middleburg Auction Sales, Inc., Mid-
deburg
Lancaster Stockyards, Inc., Lancaster
Lebanon Valley Livestock Market, Inc., Fre-
dericksburg
Leesport Market & Auction, Inc., Leesport
Meadville Livestock Auction, Meadville
Mercer Livestock Auction, Mercer
C. Robert Miller, Watertown
Morrison Cove Livestock Market, Martha-
burg
New Holland Sales Stable, Inc, New Hol-
land
New Wilmington Livestock Auction, Inc., New
Wilmington
Nicholson Livestock Company, Nicholson
Pennsylvania Livestock Auction, Inc., Centre
Hall
Pennsylvania Livestock Auction, Inc., State
Farm
Omega Livestock Auction, Inc., Lewistown
Quakerstown Livestock Sales, Quakertown
Satellite Livestock Sales Co., Farm Grove
Shenandoah Livestock Sales, Inc., Shenda-
hoah
Thomasville Livestock Market, Inc, York-
Tri-County Livestock Auction, Inc., Brock-
way
Troy Sales Cooperative, Troy
Valley Stockyards, Inc., Athens
Vintage Sales Stable, Inc., Paradise
Wayne County Livestock Exchange, Inc., Hi-
miscule
Welker's Livestock, Fairfield
Wyalusing Livestock Market, Wyalusing

SOUTH CAROLINA
P. L. Bruce Livestock Market, Greenville
Central Carolina Livestock Market, Inc., Lug-
off
Chehaw Livestock Co., Chehaw
Darlington Auction Market, Darlington
Farmers Livestock Market, Inc., Eatington
Farmers Livestock Market, Estill
Greenwood Livestock Market, Inc., Green-
wood
Henderson Livestock Sales, Inc., Ehrhart
Hutto Stockyards, Inc., Holly Hill
Neeses Stockyards, Neeses
Orangeburg Stockyards, Inc., Orangeburg
Saluda County Stockyards, Inc., Saluda
Spartanburg Livestock Yard, Spartanburg
Springfield Stockyards, Inc., Springfield
Taylor Stockyards, John C. Anderson
Welchboro Stockyards Co., Inc., Welcboro
York County Stockyards Sales, Inc., York

SOUTH DAKOTA
Burke Livestock Auction, Burke
Canton Livestock Sales Company, Canton
Chamberlain Livestock Sales, Inc., Cham-
berlain
Conida Livestock Sales Company, Conida
Gregory Livestock Auction Market, Gregory
Kimbali Livestock Exchange, Kiambil
MacMeen-Huron Livestock Exchange, Inc., Hi-
ron
Martin Auction Co., Inc., Martin
Sioux Falls Stockyards, Sioux Falls
Stockman’s Livestock Auction Company, Yank-
ton
Winner Livestock Auction Company, Winner
Yankton Livestock Auction Market, Yank-
ton

TENNESSEE
*Algood Stockyard, Algood
*Athens Livestock Auction, Athens
*Botts & Evans Livestock Company, Univer-
sity City
*Chattanooga Union, Chattanooga
*Clarksville Livestock Company, Guthrie Pike
*Clarksville Livestock Market, Clarkville
*Cleveland Livestock Auction Co., Inc., Cle-
veland
*Clinton Livestock Auction Co., Inc., Clin-
ton
*C & M Livestock Market, Jamestown
*Coffee County Livestock Market, Manches-
ter
*Collierville Livestock Auction Company, Col-
lierville
*Collins Cattle Company, Obion

*Coventry Sale Co., Coventry
*Crockett County Sales Co., Maury City
*Greene County Livestock, Cumberland City
*De Kalb County Livestock Co., Alexander
*Dickson Livestock Center, Dickson
*East Tennessee Livestock Center, Sweet-
water
*Farmers Auction, Fayetteville
*Farmers Livestock Exchange, Carter County
*Farmers Livestock Exchange, Unlontown
*Farmers Livestock Market, Inc., Greene-
ville
*Gallatin, Kentucky Livestock Auction, In-
c., Gallatin
* Giles County Stockyard, Pulaski
*Greeneville Livestock Market, Inc., Greene-
ville
*Hardin County Livestock Company, Savan-
nah
*Jackson County Commission, Galena
*Johnson City Livestock Market, Johnson
*Jonesboro Livestock Yards, Inc., Telford
*Kingsport Livestock Auction Corp, Kings-
port
*Lawrence County Stockyard, Lawrence-
bury
*Lexington Sales Company, Lexington
*Lewis County Stockyard, Boonville
*Logan Livestock Co., Logan
*Macon County Livestock Market, Lafayette
*Middletown Sales Co., Middletown
*Middleton County Stockyards, Middle-
don
*Mid-South Livestock Commission, Colum-
bia
*Mid State Producers, Inc., Woodbury
*Morristown Livestock, Inc., Morristown
*Murfreesboro Livestock Market, Murfrees-
boro
*Newbern Sales Co., Inc., Newbern
*New Mexican Livestock, New Mexican
*North Central Livestock Center, Cross
Flins
*Oliver Livestock Market, Union City
*Paris Livestock Commission Co., Paris
*People's Livestock Market, Cookeville
*People's Stockyard, Fayetteville
*Plateau Livestock Exchange, Crossville
*Pulaski Stockyards, Pulaski
*Rogersville Livestock Market, Rogersville
*Sampson & Maxwell Livestock Auction, Leb-
eburg
*Sevier County Livestock Auction Market, Se-
ymon
*Smith Hill Auction Co., Smith Hill
*Shelbyville Livestock Market, Shelbyville
*Smith County Commission Co., Carthage
*Smithville Stockyard, Smithville
*Spartanburg Livestock, Spartanburg
*Spartanville Stockyard, Spartanville
*Southwestern Stockyards, Huntsville
*Sparta Livestock Company, Sparta
*Tennessee Livestock Producers, Thompson
*Station
*Tennesse Producers, Fayetteville
*Tennessee Livestock, Obion
*Trenton Sales Co., Trenton
*Tri-County Stockyards, McKenzie
*Charles B. Davis and W. B. Lackey dba/ Tri-
State Livestock Commission Co., Inc., Chatta-
noga
*Trousdale County Livestock Market, Hart-
sville
*Unionville Livestock Auction Co., Union-
vile
*Union Stockyards, Inc., Knoxville
*Wade County Livestock, Madisonville
*Wilson County Livestock, Lebanon
*Wilton Livestock Market, Newport
*West Tenn Auction Co, Inc, Martin

TEXAS
*Ablene Auction, Ablene

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*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, Moundsville
*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
*Powder River Livestock Market, Inc., dba/Greybull Livestock Commission 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 11621 and OMB Circular A-107.

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

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.


CAROL TUCKER FOREMAN,
Assistant Secretary.
TO: FFS ADMINISTRATORS
     ALL STATE WELFARE COMMISSIONERS

RE: AIXEN V. USDA COURT SUIT

A COURT ORDER ISSUED BY THE US DISTRICT COURT FOR THE EASTERN DISTRICT
OF CALIFORNIA IN' AIXEN V. USDA, ET AL., CIV. NO. 5-75-76 TJN, HAS
ENJOINED USDA FROM ENFORCING THE PROVISIONS OF SECTION 2313 OF FIS (FS)
INSTRUCTION 722-1 IN SO FAR AS IT REQUIRES A COLLATERAL CONTACT FOR CERTI-
FICATION PENDING VERIFICATION AND IN SO FAR 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 HOUSE-
HOLDS WHICH REPORT AN INCOME SO LOW THAT THEY HAVE NO PURCHASE REQUIRE-
MENTS 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 PRIVILEGE AND CAN NO LONGER LIMIT THE NUMBER OF TIMES A HOUSEHOLD
MAY BE CERTIFIED PENDING VERIFICATION. HOWEVER, AFTER EACH

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[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.

B. Bergland,
Secretary of Agriculture.


[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 3519, 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 Kulk Arm, a 230 kV line from Six Mile Creek to Junction, re-insulation of 138 kV transmission line to 230 kV between Point MacKenzie and Teeland, re-insulation 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.


DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[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.

[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.

[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.

[6325-01]

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.


* JOHN L. BIXLEY,
Advisory Committee Management Officer.

[6325-01]

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.


* JOHN L. BIXLEY,
Advisory Committee Management Officer.

[FR Doc. 78-2974 Filed 2-2-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
NOTICES

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]

[5310-25]

UNITED STATES DEPARTMENT OF COMMERCE
Industry and Trade Administration
File No. 23(72)-83

HANS-JURGEN FILTER ET AL.
Order Conditionally Restoring Export Privileges

In the matter of Hans-Jurgen Filter, Schollenhaldenstrasse 20, D-7100 Heilbronn; Petitioners; Peter Lorenz et al., Respondents.

Hans-Jurgen Filter, together with Peter Lorenz and affiliated companies, were denied all export privileges until May 31, 1980. 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 as amended (15 CFR 38). Therefore, 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 falling 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.

RAUPH M. MAYER,
Director, Office of Export Administration.

[FR Doc. 78-3004 Filed 2-2-78; 8:45 am]

[5310-25]

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(o) 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 38).

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 663 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 77-00389. Applicant: International Fertility Research Program, Highway 34, 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, the leads will be placed in comparison of mechanical (i.e., noncautery) methods of ligation including tubal rings and clips. The objectives of the studies are to show procedure complications, including immediate pain and postoperative 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 6856C 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: 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 (<10 ppm) 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. theses 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.

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]
MEMORIAL HOSPITAL, PAXTUCKET, 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(c).)

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 6856C 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.

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 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. 78-2998 Filed 2-2-78; 8:45 am]

[3510-25]

NOTICES

FEDERAL REGISTER, VOL 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
The article is intended to be used in a study of the attachment of virus particles to specific sites 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 changes.
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.
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 cytological 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 measurement 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 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, JE-100S. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in research on the temperature sensitive mutants of Murine Leukemia Viruses, electron microscopy analysis of plasmids by a modification of the Kloneickman 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 advanced 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 H-300 and Accessories. 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 ultrastructural 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. “Anatomical Techniques in Biological Research.” Application received by Commissioner of Customs: October 28, 1977.


Docket No. 78-00033. Applicant: Mercy Hospital and Medical Center, 4077 Fifth Avenue, San Diego, Calif. 92103. Article: Electron Microscope, Model H-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 detect 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 and animal cells; cellular, 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 in-depth 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 known of no other instrument or apparatus of equivalent scientific value to the foreign articles to which each is intended to be used. The Department of Commerce 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 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. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are in-
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 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 ERT-2124BS SN00032. 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 of 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.

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.

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.

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.
sy, for viral particles, general ultrastructural effects on a cell by various viral and other carcinogenic agents. The objectives pursued in these genetic and immunochimical studies to localize specific enzymatic and immunologic sites during the cancer process. The article will also be used for training faculty, students and technical personnel who require EM capability for research. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00085. Applicant: Chemical Industry Institute of Toxicology, 3800 Electronics Drive, Raleigh, N.C. 27604. Article: LKB 2250, 041/PMV, Palmstiernas Mekaniska Verkstad AB, Sweden. Intended use of article: The article is intended to be used for investigations of autoradiograph of drug and chemical distribution of whole animals as well as fetal distribution of teratogenic compounds; histochimical and immunochimical studies of hormone and enzyme localization in cells and tissues of large and small animals; studies of effects of drugs and toxic or carcinogenic environment agents; gross morphology and light microscopy examination of whole human organs and animals to measure tumors. 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. 10468. Article: JEM-100–100 MP and Accessories. Manufacturer: PMV, Palmstiernas Mekaniska Verkstad AB, Sweden. Intended use of article: The article is intended to be used for investigations of cellular changes brought about in normal and pathologic animal and human tissues, cyto and histochimical studies on viral and subcellular organelle localization in virus particles, interactions as host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environment. 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 1H and 13C spectra, (ii) observation of a wide variety of other nuclei (1D, 2H, 13C, 12N, 32P, 31P, 31F, 92SI, for example), (iii) measurement of relaxation parameters (T1 and T2) and 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:

2. Separation of Neurons and Glia by Density Gradient Centrifugation (Biological Chemistry).
3. Study of the Fine Structure of Pigment Cells During Development of the Chick Retina, with Emphasis on Differences between Nuclear and Peripheral Retinal Areas (Anatomy).
5. The Ultrastructure of Normal Primate Lung and Lung in Shock (Surgery).
6. The Ultrastructure of Nuclear Histones in Melanocytes and Melanoma (Surgery).
10. The Maturation of Rat Incisor Enamel (Oral Histology).
11. Fixation of Tissues by Metallizable Chloro-s-triazines (Oral Pathology).
13. Search of Virus Particles from Spontaneously Transformed Normal Calvarium derived Tissue Culture Cells to Transplantable Neoplasms in Mice. (Oral Pathology).
15. DNA Synthesis in the Alloxan Diabetic EIdney (Anatomy).
16. Chemical and Physical Properties of Feline Leukemia and Sarcoma Virus (Pathology).

In addition, the article will be used for training faculty, students and technical personnel. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00088. Applicant: University of Hawaii, Institute of Astronomy, University of Hawaii, Woodlawn Drive, Honolulu, Hawaii 96822. Article: Mechanical telescope. Manufacturer: Ingr. 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, 45117 Central Receivin, Santa Barbara, Calif. 93106. Article: LKB 8800A Ultratome 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 Biolo-
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American Independence, for written permission under 33 U.S.C. 508 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 deadweight ton vessel, built with construction-differential subsidy, and is under time charter to Sohio Petroleum Co. (Sohlo). Sohlo 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 45016), in Docket No. 5-716. 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 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. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2999 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 5(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.


This decision 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, theses, and research as part of graduate 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 miniature size propeller (15 millimeter (mm) in diameter with a 30 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 28,000 x 10^-6 ohms 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 other 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. 78-2999 Filed 2-2-78; 8:45 am]

[3510-03]

Maritime Administration

Docket No. S-5941

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 33 U.S.C. 508 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 deadweight ton vessel, built with construction-differential subsidy, and is under time charter to Sohio Petroleum Co. (Sohlo). Sohlo 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 45016), in Docket No. 5-716. 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 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.


JAMES S. DAWSON, JR.,
Secretary.

[FR Doc. 78-3122 Filed 2-2-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
NOTICES

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

On July 28, 1978, 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 Ponseca
Maria Cristina Acosta-Mesa
Maria Cristina Aguirre
Hernando Arellano-Serna
Julia Emma de Buitrago
Desideria Caceres Rondon
Joffre Pelaez-Mejia
Elizabeth Ordonoz L.
Jaime Neira Baena
Dora Luz de Cobol
Martha Cecilia Munoz de Gomez
Jaime Neira Baena
Elizabet Ordona de
Jaime Osuna Duque
Norma Parra Cardona
Jofre Pelayo Mejia
Manuel Arturo Posada Gutierrez
Rafaela Vergara Echavez
Enrique White Salazar

EFFECTIVE DATE: January 1, 1978.

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.


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 46370) 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), 65 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.

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.t., except Federal holidays.


MELVIN GOLDSTEIN, Director, Office of Administrative Review.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

PROPOSED DECISIONS AND ORDERS

Atlantic Richfield Co., Ventura County, Calif., FEE-4164, 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 denied.

Beacon Oil Co., Hanford, Calif., FEE-4455, 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 Entitlement Program. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in Part.

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 denied.

International Retail Corp., Towson, Md., FEE-4835, 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-6290, propane

Johnson Oil Co., Inc. filed an Application for Exception. The request, if granted, would relieve Johnson of the requirement that it file Form F415-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.

Stoltz, Wagner and Brown Oil and Gas Producers, Midland, Tex., DOE-2105, 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.
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<tr>
<th>Company</th>
<th>Case No.</th>
<th>Plant</th>
<th>Location</th>
<th>Amount of price increase (dollars per gallon)</th>
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<td>Adair</td>
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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 212.185 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.


[FR Doc. 78-2946 Filed 2-2-78; 8:45 am]

[6560-01]

ENVIRONMENTAL 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 availability 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 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 the final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenters:

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, 1946 Connecticut Avenue, Washington, D.C. 20036.


PETER L. COOK, Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE


FOREST SERVICE

Final

Eldorado National Forest, Timber Plan, several counties in California, January 25: 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 selected uses, and provides for the distribution of timber and forest products and for forest management actions including the existence of stands. Comments made by: USDA, EPA, COE, USD, State and regional agencies, organizations, groups, and individuals. (ELR Order No. 8393.)

Superior National Forest, Proposed Land Exchange, St. Louis, Cook, and Lake Counties, Ill., January 25: Proposed is a land exchange of 3,749.8 acres of land held by Lake-Forest Enterprises, Inc., a land agent for Erie Mining Co., for 3,749.8 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. 2996.)

Brettenbush 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 Brettenbush 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 cultural materials resources (342 pages). Comments made by: EPA, DOI, ERDA, DOC, CO, FPC, HGW, 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
NOTICES

**DEPARTMENT OF DEFENSE**

**Army Corps**


**Draft**

Small Boat Harbor, Agat, Guam, U.S. Territory, January 25: The 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 owner-ship among 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 a 5-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 offshore of Bay Beach Park. Adverse impacts will be increased levels of noise and disturbance of wildlife (Chicago District). Comments made by: USDA, DOC, DOI, EPA, State and local agencies, groups and individuals. (ELR Order No. 80078.)

**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, 202-755-0308.

**Draft**

Cuyntryside Subdivision, League City, Galveston County, Tex., January 24: Proposed is the regulation of 570 acres into a planned community composed of single-family homes located in Galveston County, Tex. The project is expected to be beneficial to transform a large tract of land currently farmed into an urban community providing for League City's strong demand for homes and the population will inevitably result in the transition of some rural land to urban for approximately 5,000 people. Adverse impacts include increased loading of solid waste disposal sites, increased demand for fossil fuels through heavy dependence upon the automobile for transportation. (ELR Order No. 80069.)

**Draft**

Lakeeme 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 fish lake surrounded by single-family residential lots with a 1.5-acre park to provide fishing and picnic areas. Adverse impacts include no endangered species habitat; noise levels generally remain within acceptable limits (HUD-RO8-EIS-77-16D). (ELR Order No. 80072.)

**Final**

Green Cove Plantation Subdivision, Fort Bend County, Tex., January 27: The proposed action is for the project to accept (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 4,500 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-RO8-EIS-77-SD).

**Cypress Point Subdivision, Harris County, Tex., January 27:** Proposed is the development of 320 acres into a planned community composed of single-family homes with some commercial reserves in Harris County, Tex. The 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 which provides for the planning and controlling of a wide range of living accommodations for approximately 3,700 people (HUD-RO8-EIS-77-SD). (ELR Order No. 80084.)

**DEPARTMENT OF LABOR**

Contact: Mr. David E. Bell, Chief, Office of Environmental and Economic Impact Assessment, Room N-3673, Washington, D.C. 20210, 202-224-7076.

**Final**

Benzene, *Occupational Exposure Standard*, January 27: Proposed is the regulation of emp1oyees exposed to the following portions of 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, employers' observation of monitoring, and record-keeping, beneficial impact on the workplace environment is anticipated. Comments made by: DOT, ERDA, HEW, DOI, State and local agencies, groups and individuals. (ELR Order No. 80088.)

**NUCLEAR REGULATORY COMMISSION**

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-310, Washington, D.C. 20555, 301-492-8416.

**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, approximately 20 miles southwest of Blythe, Calif., and will apply for 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 (16.0 miles) southwest of Blythe, Calif., and will employ two pressurized-water reactors (PWR’s) to produce up to 2,785 megawatts thermal (MWT) for each unit (NUREQ-0405). (ELR Order No. 80061.)

**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, 202-386-4376.

**FEDERAL AVIATION ADMINISTRATION**

**Draft**

Development Projects, Lihue Airport, Kauai County, Hawaii, January 25: Lihue Airport is located in the southeastern coastal area of the Island of Kauai, Kauai County, Hawaii, approximately 6 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. 80077.)

**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 passing through the towns of 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 1983 Statewide Functional Highway Classification Plan and is planned as a four-lane facility (FHWA-TN-77-OD-9). (ELR Order No. 80079.)

**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 5th 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 65 mph. Adverse effects include the acquisition of...
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, HSW, DOD, DOC, FPC, ESQ, DOT, State and local agencies, groups and individuals. (ELR Order No. 80071).

LR 1611, Blair County, Pa., January 26: The proposed highway improvement consists of a 14.5 mile portion of LR 1611 (C.R. 220), located in Logan and Antis Townships, Pa., as part of the designated highway system. The project will displace a number of people and will result in increased noise and erosion. A (SF) statement is included concerning a public park. Comments made by: USDA, DOC, DOT, EPA, FEA, HSW, State and local agencies. (ELR Order No. 80071).

"[FR Doc. 78-3055 Filed 2-2-78; 8:45 am]"

[6560-01]

[FRL 659-71]

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 publicly owned treatment works if certain criteria are met.

The Federal Water Pollution Control Act required publicly owned treatment works to provide secondary treatment of their wastewaters by July 1, 1977. Coastal publicly owned treatment works which discharge their wastewater through ocean outfalls have an additional requirement to reduce 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 301(h)(4) or (5) 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 and additional definitions of interpretation of the criteria would be particularly helpful in developing proposed regulations implementing section 301(h).

5. The fifth 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 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?

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 Feb. 22, 1978 at 9:30 a.m. in the following location with registration beginning at 9 a.m.
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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. 94015, 415-556-7816.

Information may also be obtained from:

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.


Sweep T. Davis,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-2948 Filed 2-2-78; 8:45 am]

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 7 U.S.C. 136(a)(c)(6) and 7 U.S.C. 136(c)(d)(6) or 7 U.S.C. 136(d)(b)(4). 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.


Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-2948 Filed 2-2-78; 8:45 am]

TOXIC SUBSTANCES

Fully Halogenated Chlorofluorocarbons: Correction

In FR Doc. 78-290 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.”


Steven D. Jellinek,
Assistant Administrator for Toxic Substances.

[FR Doc. 78-2964 Filed 2-2-78; 8:45 am]

FARM CREDIT ADMINISTRATION

[FR Doc. 78-2995 Filed 2-2-78; 8:45 am]

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. 504)


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 the 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. 78-2995 Filed 2-2-78; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

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

APPLICATIONS ACCEPTED FOR FILING

Common Carrier Services Information


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
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days following the date of this notice, except for radio applications not requiring a 50-day notice period (See § 30.805(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 concern- ing radio and section 214 applica-
tions 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 therein, 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 § 1.237(b) and 21.30(b) of the Commission's Rules.)

For the Federal Communications Commission:

WILLIAM J. TERECHIOKO, Secretary.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20617-CF-P-78 South Shore Radio-Telephone, Inc. (KTS320) 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-CF-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, Ore.

20694-CF-P-78 Radio Telephone Ovalonna, Inc. (new), C.P. for a new station to operate on 150.24 MHz to be located 3 miles south of U.S. highway 4, on County Road approximately 2 miles south of Meriden, N.H.

20698-CF-P-78 Professional Communications, Inc. (new), C.P. for a new 1-way signaling station to operate on 150.70 MHz to be located on Road No. 4, Carter Hill Road, Corry, Pa.

20697-CF-P/MI-78 Communications Special-ists, Inc. d.b.a. Radio Telpage (KTS736) C.P. to relocate facilities operat-
NOTICES

1124-CF-P-78 - Chesapeake & Potomac Telephone Co. (KIX55), 224 Luck Ave SW, Roanoke (Roanoke), Va. Lat. 37°16’09” N., Long. 79°56’42” W. C.F. to add a new point of communication on frequency 11569V MHz on azimuth 14.4 degrees toward Troutville, Va.

MAJOR AMENDMENT
2343-CF-P-77 - Multipoint Television Distributions, Inc. (WCT 930) Keystone Peak, 15 miles west of Green Valley, Ariz. (Lat. 31°52’37” N., Long. 111°12’52” W.). Application amended to change station name from Number One Radio, Inc. to that above; change receive station site and to change transmitter equipment—5045.2V MHz toward Tucson, Ariz.

CORRECTIONS
893-CF-P-78 - South Central Bell Telephone Co. (KCT84), 314 Main Street Starkville (Oktibbee), Miss. Lat. 33°27’48” N., Long. 88°48’42” W. Correct entry to read 6100.8kHz. All other particulars remain the same as reported on Public Notice No. 891, January 3, 1978.

[FR Doc. 78-3956 Filed 2-2-78; 8:45 am]

[Docket No. 21310; RM-1947; RM-1094; 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 which are extensive and highly technical.

DATE: Reply comments must be received on or before March 31, 1978.


FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-652-7792.

SUPPLEMENTAL INFORMATION:


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-captioned proceeding. The date for filing comments has expired and the date for filing reply comments is presently January 30, 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 a careful review of the 15 volumes of comments in this proceeding would require additional time in order to formulate reply comments. Counsel states that the problem has been aggravated because of the difficulty which EIA-CEG members and others are experiencing in their efforts to locate filing reply 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 reproductions.

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 time 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(c) (1) and 303(tr) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

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

[FR Doc. 78-3028 Filed 2-2-78; 8:45 am]

[Docket No. 1881; RM-3021]

FEDERAL MARITIME COMMISSION

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 440(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 6, 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.

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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.


GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FEDERAL REGISTER Doc. 78-2997 Filed 2-2-78; 8:45 am]
NOTICES

Food and Drug Administration

[4110-03]

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 (Performance Standards). This recommendation was made after review of a reclassification petition filed by International Diagnostics 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 (preferably 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 Administration, Bureau of Medical Devices (HFC-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 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. 360(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 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 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 indicator 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 fluorimeter.
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 antibody activity to DNA in human serum or plasma has 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.


WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
the Night Drain Adaptor, Feather-Lite™ Urinary Diversion Pouch, Feather-Lite™ Semi-Disposable L.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 reviewing a reclassification petition filed by Howmedica, Inc., New York, N.Y., under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(2)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification petition 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, 5500 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:
Dennis J. Cotter, Bureau of Medical Devices (HEK-430), Food and Drug Administration, 8737 Georgia Ave., Silver Spring, Md. 20910; 301-427-7228.

SUPPLEMENTARY INFORMATION: On August 13 and 27 and October 26, 1976, Howmedica, Inc., New York, N.Y., submitted a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market devices it called (1) Ostomy Pouch, (2a) Feather-Lite™ Urinary Diversion Pouch, (2b) Feather-Lite™ Semi-Disposable L.B. Pouch, and (2c) Night Drain-Adapter. After reviewing the information in the premarket notifications, the Commissioner of Food and Drugs determined that the device met the definition of a device 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 classified from class III (Premarket Approval) to class II (Performance Standards) or class I (General Controls). The decision was made after reviewing a reclassification petition filed by Howmedica, Inc., New York, N.Y., under section 513(f)(2) of the act (21 U.S.C. 360c(f)(2)). After reviewing the public comments received, the agency will approve or deny the reclassification petition in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the Federal Register.

The panel reviewed the petition and recommended that the devices be reclassified into class II or class I.

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. Heal 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.

c. 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 irritation, sensitization, or other types of pathology, but did not mention possible risk of cancer from the arsenic compound.

d. 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. Further investigations were not carried out.

e. 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, but was merely placed on the skin.

f. In one animal study, moderate to severe intraperitoneal inflammatory infiltrate (interstitial fibrosis with deposit of material in tissue) with superficial necrosis (deterioration of surface bone tissue) was noted.

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. Illeostomy patients may be in contact with the material for 30 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 6 or more years.


WILLIAM F. RANDOLPH,
Acting Associate Commissioner

[FR Doc. 78-2708 Filed 2-2-78; 8:45 am]

NOTICES

[4110-03]

Docket No. 77H-03411

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. 360f(d)). 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 panel recommendation 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, 8787 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. 360(c)).

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 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 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 quantify 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 the 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 believes 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.


WILLIAM F. RANDOLPH,
Acting Associate Commissioner

[FR Doc. 78-2837 Filed 2-2-78; 8:45 am]

NOTICES

[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

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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 identify the party filing the notice. The presiding officer at the hearing may require party participation to be designated. A 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:


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 85-455) filed by Cord Laboratories, Inc., Tutag Pharmaceuticals, Inc., 2899 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 85-502) filed by Inwood Laboratories for the drug product Orphenesic. This notice pertains only to X-Otag Plus Tablets; the agency's conclusion on Orphenesic 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. Davidsen. 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, therefore, rejects Tutag's 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 previously 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 recognized as safe and effective" at the time of filing. The Commissioner rejects this theory. 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 FederalRegister 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 use 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 314.116(d), 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 relevant 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 paragraph stated in a letter to Tutag. If, as often with deficiencies of this type, Tutag can remedy the problems,
An Article of Drug

Administrative proceeding to declare a

missioner from acting through an

cannot, of course, prevent the Com-

volved in this proceeding. "Tutag

321(p). Within the meaning of 21

issue, stating specifically

these issues at the hearing if it desires.

moot. The Commissioner encourages

these issues will, of course, be made

normal course of events, there would

X-Otag Plus is a rare example of a sit-

Court in a judicial enforcement pro-

to be a new drug, simply by re-

findings on this issue. The Commiss-

tive hearing. The Commissioner has

position is that a drug may be declared

1946

Civil Action Nos.

Court for Colorado in

X-Otag Plus to be a "new drug." This

for X-Otag Plus's

judgment on this issue. The Commission-

and the circumstances in which evi-

had been made in both forums. In the

normal course of events, there would be

administrative declaration of

new drug status to follow a judicial

X-Otag Plus is a rare example of a sit-

The Commissioner is, therefore, declaring

X-Otag Plus to be a "new drug." This

declaration is parallel to and consist-

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 pro-
ceeding or by the Commissioner through an administrative proceeding.

X-Otag Plus is a rare example of a sit-

uation 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 believes that the tran-

script fully supports the conclu-

sion that X-Otag Plus is a new drug.

Another result of the unique circum-

stances involved with X-Otag Plus is

that in the proceeding there was so

much testimony and documentary evi-

dence has already been presented on

questions that will be relevant to the

administrative hearing on the approv-

ability of the ANDA for X-Otag Plus.

The enforcement proceeding was

before a United States District Judge,

and the circumstances in which evi-

dence was presented, and in which the

opportunity to cross-examine and oth-

erwise challenge that evidence was ac-

corded, provided the parties procedur-

al 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 there-

fore directing the Administrative Law

Judge to incorporate in his hearing

findings which are consistent with evi-

dence which the Administrative Law

Judge himself receives at the

hearing: the transcript of the court

proceeding. Thus the parties will be

allowed to enter any testimony intro-

duced in the course of the administrative hearing, 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 proceed-

ing.

The Administrative Law Judge will

be expected to exclude any such testi-

mony on the grounds that it is repeti-

tious. There will, of course, be no bar

to the presentation of the same wit-

nesses as were used in the court pro-
ceeding, 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 inad-

missible by the Judge in the court pro-
ceeding. The Administrative Law

Judge will, of course, be free to ex-

clude any such testimony if he finds

that it is not, for the purposes of this

proceeding, admissible. Although cer-

tain 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 argu-

ments, 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. Par-

ticipants 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


355)) and 21 CFR 314.202(p) 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.


JOSEPH P. HILE,

Associate Commissioner for

Compliance.

[FR Doc. 78-2992 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 2006).

The meeting will now be held on

February 10, 1978, only, in Room

4C18, Landow Building, 7910 Wood-

mont 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.


SUSANNE L. FRENTEAU,

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. 92-918, 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:

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, the Commissioner suggests that applicants consider the use of registered or certified mail as explained below.

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. 20020.

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, 1978, 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 2022, Washington, D.C. 20020. Telephone 202-245-2465.

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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.

P. For further information contact:

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 13.566; Graduate and Professional Opportunity Programs)

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-2972 Filed 2-3-78; 8:45 am]

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.

(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-stamp of these mail rooms or other documentary evidence of receipt mailed to the 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.

(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 100f. 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 $25,000 to $60,000, with the average award expected to be about $50,000. 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 on the use of multi-year grants. Nothing in this paragraph limits 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 should include a copy of 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 (1) 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.


(c) 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 100f, 42 FR 33005 (June 28, 1977)). (20 U.S.C. 1860)
(Catalog of Federal Domestic Assistance Number 13.565, Women's Educational Equity Act Program)

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-3144 Filed 2-2-78; 11:00 am]

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 has the day-to-day coordination, evaluation, and administrative direction to the Principal Regional Officials.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
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 a 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 Departmental 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 training, program integration, personnel 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 multi-agency 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.

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)

Deputy Under Secretary


APPROVED:

JOSEPH A. CALIFANO, JR., Secretary.

[F.R. Doc. 76-2958 Filed 2-2-78; 8:45 a.m.]

[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 information and 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.


SUSAN C. LUBICK, Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[F.R. Doc. 78-2958 Filed 2-2-78; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[FR Doc. 78-714]

[FR Doc. 78-2958]

ALASKA

Native Claims Selection


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 the Public Land Laws, nor are they 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:

Ulliar Merchant, Alaska (Unorganized)

T. 2 S., R. 24 E., Secs. 1 to 24, inclusive; Sec. 29 to 32, inclusive; all, Containing approximately 17,632 acres.

T. 2 S., R. 23 E., Secs. 25 to 28, inclusive; Secs. 33 to 36, inclusive; all, Containing approximately 5,120 acres.

The conveyance issued for the surface estate 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, 1899, 25 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, 39 Stat. 205, 43 U.S.C. 976d;


4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 838, 701; 43 U.S.C. 1601, 1611(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file, 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 or which are produced by the right to do all things necessary in connection therewith.

b. (EIN 17 C) Any person wishing to exercise any of the rights hereinabove granted, as lessee, contractee, permittee, or grantee to exercise the right of eminent domain if authorized by the United States or which are produced by the right to do all things necessary in connection therewith.

NOTICES

ALASKA

Native Claims Selection

On December 28, 1973, Atkasook Corp., for the Native village of Atka-sock, 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. 686, 43 U.S.C. 1601, 1611(a)), aggregating approximately 2,500 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.

[4310-84]

(F-14834-A)

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[4310-84]

(F-14834-A)

ALASKA

Native Claims Selection
Atkasook Corp. is entitled to conveyance of 69,120 acres of land selected pursuant to section 706(a) of the Alaska Native Claims Settlement Act. Upon conveyance of the 2,300 acres described herein, a total of approximately 66,822 acres, all lying within the National Petroleum Reserve in Alaska (apportionment Number 43), will be conveyed to that corporation; the remaining entitlement 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 same section.

If an appeal is taken, the adverse parties may have service of this decision provided by the Bureau of Land Management. Any party receiving service of this decision shall be judged to have waived those rights which are not timely appealed.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with the requirements of section 14(c) of the Alaska Statehood Act of March 3, 1958 (72 Stat. 688, 43 U.S.C. 1671), notices of this decision are being published in the Federal Register and once a week, for four 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. 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 thereunto, if any, including but not limited to those created by any lease (including a lease issued under section 8 (a) of the 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, grantee, or any other party, to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

(3) Requirements of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1691, 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., filed F-14834-EE. Any person who wishes to review the agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

**NOTICES**

**ALASKA**

**Native Claims Selection**

On December 12, 1975, Sealaska Corp. filed applications under the provisions of section 14(d)(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 Kuskokwim 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 M  **

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**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
### Notices

#### Copper River Meridian (Protracted)—Continued

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<td>AA-10512</td>
<td>T. 29 S., R. 59 E. In sec. 22</td>
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In accordance with Departmental regulation 43 CFR 2855.18(c), notice of these selections is being published once in the Federal Register and once in the Federal Register for the purpose of selecting lands 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. SORENSEN, Chief, Branch of Lands and Minerals Operations.


FRED L. BOLWANN, Acting Chief, Permit Branch, Federal Wildlife Permit Office.

#### 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. The applicant seeks approval of their proposal, which includes the following:

- Collection of data on the biology, natural history, and behavior of the species.
- Use of captive breeding and other management practices.

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.


FRED L. BOLWANN, Acting Chief, Permit Branch, Federal Wildlife Permit Office.

**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) per year for hand raising and eventual release to the wild in order to enhance the size of the species.

Documents and other information submitted with this application are available to the public during normal business hours in Room 154, 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 using written data, views, or arguments to the Director at the address above within 30 days of the date of this publication. Please refer to the file number when submitting comments.


FRED L. BOLWANN, Acting Chief, Permit Branch, Federal Wildlife Permit Office.
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.


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, Doraville, 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 584, 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 FRT 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.


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


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, 1978, 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 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 7409, Beaumont, Tex. 77706; Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501; and National Park Service, Room 10-G-3, Fritz G. Lanham Federal Center, 819 Taylor 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 controversy 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 on the proposed Special Regulations should address them to the Superintendent at the Beaumont address on or before March 6, 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 the event of any conflict with applicable regulations and statutory authority and sub-
NOTICES

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. 92-552 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 Heskell, Chairlady, New York, N.Y.
John P. Hagerty, Forest Hills, N.Y.
Orin Lehman, New York, N.Y.
Gordon K. Lovin, Little Silver, N.J.
Terence D. Moore, Newark, N.J.
Sheldon Pollack, New York, N.Y.
Barbara Resch, 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.


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 desiring further information concerning this meeting, or who wish to submit written statements, may contact Herbert Cables, Superintendent, Gateway National Recreation Area, Headquarters Building 89, 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.


HERBERT S. CABLES, Jr.
Superintendent

[FR Doc. 78-2804 Filed 2-2-78; 8:45 am]

[4310-70]

HERBERT HOWOER 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 and at that time 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 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 centerline 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-1; thence N 89°05'40" E, 451.73 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-3; thence N 89°05'58" E, 645.57 feet along the east right-of-way line of Second Street marked by a standard NPS aluminum monument stamped BDY-2; thence S 0°53'08" W, 161.85 feet crossing Second Street and along the north right-of-way line between D & 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-5; thence S 1°00'58" E, 109.80 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 89°58'37" W, 205.57 feet along the south line of Lot E, of said Block 3, marked by a standard NPS aluminum monument stamped BDY-3; thence S 0°52'46" E, 165.00 feet to a standard NPS aluminum monument stamped BDY-2; thence S 0°56'55" E, 390.49 feet to a point in the centerline of Downey Street having a radius of 683.86 feet, through a central angle of 26°54'10", to a standard NPS iron rail marking the right-of-way of said Section 8; thence S 89°24'22" W, 164.89 feet to a point in the centerline of Downey Street which lies N 17°08'07" W, 163.78 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-16; thence S 0°56'16" E, 266.09 feet to a standard Iowa Department of Transportation iron rail marking the right-of-way of Iowa State Highway No. 18; thence S 89°53'30" W, 89.20 feet to a standard Iowa D.O.T. iron rail marking said right-of-way line; thence S 44°31'14" W, 290.40 feet along said non-tangent right-of-way line to a standard Iowa D.O.T. iron rail marking said right-of-way line; thence W 161.76 feet along a non-tangent curve concave northwesterly in said right-of-way line having a radius of 560.69 feet, through a central angle of 7°44'01", to a standard Iowa D.O.T. iron rail; thence N 9°20'11" W, 113.46 feet along 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 9°20'12" W, 362.18 feet along said right-of-way line to a standard Iowa D.O.T. Iron rail; thence westerly 312.59 feet along a non-tangent curve concave northerly in said right-of-way line having a radius of 588.68 feet, through a central angle of 3°12'19", to a point from which a radial line bears N 19°13'36" E; thence N 5°27'30" W, 0.69 feet to a standard NPS aluminum monument stamped BDY-19; thence continuing N 0°57'32" W, 808.48 feet to a standard NPS aluminum monument stamped BDY-POL; thence continuing N 0°57'32" W, 1356.26 feet to a standard NPS aluminum monument stamped BDY-17; 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 69°08'43" E, 571.01 feet along said right-of-way line to a point in the southerly right-of-way line of State Highway No. 1; thence continuing S 89°08'42" E, 113.88 feet along said right-of-way line to a point which lies N 9°20'12" W, 290.40 feet along said right-of-way line to a standard Iowa D.O.T. iron rail; thence continuing N 89°08'42" 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, 2.13 feet 'from a standard NPS aluminum monument stamped BDY-22; thence S 38°14'26" E, 487.10 feet (through a 4½ iron rod at 385.43 feet) to a standard NPS aluminum monument stamped BDY-23; thence S 87°21'51" E, 571.92 feet to a 3 x 56" white stone buried 3 inches below ground; thence N 88°38'04" E, 5.70 feet to a standard NPS aluminum monument stamped in concrete BDY-24; thence S 87°21'51" E, 467.10 feet to a standard NPS aluminum monument stamped BDY-25; thence N 88°30'53" E, 202.99 feet to a point in the northwest comer, marked by a standard NPS brass cap in concrete stamped BDY-26; thence N 88°30'53" E, 181.99 feet along the north line of said Block 45 to its northeast comer, marked by a standard NPS brass cap in concrete stamped BDY-27; thence N 88°30'53" 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-28; thence N 88°30'53" 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 Wetherell Street marked by a standard NPS brass cap in concrete stamped BDY-30; thence N 88°07'40" E, 33.04 feet to the point of beginning.


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

Availibility

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 3.17 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.


TEMPLE A. REYNOLDS, Superintendent, Glen Canyon National Recreation Area.

[FR Doc. 78-2978 Filed 2-2-78; 8:45 am]

NOTICES

[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.

SECTION 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.


[National Park Service Order No. 77 (33 FR 7478) dated March 22, 1973, as amended; Order No. 7 (37 FR 6526) dated March 28, 1972, as amended; Order No. 3 (40 FR 230) dated November 28, 1975, as amended.]


GEORGE VOINDER LAFAY, Superintendent, Redwood National Park.


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 Regional Order No. 1, approved February 27, 1974, and published in the FEDERAL REGISTER of April 1, 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 delegations of authority. This amendment changes Section 2, paragraphs (c), (d), (e), (f), 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.

(f) Field land acquisition officers. Field land acquisition officers and holding 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. 81-846 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.


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-
connection with the above styled investigation at 10 a.m. on February 10, 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.


DONALD K. DUVALL, Presiding Officer.

[FR Doc. 78-3048 Filed 2-2-78; 8:45 a.m.]

[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 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 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.


ERNST 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.

Harc Corp., Contoocook, N.H. Sales and manufacture of sawmill machinery parts.

Retail Delivery Service, Inc., Dover, N.J. Provide consolidated package delivery.


Wheeling-Pittsburgh Steel Corp. Manufacture of steel plates, rail sections, and basic electrical.


Mountaineer Crawler Repair, Inc., Olivo Branch, Miss. Repair of tracks and undercarriages of crawler equipment and parts.

J. C. Long Fruit Co., Holmes City, Fla. Retail sale of lumber and building materials.


Dreydle W. Henry, Cedarville, Ky. Retailer of hardware.

Oconomowoc Canning Co., Oconomowoc, Wis. Manufacture of furniture care products, such as refinisher, paint remover, lamp oil varnish, furniture cleaner, etc.


Village Green Homes, Inc., Etta Green, Ind. Snow mill and manufacture of prefabricated modular homes.


Burkhorn Ann Brunt, Monroe, Wis. Community shopping center.

Coyote Truck Line, Inc., Westfield, Ind. Transport of freight.


Snap Electric Inc., Schofield, Wis. Engineering and motor repair services and sales of new motors, lamp and supplies.

Holcomb Farm Center, Inc., Holcomb, Ill. Processing and distribution of grains.

Walnut Grain Co., Walnut, Ill. Sacks of farm, garden, farm equipment, corn cob, and home manufacturing.


Delawer Equipment, Rochester, Ind. Manufacture of brewpubs.

C. B. H. B. Arms (tenant of city of La Crescent), La Crescent, Minn. Manufacture of carpet and rugs.


Principal Product or Location of Enterprise

Feno of rental property.

Motel.

Manufacture of tile plates, rail sections, and basic electrical.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.

Retail trade.
NOTICES

Name of Applicant and Location of Enterprise  Principal Product or Activity


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.  Aircraft maintenance and service.

Weld County Air Services, Inc., Greeley, Colo.  Sidetraffic and related facilities.


Hillside Community Hospital of Utah, Utah, Calif.  Nursing home.

Reservation Ranch, Kerby and Granis, Pas, Oreg.  [FR Doc. 78-2888 Filed 2-2-78; 8:48 am]

[4510-28]

FEDERAL-STATE EXTENDED BENEFITS

Supplemental Notice on Michigan

A notice published in the Federal Register on Friday, January 28, 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 29, 1978, and that extended benefit periods will therefore end in all but 11 States on that date.


ERNST G. GREEN, Assistant Secretary for Employment and Training.

[FR Doc. 78-3050 Filed 2-2-78; 8:48 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 29, 1978, and that extended benefit periods will therefore end in all but 11 States on that date.


APPENDIX

Petitioner: Union/workers or former workers of:  Location  Date received  Date of petition  Petition No.  Articles produced


McKeeport Connecting R.R.  McKeeport, Pa. (United Transportation Union).  do  do  TA-W-2,027 Transports raw materials into and within the National Tube Works of U.S. Steel Corp.


[FR Doc. 78-2642 Filed 2-2-78; 8:48 am]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

[FR Doc. 78-2642 Filed 2-2-78; 8:48 am]
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 90.13.

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

<table>
<thead>
<tr>
<th>Petitioner: Union/workers or former workers of—</th>
<th>Location</th>
<th>Date received</th>
<th>Date of petition</th>
<th>Petition No.</th>
<th>Articles produced</th>
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<tr>
<td>Works (USWA).</td>
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<td>of Illinoi Steel Corporation (USWA).</td>
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<td>Hononian Valley District (USWA).</td>
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<td>Works (workers).</td>
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<td>Corp., Wheeling Plant.</td>
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</table>

[Federal Register: 43:27764 Filed 2-2-78; 8:45 am]

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 90.13.

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.
### Notices

**Appendix**

<table>
<thead>
<tr>
<th>Petitioner: Union/workers or former workers of—</th>
<th>Location</th>
<th>Date received</th>
<th>Date of petition</th>
<th>Petition No.</th>
<th>Articles produced</th>
</tr>
</thead>
</table>

The following certificates were issued upon the representations of the

- 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).  
  - Wyoming Valley Garment Co., Wilkes-Barre, Pa.: 11-8-77 to 11-7-78; 10 learners (men'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., Bowsell, 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 labor turnover regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 and 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

### Wage and Hour Division

**CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES**

Notice is hereby given pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1092, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-78 (41 1949), 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., Burkeville, Ky.: 10-30-77 to 10-29-78 (ladies' uniform).  
- Continental Apparel Mfg. Co., Inc., DeFuntak Springs, Fla.: 10-24-77 to 10-23-78 (ladies' pants and blouses).  
- McCrory 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).  
- Reator Sportswear Corp., Rector, Ark.: 11-15-77 to 11-14-78 (men's pants).  
- Toll-Gate Garment Corp., Hamilton, Ala.: 10-12-77 to 10-12-78 (men's shirts).
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

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 O. 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.


[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 1), 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, 1773 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 Philips, Deputy Director, 202-632-8200.

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, issued 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., will no longer be open to the public.


[FR Doc. 78-3007 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.


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: Open.

February 21:
A. Open meeting—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 Core Program, Room 602, National Science Foundation, Washington, D.C. 20550, telephone 202-334-6374.

SUMMARY: Minutes may be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 246, 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
8:30 a.m.—Current Status of Deep Sea Drilling: Future Drilling Plans.
NOTICES

4699

FEBRUARY 22, 1978

8:30 a.m.—Ocean Drilling in Relation to Other Initiatives.

Purpose of committee: The Advisory Committee for Atmospheric Sciences, acting under the Chairperson and Foundation, announces the following meeting:

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 518, 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 202-581-3434.

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 22, 1978

9 a.m. to 11 a.m.—Staff Review of Climate Dynamics and GARP—its State of Science and Research Opportunities, E. Hery.

11 a.m. to 12 m.—Discussion of Research Opportunities, Committee.

12:30 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 5 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.

3:30 p.m. to 5 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.


[FDR Doc. 78-3052 Filed 2-2-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE 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 321, 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 202-581-6326.

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. 552(b)(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 National Science Foundation Act, as amended, Pub. L. 92-463, the National Science Foundation Act, as amended, and the Federal Advisory Committee Act, as amended, Pub. L. 92-463, as amended, as regulated by the Committee Management Officer.

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.


[FDR 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 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

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. 552(b)(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 National Science Foundation Act, as amended, Pub. L. 92-463, the National Science Foundation Act, as amended, and the Federal Advisory Committee Act, as amended, Pub. L. 92-463, as amended, as regulated by the Committee Management Officer.

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.


[FDR Doc. 78-3051 Filed 2-2-78; 8:45 am]
NOTICES

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 02-02-5285]

North Street Capital Corp.

Notice of Filing for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given by the North Street Capital Corp., 250 North Street, White Plains, N.Y. 10605, a Federal licensee under section 301(d) of the Small Business Investment Act of 1958 as amended (Act), has filed an application pursuant to 15 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 Broadcast Co. (OMBC), 284 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 by the licensee for purchase of radio station WOKO (AM), Albany, N.Y. and provide working capital for OMBC, the financial structure will be as follows:

<table>
<thead>
<tr>
<th>Percentage of OMBC</th>
<th>Amount:</th>
<th>Owners:</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>2,000,000</td>
<td>SBA</td>
</tr>
<tr>
<td>9%</td>
<td>1,818,181</td>
<td>Syndicated Communications</td>
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<tr>
<td>17%</td>
<td>1,050,000</td>
<td>Witherspaon Communications Corp.</td>
</tr>
<tr>
<td>15%</td>
<td>1,000,000</td>
<td>Minority Equity</td>
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<tr>
<td>10%</td>
<td>1,000,000</td>
<td>North Street Capital Corp.</td>
</tr>
<tr>
<td>10%</td>
<td>1,000,000</td>
<td>North Street Capital Corp.</td>
</tr>
</tbody>
</table>

* SBA requires. Form of Investment is a 10 percent, 10-year debenture with principal monotonous for 3 years. Warrants for a total of 400 shares or 15 percent.

+Warrants exercisable at $18.18/share. Total shares authorized 3,500.

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 107.5(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

FEDERAL REGISTER, Vol. 43, No. 24—Friday, February 3, 1978
NOTICES

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/millet systems 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 by Dr. Paul Mulligan, Planning Project Leader, Research Triangle Institute, P.O. Box 12194, Research Triangle Park, N.C. 27709.

Charles E. French,
A.L.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[IFR Doc. 78-3008 Filed 2-2-78; 8:45 am]

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 equip-
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 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.

[Balwer Petition Docket RSOR-77-23]

BESSMEER & LAKE ERIE RAILROAD

The Bessmeer & Lake Erie Railroad (B&E) seeks a waiver of compliance with the provisions of §218.37(a)(1)(ii) 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 use only one block signal to protect the rear of a train instead of utilizing flag protection. The waiver requested by the B&E seeks authority to use a portion of the provisions of §218.37(a)(ii) for flag protection portion of the regulation.

The B&E seeks a permanent waiver of compliance with a portion of the provisions of §218.37(a)(ii) of the flag protection portion of the regulation. That section permits a railroad to relieve a train of the responsibility to provide flag protection for his train only by the issuance of a train order.

The B&E states that it has restricted the use of these torpedoes because, at detonation, the debris and the noise present a real danger to pedestrians and children. In support of its request the B&E notes that its trains operate at a maximum speed of 40 miles per hour due to the congested area that is being operated through.

[Balwer 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)(ii) of the flag protection portion of the regulation. That section permits a railroad to provide flag protection for 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 the waiver request.

The MEC states that if a second train is operated on these lines a train order is required to trigger flag protection on a given segment of trackage.

DEPARTMENT OF THE TREASURY

[4810–35]

Fiscal Service

(Dept. Circ. 570, 1977 Rev., Supp. No. 0)

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, when Issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

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 may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

[4830–01]

Internal Revenue Service

(Delegation Order No. 169)

DEPUTY COMMISSIONER, ASSISTANT COMMISSIONER (COMPASSIBILITY) 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.


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. 928), 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.


JEROME KURTZ,
Commissioner.

[FR Doc. 78-3042 Filed 2-2-78; 8:45 am]

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.

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  5.5% Mn

Category AISI  2
Tariff Schedule Number(s)  608.7000 - 0.14/lb.  608.7300 - 0.26/lb.
608.7100 - 0.25/lb.  608.7550 - 0.375/lb.

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 - WELDING QUALITY  JIS G3503
Equivalent  5.5% Mn

Category AISI  2
Tariff Schedule Number(s)  608.7000 - 0.16/lb.  608.7300 - 0.26/lb.
608.7100 - 0.25/lb.  608.7550 - 0.375/lb.

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)  5.5% Mn

Category AISI  2
Tariff Schedule Number(s)  608.7000 - 0.14/lb.  608.7300 - 0.26/lb.
608.7100 - 0.25/lb.  608.7550 - 0.375/lb.

Base Price per Metric Ton  $319
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 - COLD Heading Quality  AISI 1058 (SPECIFIC)  12% Mn

Category AISI  2
Tariff Schedule Number(s)  608.7000 - 0.16/lb.  608.7300 - 0.26/lb.
608.7100 - 0.25/lb.  608.7550 - 0.375/lb.

Base Price per Metric Ton  $319
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.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
WIDE FLANGE BEAMS - ASTM A56 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 7 7
Atlantic Coast 34 4 7
Great Lakes 47 4 9

Insurance 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

<table>
<thead>
<tr>
<th>Series</th>
<th>Lbs./Foot</th>
<th>Extra-S/M T</th>
<th>Series</th>
<th>Lbs./Foot</th>
<th>Extra-S/M T</th>
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<td>90</td>
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<tr>
<td>10 x 4</td>
<td>15 10</td>
<td>31</td>
<td>16 x 7</td>
<td>90</td>
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<td>14.22</td>
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<td>11</td>
<td>18 x 5</td>
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<td>14</td>
<td>39</td>
<td>18 x 6-3/4</td>
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<td>14 x 6</td>
<td>30-38</td>
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<td>24 x 12</td>
<td>103-129</td>
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<td>14 x 8</td>
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<td>311</td>
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(2) Grade Extras ($/M T)

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<td>Thru 1-1/8</td>
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<td>A442</td>
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<tr>
<td>A588</td>
<td>111</td>
</tr>
<tr>
<td>A411</td>
<td>49</td>
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<tr>
<td>A572</td>
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(3) Cut Length Extras

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<tr>
<td>From 20 Up to 30 Feet</td>
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<td>From 30 Up to 40 Feet</td>
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<td>40 Feet</td>
<td>N11</td>
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<tr>
<td>Over 40 Up to 50 Feet</td>
<td>4</td>
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<tr>
<td>50 Feet</td>
<td>N11</td>
</tr>
<tr>
<td>Over 50 Up to 60 Feet</td>
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<tr>
<td>60 Feet</td>
<td>N11</td>
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<tr>
<td>Over 60 Thru 70 Feet</td>
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(4) Splitting Extras

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<th>S/M.T.</th>
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<td>12</td>
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<td>45</td>
<td>100</td>
<td>14</td>
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<tr>
<td>100</td>
<td>150</td>
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FEDERAL REGISTER, VOL. 43, NO 24—FRIDAY, FEBRUARY 3, 1978
Category AISI

Tariff Schedule Number(s) 609 96 0 14 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

<table>
<thead>
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<th>USD PER MT</th>
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<td>1 QUALITY</td>
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<tr>
<td>SY 30 (EQUIVALENT TO ASTM A-328)</td>
<td>BASE + 10</td>
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<td>SY 35</td>
<td>BASE + 20</td>
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<tr>
<td>SY 40</td>
<td>BASE + 85</td>
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<tr>
<td>A690/MARINE TYPE</td>
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<thead>
<tr>
<th>2 SHAPE</th>
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<tr>
<td>STRAIGHT WEB</td>
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<tr>
<td>ARCH WEB</td>
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<tr>
<td>OTHERS</td>
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<td>SEE</td>
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<table>
<thead>
<tr>
<th>FABRICATED CONSTRUCTIONS</th>
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<tbody>
<tr>
<td>SUBJECT TO NEGOCIATION</td>
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<table>
<thead>
<tr>
<th>H TYPE</th>
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</table>

<table>
<thead>
<tr>
<th>3 LENGTH</th>
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<tbody>
<tr>
<td>4 IN UNDER</td>
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<tr>
<td>4 1/2 TO UNDER 61</td>
</tr>
<tr>
<td>61 1/2 OVER</td>
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</table>

<table>
<thead>
<tr>
<th>4. SURFACE TREATMENT (PROTECTIVE COATING)</th>
<th>SUBJECT TO NEGOCIATION</th>
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<table>
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<th>5 HANDLING HOLES</th>
<th>SUBJECT TO NEGOCIATION</th>
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<table>
<thead>
<tr>
<th>6. QUANTITY</th>
<th>SUBJECT TO NEGOCIATION</th>
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</thead>
</table>

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### STEEL PLATES - ASTM A-36 5/8" 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**

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<tr>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
</tr>
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<tbody>
<tr>
<td>West Coast</td>
<td>$25</td>
<td>$3</td>
</tr>
<tr>
<td>Gulf Coast</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>31</td>
<td>4</td>
</tr>
<tr>
<td>Great Lakes</td>
<td>40</td>
<td>4</td>
</tr>
</tbody>
</table>

Insurance 1% of base price + extras + ocean freight

**Extras**

1. Width/Thickness Extra
2. Specification Extra
3. Other Extras
   - Killed
   - Fine Grain
   - Charpy
   - Normalize
   - Quench & Temper
   - Normalized & Tempered
   - Brands
   - UST A435, ASTM2L
   - AS78L2
   - Checkered
   - Pickled & Oiled
   - Cut Length Extra
   - Normalized & Tempered
   - Other Extr.

### STEEL PLATE

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<th>1/32 to 1/16&quot;</th>
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<td>14</td>
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<tr>
<td>2 to 4&quot;</td>
<td>14</td>
<td>17</td>
<td>20</td>
</tr>
<tr>
<td>4 to 6&quot;</td>
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<td>25</td>
<td>28</td>
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<tr>
<td>6 to 8&quot;</td>
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<td>38</td>
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<tr>
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**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
<table>
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<td>over 1&quot; up to 1 1/2&quot;</td>
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<td>over 1 1/2&quot; up to 2&quot;</td>
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<td>over 2&quot; up to 3&quot;</td>
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<td>over 8&quot; up to 10&quot;</td>
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<td>over 48&quot; up to 50&quot;</td>
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<tr>
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</tr>
<tr>
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<tr>
<td>over 54&quot; up to 56&quot;</td>
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<tr>
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<tr>
<td>over 58&quot; up to 60&quot;</td>
<td><strong>25</strong></td>
</tr>
<tr>
<td>over 60&quot; up to 62&quot;</td>
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<tr>
<td>over 62&quot; up to 64&quot;</td>
<td><strong>15</strong></td>
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<tr>
<td>over 64&quot; up to 66&quot;</td>
<td><strong>10</strong></td>
</tr>
<tr>
<td>over 66&quot; up to 68&quot;</td>
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</tr>
<tr>
<td>over 68&quot; up to 70&quot;</td>
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<tr>
<td><strong>ASTM</strong></td>
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<tr>
<td>Class 2</td>
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<tr>
<td>over 5/16&quot;</td>
<td><strong>211</strong></td>
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<tr>
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</tr>
<tr>
<td>over 1&quot; up to 1 1/2&quot;</td>
<td><strong>190</strong></td>
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<tr>
<td>over 1 1/2&quot; up to 2&quot;</td>
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<tr>
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<tr>
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<tr>
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<td>over 22&quot; up to 24&quot;</td>
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<tr>
<td>over 24&quot; up to 26&quot;</td>
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</tr>
<tr>
<td>over 26&quot; up to 28&quot;</td>
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<tr>
<td>over 28&quot; up to 30&quot;</td>
<td><strong>100</strong></td>
</tr>
<tr>
<td>over 30&quot; up to 32&quot;</td>
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</tr>
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<td>over 32&quot; up to 34&quot;</td>
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</tr>
<tr>
<td>over 48&quot; up to 50&quot;</td>
<td><strong>50</strong></td>
</tr>
<tr>
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<td><strong>45</strong></td>
</tr>
<tr>
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<td><strong>40</strong></td>
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<tr>
<td>over 54&quot; up to 56&quot;</td>
<td><strong>35</strong></td>
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<tr>
<td>over 56&quot; up to 58&quot;</td>
<td><strong>30</strong></td>
</tr>
<tr>
<td>over 58&quot; up to 60&quot;</td>
<td><strong>25</strong></td>
</tr>
<tr>
<td>over 60&quot; up to 62&quot;</td>
<td><strong>20</strong></td>
</tr>
<tr>
<td>over 62&quot; up to 64&quot;</td>
<td><strong>15</strong></td>
</tr>
<tr>
<td>over 64&quot; up to 66&quot;</td>
<td><strong>10</strong></td>
</tr>
<tr>
<td>over 66&quot; up to 68&quot;</td>
<td><strong>5</strong></td>
</tr>
<tr>
<td>over 68&quot; up to 70&quot;</td>
<td><strong>0</strong></td>
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FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### STEEL PLATE

<table>
<thead>
<tr>
<th>Specification</th>
<th>Thickness</th>
<th>$/M T</th>
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<tbody>
<tr>
<td>SAE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1345</td>
<td>--</td>
<td>70</td>
</tr>
<tr>
<td>4130</td>
<td>--</td>
<td>105</td>
</tr>
<tr>
<td>4140</td>
<td>--</td>
<td>110</td>
</tr>
<tr>
<td>4150</td>
<td>--</td>
<td>115</td>
</tr>
<tr>
<td>4340</td>
<td>--</td>
<td>215</td>
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<tr>
<td>5140</td>
<td>--</td>
<td>75</td>
</tr>
<tr>
<td>5160</td>
<td>--</td>
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<td>--</td>
<td>125</td>
</tr>
<tr>
<td>6815</td>
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<td>150</td>
</tr>
<tr>
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<td>150</td>
</tr>
<tr>
<td>8620</td>
<td>--</td>
<td>135</td>
</tr>
<tr>
<td>9260</td>
<td>--</td>
<td>105</td>
</tr>
<tr>
<td>UST:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A578L2</td>
<td>from 1/4&quot; up to 3&quot;</td>
<td>40</td>
</tr>
<tr>
<td>A435 S4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A578L1</td>
<td>from 3/4&quot; up to 3&quot;</td>
<td>15</td>
</tr>
<tr>
<td>9&quot; or higher grid</td>
<td>from 3/4&quot; up to 3&quot;</td>
<td>25</td>
</tr>
<tr>
<td>Under 6&quot; grid or 100% scrabbled</td>
<td>from 3/4&quot; up to 3&quot;</td>
<td>25</td>
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### AS2

<table>
<thead>
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<tbody>
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<td>A11:</td>
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</tr>
<tr>
<td>Gr A</td>
<td>1/8&quot; or less</td>
<td>305</td>
</tr>
<tr>
<td>over 1/8&quot; up to 1/4&quot;</td>
<td>270</td>
<td></td>
</tr>
<tr>
<td>over 1/4&quot; up to 1&quot;</td>
<td>265</td>
<td></td>
</tr>
<tr>
<td>over 1&quot; up to 3/4&quot;</td>
<td>260</td>
<td></td>
</tr>
<tr>
<td>Type F</td>
<td>3/8&quot; or less</td>
<td>415</td>
</tr>
<tr>
<td>over 3/8&quot; up to 1&quot;</td>
<td>330</td>
<td></td>
</tr>
<tr>
<td>over 1&quot; up to 3/4&quot;</td>
<td>375</td>
<td></td>
</tr>
<tr>
<td>over 3/4&quot; up to 3&quot;</td>
<td>370</td>
<td></td>
</tr>
<tr>
<td>over 3/4&quot; up to 4&quot;</td>
<td>375</td>
<td></td>
</tr>
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<thead>
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<th>Specification</th>
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<th>$/M T</th>
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<tbody>
<tr>
<td>A125</td>
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</tr>
<tr>
<td>Gr A, B</td>
<td>4&quot; or less</td>
<td>115</td>
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<table>
<thead>
<tr>
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<th>Thickness</th>
<th>$/M T</th>
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</thead>
<tbody>
<tr>
<td>A132</td>
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</tr>
<tr>
<td>Gr A</td>
<td>1&quot; or less</td>
<td>140</td>
</tr>
<tr>
<td>over 1&quot; up to 4&quot;</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Gr B</td>
<td>1&quot; or less</td>
<td>150</td>
</tr>
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</table>

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**NOTICES**

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### STEEL PLATE

<table>
<thead>
<tr>
<th>Description</th>
<th>$/M T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Killed</td>
<td>20</td>
</tr>
<tr>
<td>Fine Grain</td>
<td>6</td>
</tr>
<tr>
<td>Charpy</td>
<td>10</td>
</tr>
<tr>
<td>+10°F &amp; up</td>
<td>15</td>
</tr>
<tr>
<td>L</td>
<td>20</td>
</tr>
<tr>
<td>T</td>
<td>25</td>
</tr>
<tr>
<td>L/LT</td>
<td>30</td>
</tr>
<tr>
<td>Normalize</td>
<td>70</td>
</tr>
<tr>
<td>Quench &amp; Temper</td>
<td>120</td>
</tr>
<tr>
<td>Normalize &amp; Temper</td>
<td>120</td>
</tr>
<tr>
<td>Checker</td>
<td>20</td>
</tr>
<tr>
<td>Pickled &amp; Oiled</td>
<td>20</td>
</tr>
<tr>
<td>Up to 0.172&quot; Thickness</td>
<td>20</td>
</tr>
<tr>
<td>Over 0.172&quot; Thickness</td>
<td>15</td>
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<table>
<thead>
<tr>
<th>Description</th>
<th>$/M T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut Length Cup (up to 72&quot; width)</td>
<td></td>
</tr>
<tr>
<td>0.070&quot; &amp; Thinner</td>
<td></td>
</tr>
<tr>
<td>from 24&quot; up to 36&quot; long</td>
<td>27</td>
</tr>
<tr>
<td>from 36&quot; up to 48&quot; long</td>
<td>21</td>
</tr>
<tr>
<td>from 48&quot; thru 240&quot; long</td>
<td>19</td>
</tr>
<tr>
<td>over 240&quot; long</td>
<td>22</td>
</tr>
<tr>
<td>0.071&quot; &amp; Thicker</td>
<td></td>
</tr>
<tr>
<td>from 24&quot; up to 36&quot; long</td>
<td>24</td>
</tr>
<tr>
<td>from 36&quot; up to 48&quot; long</td>
<td>17</td>
</tr>
<tr>
<td>from 48&quot; thru 240&quot; long</td>
<td>16</td>
</tr>
<tr>
<td>over 240&quot; long</td>
<td>19</td>
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</table>

### HOT ROLLED CARBON BARS  SPECIAL QUALITY - AISI 1045
46 mm round x 4 meters

<table>
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<tr>
<th>Quality</th>
<th>$/Metric Ton</th>
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<tbody>
<tr>
<td>0.07</td>
<td>608.32</td>
</tr>
<tr>
<td>0.08</td>
<td>608.64</td>
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Base Price per Metric Ton $540

### CHARGES TO CIF
Ocean Freight Handling Interest

<table>
<thead>
<tr>
<th>Coast</th>
<th>$/Long Ton</th>
<th>$/Long Ton</th>
<th>$/Long Ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Coast</td>
<td>23</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Gulf Coast</td>
<td>23</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>27</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Great Lakes</td>
<td>35</td>
<td>4</td>
<td>13</td>
</tr>
</tbody>
</table>

Insurance of base price + extras + ocean freight

### BLACK PLATE - ASTM A625-76 0.003" x 34" x COIL

<table>
<thead>
<tr>
<th>Category</th>
<th>$/Metric Ton</th>
</tr>
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<tbody>
<tr>
<td>0.01</td>
<td>608.01</td>
</tr>
<tr>
<td>0.02</td>
<td>608.32</td>
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Base Price per Metric Ton $373

### CHARGES TO CIF
Ocean Freight Handling Interest

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<th>$/Long Ton</th>
<th>$/Long Ton</th>
<th>$/Long Ton</th>
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</thead>
<tbody>
<tr>
<td>West Coast</td>
<td>23</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Gulf Coast</td>
<td>23</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>27</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Great Lakes</td>
<td>35</td>
<td>4</td>
<td>13</td>
</tr>
</tbody>
</table>

Insurance of base price + extras + ocean freight

---

1. Width Extras
2. Thickness Extras
3. Length Extras

---

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
## BLACK PLATE

### WIDTH/THICKNESS EXTRAS

<table>
<thead>
<tr>
<th>WIDTH/THICKNESS</th>
<th>Over 20&quot; Thru 23&quot;</th>
<th>Over 23&quot; Thru 27.5&quot;</th>
<th>Over 27.5&quot; Thru 29&quot;</th>
<th>Over 29&quot; Thru 30.5&quot;</th>
<th>Over 30.5&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>75 0.0083&quot; N</td>
<td>42</td>
<td>29</td>
<td>-5</td>
<td>8</td>
<td>Base</td>
</tr>
<tr>
<td>80 0.0089&quot; N</td>
<td>33</td>
<td>20</td>
<td>-7</td>
<td>-7</td>
<td>-15</td>
</tr>
<tr>
<td>85 0.0094&quot; N</td>
<td>23</td>
<td>11</td>
<td>-13</td>
<td>-20</td>
<td>-25</td>
</tr>
<tr>
<td>90 0.0099&quot; N</td>
<td>16</td>
<td>5</td>
<td>-18</td>
<td>-28</td>
<td>-31</td>
</tr>
<tr>
<td>95 0.0105&quot; N</td>
<td>9</td>
<td>1</td>
<td>-22</td>
<td>-35</td>
<td>-37</td>
</tr>
<tr>
<td>100 0.0110&quot; N</td>
<td>4</td>
<td>-6</td>
<td>-25</td>
<td>-41</td>
<td>-39</td>
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<tr>
<td>105 0.0115&quot; N</td>
<td>2</td>
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<td>-31</td>
<td>-47</td>
<td>-43</td>
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<td>-11</td>
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<td>-53</td>
<td>-49</td>
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<td>112 0.0125&quot; N</td>
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<td>-14</td>
<td>-40</td>
<td>-56</td>
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<td>-17</td>
<td>-46</td>
<td>-62</td>
<td>-58</td>
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<td>-59</td>
<td>-74</td>
<td>-70</td>
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</tbody>
</table>

**LENGTH EXTRA = US$ 20/M.T.**

**OTHER EXTRAS = N**

Key: N = Subject to negotiation
- (Minus sign) = Reduction from Base Price

---

### ELECTROLYTIC TIN PLATE - SR-25/25 75L x 34" x C

**Category** AISI 23

**Tariff Schedule Number(s)** 608.9100 81 608.9200 0.8¢ per lb.

**Base Price per Metric Ton** $477

**Charges to CIF**

<table>
<thead>
<tr>
<th>West Coast</th>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25</td>
<td>$ 5</td>
<td>$ 10</td>
<td></td>
</tr>
<tr>
<td>Golf Coast</td>
<td>5</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>4</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Great Lakes</td>
<td>4</td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>

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

---

*FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978*
### NOTICES

#### 23-2

**EXTRAS for Electroslag Threading & The Pec Steel (U.S. per YD)**

(1) *Single Reduced ETP*

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<thead>
<tr>
<th>Base Weight</th>
<th>10</th>
<th>20</th>
<th>25</th>
<th>35</th>
<th>50</th>
<th>75</th>
<th>100</th>
<th>150/25</th>
<th>315/25</th>
<th>100/25</th>
<th>50/25</th>
<th>110/25</th>
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<td>43</td>
<td>67</td>
<td>110</td>
<td>160</td>
<td>59</td>
<td>72</td>
<td>92</td>
<td>120</td>
<td>134</td>
</tr>
<tr>
<td>75lbs</td>
<td>8</td>
<td>9</td>
<td>27</td>
<td>51</td>
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**Federal Register, Vol. 43, No. 24—Friday, February 3, 1978**
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<th>Over 26 inch</th>
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<th>Over 29 inch</th>
<th>Over 30-1/2 inch</th>
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<td>42</td>
<td>37</td>
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<td>95 lbs</td>
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<td></td>
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<td>19</td>
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</table>
### HOT ROLLED STEEL SHEETS - ASTM A559 0.121" x 48" x C

#### Category AISI
- **25**

#### Tariff Schedule Number(s)
- 608.8440 - 7.52
- 608.8742 - 81

#### Base Price per Metric Ton
- **$231**

#### Charges to CIF
- Ocean Freight: **$3**
- Handling: **$5**
- Interest: **7**

#### 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

---

#### NOTICE

**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
### A- WIDTH/THICKNESS EXTRA ($/M.T.)

<table>
<thead>
<tr>
<th>Width/Thickness (inches)</th>
<th>Over 12&quot; Up to 24&quot;</th>
<th>From 24&quot; Thru 36&quot;</th>
<th>Over 36&quot; Thru 48&quot;</th>
<th>Over 48&quot; Thru 72&quot;</th>
<th>Over 72&quot; Thru 76&quot;</th>
<th>Over 76&quot; Thru 84&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 0.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From 0.312 thru 0.5</td>
<td>11 + N</td>
<td>11 + N</td>
<td>11 + N</td>
<td>11 + N</td>
<td>11 + N</td>
<td>14 + N</td>
</tr>
<tr>
<td>From 0.251 thru 0.3119</td>
<td>25</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>From 0.239 thru 0.2509</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
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<tr>
<td>From 0.180 thru 0.2299</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>6</td>
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<tr>
<td>From 0.121 thru 0.1799</td>
<td>16</td>
<td>12</td>
<td>13</td>
<td>13</td>
<td>10 + N</td>
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<tr>
<td>From 0.081 thru 0.1209</td>
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<td>10 + N</td>
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<tr>
<td>From 0.071 thru 0.0809</td>
<td>36</td>
<td>27</td>
<td>20</td>
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<tr>
<td>From 0.0568 thru 0.0609</td>
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<td>30</td>
<td>29</td>
<td>29 + N</td>
<td>20 + N</td>
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</tr>
<tr>
<td>From 0.0569 thru 0.0567</td>
<td>39 + N</td>
<td>30 + N</td>
<td>29 + N</td>
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### A- WIDTH/THICKNESS EXTRA ($/M.T.)

<table>
<thead>
<tr>
<th>Width/Thickness (inches)</th>
<th>Over 12&quot; Up to 24&quot;</th>
<th>From 24&quot; Thru 36&quot;</th>
<th>Over 36&quot; Thru 48&quot;</th>
<th>Over 48&quot; Thru 72&quot;</th>
<th>Over 72&quot; Thru 76&quot;</th>
<th>Over 76&quot; Thru 84&quot;</th>
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<tbody>
<tr>
<td>Over 0.5</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>From 0.312 thru 0.5</td>
<td>11 + N</td>
<td>11 + N</td>
<td>11 + N</td>
<td>11 + N</td>
<td>11 + N</td>
<td>14 + N</td>
</tr>
<tr>
<td>From 0.251 thru 0.3119</td>
<td>25</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>From 0.239 thru 0.2509</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>7</td>
</tr>
<tr>
<td>From 0.180 thru 0.2299</td>
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<td>6</td>
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<tr>
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<td>12</td>
<td>7</td>
<td>7</td>
<td>10 + N</td>
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<tr>
<td>From 0.081 thru 0.1209</td>
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<td>18</td>
<td>13</td>
<td>13</td>
<td>10 + N</td>
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<tr>
<td>From 0.071 thru 0.0809</td>
<td>36</td>
<td>27</td>
<td>20</td>
<td>20</td>
<td></td>
<td></td>
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<tr>
<td>From 0.0568 thru 0.0609</td>
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<td>30</td>
<td>29</td>
<td>29 + N</td>
<td>20 + N</td>
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<tr>
<td>From 0.0569 thru 0.0567</td>
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<td>29 + N</td>
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### E - P/O Extra on Pickled

<table>
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<td>0.172&quot; &amp; up</td>
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<tr>
<td>under 0.172&quot;</td>
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N = Subject to Negotiation

#### C - Other Extras

<table>
<thead>
<tr>
<th>Description</th>
<th>$/M.T.</th>
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</table>
| **1. Quality**
| - Drawing Q-Hardened                           | 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 PSI                      | 10     |
| - YP 50,000 PSI & up                           | 10 + N |
| **5. High Strength Low Alloy Steel**           |        |
| - D - 607 - G45                                | 23     |
| - 50                                            | 26     |
| - 55                                            | 40     |
| - D - COR-TEN A                                | 60     |
**EXTRA FOR ELECTRICAL STEEL**

Grain Oriented Electrical Steel

(1) Grade Extra (M-4 = 100)

<table>
<thead>
<tr>
<th>Grade</th>
<th>Thickness</th>
<th>(Grade Extra)</th>
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<tbody>
<tr>
<td>M-2H</td>
<td>0.012&quot;</td>
<td>103.0</td>
</tr>
<tr>
<td>M-3H</td>
<td>0.012&quot; and 0.014&quot;</td>
<td>101.5</td>
</tr>
<tr>
<td>M-4H</td>
<td>0.012&quot; and 0.014&quot;</td>
<td>100.0</td>
</tr>
<tr>
<td>M-2</td>
<td>0.012&quot;</td>
<td>100.0 (Base)</td>
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<tr>
<td>M-5</td>
<td>0.012&quot; and 0.014&quot;</td>
<td>96.4</td>
</tr>
<tr>
<td>H-6</td>
<td>0.014&quot;</td>
<td>90.9</td>
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(2) Surface Insulation Extras

Coating Extras are included in a base price.

(3) Packing Extra

NI1

(4) Size Extra (Unit-US$/M T)

<table>
<thead>
<tr>
<th>Width/Grade</th>
<th>Over 1&quot; Thru 2&quot;</th>
<th>Over 2&quot; Thru 6&quot;</th>
<th>Over 6&quot; Thru 17&quot;</th>
<th>Over 17&quot; Up to 11&quot;</th>
<th>11&quot; - 33&quot; Or 34&quot;</th>
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<tbody>
<tr>
<td>M-2H</td>
<td>74 97</td>
<td>52 26</td>
<td>48 73</td>
<td>40 20</td>
<td>NI1</td>
</tr>
<tr>
<td>M-3H</td>
<td>73 87</td>
<td>51 38</td>
<td>48 07</td>
<td>59 31</td>
<td>NI1</td>
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<td>M-4H</td>
<td>72 77</td>
<td>50 72</td>
<td>47 41</td>
<td>58 43</td>
<td>NI1</td>
</tr>
<tr>
<td>M-2</td>
<td>70 56</td>
<td>49 61</td>
<td>46 31</td>
<td>57 33</td>
<td>NI1</td>
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<td>67 25</td>
<td>48 51</td>
<td>45 20</td>
<td>56 23</td>
<td>NI1</td>
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**ELECTRICAL STEEL SHEETS - NON ORIENTED - M-45 0.018" X 36" X C**

Category AI1 26

Tariff Schedule Number(s) 608 8845 - 101

Base Price per Metric Ton $538

<table>
<thead>
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<th>Charges to CIF</th>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
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<td>West Coast</td>
<td>27</td>
<td>5</td>
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<tr>
<td>Gulf Coast</td>
<td>32</td>
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<td>22</td>
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<tr>
<td>Atlantic Coast</td>
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<td>4</td>
<td>22</td>
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<tr>
<td>Great Lakes</td>
<td>37</td>
<td>4</td>
<td>22</td>
</tr>
</tbody>
</table>

Insurance 1% of base price + extras + ocean freight

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**Notices**

1. Grade Extra
2. Surface Insulation Extras
3. Packing Extra
4. Size Extra

---

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### NON-ORIENTED ELECTRICAL STEEL

**Grade Extra** *(M 45 = 100)*

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<tr>
<th></th>
<th>Fully-Processed</th>
<th>Semi-Processed</th>
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<tbody>
<tr>
<td>M 47</td>
<td>100 0 (Base)</td>
<td>94 7</td>
</tr>
<tr>
<td>M 45</td>
<td>105 2</td>
<td>103 8</td>
</tr>
<tr>
<td>M 43</td>
<td>117 0</td>
<td>116 7</td>
</tr>
<tr>
<td>M 41</td>
<td>122 2</td>
<td>123 5</td>
</tr>
<tr>
<td>M 19</td>
<td>133 1</td>
<td>-</td>
</tr>
<tr>
<td>M 15</td>
<td>139 0</td>
<td>-</td>
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</table>

**Surface Insulation Extras**

Coating Extras are included in a base price

**Packing Extra**

**Size Extra** *(Unit: US$/MT)*

<table>
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<tr>
<th>Width/ Thickness (in)</th>
<th>[20.3 x 21.8]</th>
<th>[25.0 x 25.0]</th>
<th>[27.5 x 30.5]</th>
<th>[32.8 x 32.8]</th>
<th>[41.3 x 41.3]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 24' x 10' x 10'</td>
<td>50  44</td>
<td>50  54</td>
<td>50  74</td>
<td>50  94</td>
<td>50  114</td>
</tr>
<tr>
<td>Over 24' x 12' x 10'</td>
<td>45  35</td>
<td>45  55</td>
<td>45  75</td>
<td>45  95</td>
<td>45  115</td>
</tr>
<tr>
<td>Over 24' x 12' x 8'</td>
<td>40  25</td>
<td>40  45</td>
<td>40  65</td>
<td>40  85</td>
<td>40  105</td>
</tr>
<tr>
<td>Over 24' x 12' x 6'</td>
<td>35  15</td>
<td>35  35</td>
<td>35  55</td>
<td>35  75</td>
<td>35  95</td>
</tr>
<tr>
<td>Over 24' x 12' x 4'</td>
<td>30  05</td>
<td>30  25</td>
<td>30  45</td>
<td>30  65</td>
<td>30  85</td>
</tr>
<tr>
<td>Over 24' x 12' x 2'</td>
<td>25  05</td>
<td>25  25</td>
<td>25  45</td>
<td>25  65</td>
<td>25  85</td>
</tr>
<tr>
<td>Over 24' x 24' x 8'</td>
<td>50  25</td>
<td>50  45</td>
<td>50  65</td>
<td>50  85</td>
<td>50  105</td>
</tr>
<tr>
<td>Over 24' x 24' x 6'</td>
<td>45  15</td>
<td>45  35</td>
<td>45  55</td>
<td>45  75</td>
<td>45  95</td>
</tr>
<tr>
<td>Over 24' x 24' x 4'</td>
<td>40  05</td>
<td>40  25</td>
<td>40  45</td>
<td>40  65</td>
<td>40  85</td>
</tr>
</tbody>
</table>

---

**NOTICES**

COLD ROLLED SHEETS - ASTM A366 1.0m/m x 48" x C

**Category**

- **AISI:** 26
- **Tariff Schedule Number(s):** 608 8744 81
- **Base Price per Metric Ton:** $297

**Charges to CIF**

<table>
<thead>
<tr>
<th>Area</th>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Coast</td>
<td>$23</td>
<td>$3</td>
<td>$7</td>
</tr>
<tr>
<td>Gulf Coast</td>
<td>23</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>35</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Great Lakes</td>
<td>35</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

Insurance 1/4 of base price + extras + ocean freight

**Extras**

1. **Width & Thickness**
2. **Cut Length**
3. **Gage Weight**
4. **Finish**
5. **Surface Treatment**
6. **Quality**
7. **Chemistry**
8. **Quantity Extra**
9. **Restricted Tolernace**
10. **Theoretical Min/Max Weighing**
11. **Others**

---

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### Width & Thickness

<table>
<thead>
<tr>
<th>Thickness, Inches</th>
<th>Width, Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 ≤ W ≤ 36</td>
<td>18</td>
</tr>
<tr>
<td>38 ≤ W ≤ 45</td>
<td>10</td>
</tr>
<tr>
<td>45 ≤ W ≤ 60</td>
<td>18</td>
</tr>
<tr>
<td>60 ≤ W ≤ 68</td>
<td>20</td>
</tr>
<tr>
<td>68 ≤ W ≤ 72</td>
<td>24</td>
</tr>
</tbody>
</table>

* Widths under 24" - Inquire

### Cut Length

<table>
<thead>
<tr>
<th>Thickness, Inches</th>
<th>Width, Inches</th>
<th>Length, Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 ≤ L ≤ 42</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>42 ≤ L ≤ 60</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>60 ≤ L ≤ 144</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>144 &lt; L</td>
<td>19</td>
<td></td>
</tr>
</tbody>
</table>

### Quality

<table>
<thead>
<tr>
<th>CLASS</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.021 ≤ T ≤ 0.030</td>
<td>FULL HARD (MICRO-HARDNESS 3-55 MIN)</td>
<td>20 00</td>
</tr>
</tbody>
</table>

### Chemistry

<table>
<thead>
<tr>
<th>CLASS</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>COPPER BRIGHT</td>
<td>10 00</td>
<td></td>
</tr>
</tbody>
</table>

### Quantity

<table>
<thead>
<tr>
<th>CLASS</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 s/t ≤ Q ≤ 20 s/t</td>
<td>7 00</td>
<td></td>
</tr>
</tbody>
</table>

### Others

N -- SUBJECT TO NEGOTIATION

---

**NOTICES**

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
**ELECTRO GALVAZIZED SHEETS - EGC-10g/y² 1 6m/ha x 48" x C**

<table>
<thead>
<tr>
<th>Category</th>
<th>27</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tariff Schedule Number(s)</td>
<td>608.04</td>
</tr>
<tr>
<td></td>
<td>608.95</td>
</tr>
<tr>
<td>Base Price per Metric Ton</td>
<td>$343</td>
</tr>
</tbody>
</table>

**CHARGES TO CIF**

<table>
<thead>
<tr>
<th>Area</th>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Coast</td>
<td>$24</td>
<td>$ 5</td>
<td>$ 8</td>
</tr>
<tr>
<td>Gulf Coast</td>
<td>23</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>27</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Great Lakes</td>
<td>26</td>
<td>4</td>
<td>12</td>
</tr>
</tbody>
</table>

Insurance 1% of base price + extras + ocean freight

**EXTRAS FOR ELECTRO GALVAZIZED SHEET**

1. **PRICE BASE**

   **QUALITY:** COMMERCIAL

   **SIZE:** HG 20 (0.035" - 0.050") x 36" - 48" x COIL

   **COATING:** 0.06 oz/ft² on each side

   **Chemical Treatment:** Phosphated

2. **EXTRAS FOR OTHER THAN PRICE BASE PRODUCTS (UNIT: US$ PER M'T)**

   (1) **THICKNESS/WIDTH**

<table>
<thead>
<tr>
<th>THICKNESS</th>
<th>WIDTH (INCHES)</th>
<th>26 ≤ W ≤ 30</th>
<th>30 ≤ W ≤ 36</th>
<th>36 ≤ W ≤ 48</th>
<th>48 ≤ W ≤ 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>.037 and Thicker</td>
<td>4</td>
<td>0</td>
<td>-4</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>.056 - .051</td>
<td>5</td>
<td>1</td>
<td>-3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>.050 - .045</td>
<td>6</td>
<td>2</td>
<td>-2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>.044 - .039</td>
<td>7</td>
<td>3</td>
<td>-1</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>.038 - .033</td>
<td>8</td>
<td>4</td>
<td>Base</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>.033 - .031</td>
<td>12</td>
<td>8</td>
<td>4</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>.030 - .028</td>
<td>15</td>
<td>11</td>
<td>7</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>.027 - .025</td>
<td>10</td>
<td>14</td>
<td>10</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>.024 - .022</td>
<td>23</td>
<td>19</td>
<td>15</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>.021 - .019</td>
<td>20</td>
<td>24</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>.016 - .017</td>
<td>35</td>
<td>34</td>
<td>35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>.016 - .015</td>
<td>43</td>
<td>39</td>
<td>35</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
(2) LENGTH

\[ \text{Length} \leq 18'' \quad 15 \]

\[ \text{Length} < 18'' \quad 17 \]

(3) COATING

<table>
<thead>
<tr>
<th>Coating</th>
<th>Price per FT² on each side</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.06</td>
<td>- 4</td>
</tr>
<tr>
<td>0.05</td>
<td>- 5</td>
</tr>
<tr>
<td>0.15</td>
<td>- 6</td>
</tr>
</tbody>
</table>

(4) Chemical Treatment

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phosphated</td>
<td></td>
</tr>
<tr>
<td>Chromated</td>
<td>- 2</td>
</tr>
<tr>
<td>Oiled</td>
<td>- 2</td>
</tr>
</tbody>
</table>

(5) Quality

<table>
<thead>
<tr>
<th>Quality</th>
<th>Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Drawing</td>
<td>Subject to Negotiation</td>
</tr>
<tr>
<td>Drawing, Special Killed</td>
<td></td>
</tr>
<tr>
<td>Physical (TS, Y, HRE, etc.)</td>
<td>11</td>
</tr>
</tbody>
</table>

(6) Packing

<table>
<thead>
<tr>
<th>Packing</th>
<th>Subject to Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coil 4ST UNDER</td>
<td></td>
</tr>
<tr>
<td>Sheet 5ST UNDER</td>
<td></td>
</tr>
</tbody>
</table>

(7) Others

<table>
<thead>
<tr>
<th>Others</th>
<th>Subject to Negotiation</th>
</tr>
</thead>
</table>

---

GALVANIZED SHEET - ASIM A525000

0.8m/m x 48'' x C

Category A5I 27

<table>
<thead>
<tr>
<th>Tariff Schedule Number(s)</th>
<th>608 9430 - 9%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>608 9530 - 0.1% per lb + 8%</td>
</tr>
</tbody>
</table>

Base Price per Metric Ton $345

Charges to CIF

<table>
<thead>
<tr>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

West Coast    | $24      | $ 3      | $ 8      |
Gulf Coast    | 32       | 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

---

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
# EXTRAS FOR GALVANIZED STEEL SHEET

1. **PRICE BASE**

   **SIZE:** 0.025(0.020" - 0.025") X OVER 42" THROUGH 48" X COIL

   **COATING:** G50

   **QUALITY:** COMMERCIAL

2. **EXTRAS FOR OTHER THAN PRICE BASE PRODUCTS** *(UNIT: US$ PER M/T)*

   **(1) THICKNESS/WIDTH/COATING**

<table>
<thead>
<tr>
<th>THICKNESS</th>
<th>WIDTH (Inches)</th>
<th>COATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>244&quot;X39&quot;</td>
<td>366&quot;X48&quot;</td>
<td>480&quot;X59&quot;</td>
</tr>
<tr>
<td>.110 and Thicker</td>
<td>67</td>
<td>67</td>
</tr>
<tr>
<td>.115 - .116</td>
<td>62</td>
<td>62</td>
</tr>
<tr>
<td>.120 - .121</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>.125 - .126</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>.130 - .131</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>.135 - .136</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>.140 - .141</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>.145 - .146</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>.150 - .151</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>.155 - .156</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>.160 - .161</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>.165 - .166</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>.170 - .171</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

   **(3) PACKING**

<table>
<thead>
<tr>
<th>WIDTH (Inches)</th>
<th>42&quot;X100</th>
<th>56&quot;X100</th>
<th>60&quot;X100</th>
</tr>
</thead>
<tbody>
<tr>
<td>COIL</td>
<td>10</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>25STSN</td>
<td>12</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>25GCN</td>
<td>14</td>
<td>7</td>
<td>-</td>
</tr>
</tbody>
</table>

   **(4) FINISH**

   | REGULAR SPANGL | Base |
   | MEDIUM SPANGL  | 16   |
   | EXTRA SPANGL   | 16   |

   **WIDTH LESS 24"……… Subject to negotiation**

---

**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
(3) QUALITY

<table>
<thead>
<tr>
<th>Grade</th>
<th>Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>None</td>
</tr>
<tr>
<td>Lock Forming</td>
<td>None</td>
</tr>
<tr>
<td>Drawing</td>
<td>10</td>
</tr>
</tbody>
</table>
| Drawing Special Killed | 25   

(4) QUANTITY

<table>
<thead>
<tr>
<th>20 ST &lt; W</th>
<th>Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 ST ≤ W &lt; 20 ST</td>
<td>1</td>
</tr>
<tr>
<td>10 ST ≤ W &lt; 15 ST</td>
<td>3</td>
</tr>
</tbody>
</table>

(7) OTHERS . . . SUBJECT TO NEGOTIATION

3. REMARKS

Above extra price shall be charged 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 %
Base Price per Metric Ton $415

Charges to CIF

<table>
<thead>
<tr>
<th></th>
<th>Ocean Freight</th>
<th>Handling</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Coast</td>
<td>$26</td>
<td>$3</td>
<td>$9</td>
</tr>
<tr>
<td>Gulf Coast</td>
<td>27</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Atlantic Coast</td>
<td>34</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Great Lakes</td>
<td>37</td>
<td>4</td>
<td>15</td>
</tr>
</tbody>
</table>

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

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### (1) Single Reduced ETP

<table>
<thead>
<tr>
<th>Coating</th>
<th>Base Weight</th>
<th>0.10</th>
<th>0.20</th>
<th>0.25</th>
<th>0.35</th>
<th>0.50</th>
<th>0.75</th>
<th>1.00</th>
<th>1.50/25</th>
<th>1.00/25</th>
<th>1.00/50</th>
<th>1.15/25</th>
</tr>
</thead>
<tbody>
<tr>
<td>7lbs</td>
<td>10</td>
<td>11</td>
<td>87</td>
<td>100</td>
<td>110</td>
<td>120</td>
<td>130</td>
<td>131</td>
<td>132</td>
<td>133</td>
<td>134</td>
<td>135</td>
</tr>
<tr>
<td>8lbs</td>
<td>11</td>
<td>91</td>
<td>110</td>
<td>120</td>
<td>130</td>
<td>140</td>
<td>150</td>
<td>151</td>
<td>152</td>
<td>153</td>
<td>154</td>
<td>155</td>
</tr>
<tr>
<td>9lbs</td>
<td>12</td>
<td>100</td>
<td>120</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>200</td>
<td>201</td>
<td>202</td>
<td>203</td>
<td>204</td>
<td>205</td>
</tr>
<tr>
<td>10lbs</td>
<td>13</td>
<td>110</td>
<td>130</td>
<td>150</td>
<td>170</td>
<td>190</td>
<td>210</td>
<td>211</td>
<td>212</td>
<td>213</td>
<td>214</td>
<td>215</td>
</tr>
<tr>
<td>11lbs</td>
<td>14</td>
<td>120</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>200</td>
<td>220</td>
<td>221</td>
<td>222</td>
<td>223</td>
<td>224</td>
<td>225</td>
</tr>
<tr>
<td>12lbs</td>
<td>15</td>
<td>130</td>
<td>150</td>
<td>170</td>
<td>190</td>
<td>210</td>
<td>230</td>
<td>231</td>
<td>232</td>
<td>233</td>
<td>234</td>
<td>235</td>
</tr>
<tr>
<td>13lbs</td>
<td>16</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>200</td>
<td>220</td>
<td>240</td>
<td>241</td>
<td>242</td>
<td>243</td>
<td>244</td>
<td>245</td>
</tr>
</tbody>
</table>

### (2) Double Reduced ETP

<table>
<thead>
<tr>
<th>Coating</th>
<th>Base Weight</th>
<th>0.10</th>
<th>0.20</th>
<th>0.25</th>
<th>0.35</th>
<th>0.50</th>
<th>0.75</th>
<th>1.00</th>
<th>1.50/25</th>
<th>1.00/25</th>
<th>1.00/50</th>
<th>1.15/25</th>
</tr>
</thead>
<tbody>
<tr>
<td>5lbs</td>
<td>10</td>
<td>11</td>
<td>87</td>
<td>100</td>
<td>110</td>
<td>120</td>
<td>130</td>
<td>131</td>
<td>132</td>
<td>133</td>
<td>134</td>
<td>135</td>
</tr>
<tr>
<td>6lbs</td>
<td>11</td>
<td>91</td>
<td>110</td>
<td>120</td>
<td>130</td>
<td>140</td>
<td>150</td>
<td>151</td>
<td>152</td>
<td>153</td>
<td>154</td>
<td>155</td>
</tr>
<tr>
<td>7lbs</td>
<td>12</td>
<td>100</td>
<td>120</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>200</td>
<td>201</td>
<td>202</td>
<td>203</td>
<td>204</td>
<td>205</td>
</tr>
<tr>
<td>8lbs</td>
<td>13</td>
<td>110</td>
<td>130</td>
<td>150</td>
<td>170</td>
<td>190</td>
<td>210</td>
<td>211</td>
<td>212</td>
<td>213</td>
<td>214</td>
<td>215</td>
</tr>
<tr>
<td>9lbs</td>
<td>14</td>
<td>120</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>200</td>
<td>220</td>
<td>221</td>
<td>222</td>
<td>223</td>
<td>224</td>
<td>225</td>
</tr>
<tr>
<td>10lbs</td>
<td>15</td>
<td>130</td>
<td>150</td>
<td>170</td>
<td>190</td>
<td>210</td>
<td>230</td>
<td>231</td>
<td>232</td>
<td>233</td>
<td>234</td>
<td>235</td>
</tr>
<tr>
<td>11lbs</td>
<td>16</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>200</td>
<td>220</td>
<td>240</td>
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</table>

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### Table 1: Single Reduced TPS

<table>
<thead>
<tr>
<th>Base Weight</th>
<th>ETP</th>
<th>TPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>70lbs</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>72lbs</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>74lbs</td>
<td>22</td>
<td>20</td>
</tr>
<tr>
<td>76lbs</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>80lbs</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>82lbs</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td>85lbs</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>90lbs</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>93lbs</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td>95lbs</td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td>100lbs</td>
<td>16</td>
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</tr>
<tr>
<td>105lbs</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td>110lbs</td>
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</tr>
<tr>
<td>112lbs</td>
<td>14</td>
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<td>13</td>
<td>11</td>
</tr>
<tr>
<td>130lbs</td>
<td>12</td>
<td>11</td>
</tr>
</tbody>
</table>

### Table 2: Double Reduced TPS

<table>
<thead>
<tr>
<th>Base Weight</th>
<th>ETP</th>
<th>TPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>70lbs</td>
<td>33</td>
<td>29</td>
</tr>
<tr>
<td>72lbs</td>
<td>31</td>
<td>28</td>
</tr>
<tr>
<td>74lbs</td>
<td>30</td>
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</tr>
<tr>
<td>76lbs</td>
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<td>26</td>
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<tr>
<td>80lbs</td>
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<td>23</td>
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<tr>
<td>85lbs</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>90lbs</td>
<td>22</td>
<td>20</td>
</tr>
<tr>
<td>93lbs</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>95lbs</td>
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<tr>
<td>100lbs</td>
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<td>16</td>
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<td>110lbs</td>
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<td>113lbs</td>
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<td>118lbs</td>
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<tr>
<td>120lbs</td>
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<td>12</td>
</tr>
<tr>
<td>125lbs</td>
<td>12</td>
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</tbody>
</table>

**NOTICES**
## (1) Single Reduced

<table>
<thead>
<tr>
<th>Base Weight</th>
<th>Under 26 inch</th>
<th>Over 26 inch thru. 27-1/2 inch</th>
<th>Over 27-1/2 inch thru. 29 inch</th>
<th>Over 29 inch thru. 30-1/2 inch</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ETP</td>
<td>TFS</td>
<td>ETP</td>
<td>TFS</td>
</tr>
<tr>
<td>270 lbs</td>
<td>70</td>
<td>62</td>
<td>15</td>
<td>40</td>
</tr>
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<td>275 lbs</td>
<td>67</td>
<td>60</td>
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<td>42</td>
<td>37</td>
</tr>
<tr>
<td>300 lbs</td>
<td>63</td>
<td>56</td>
<td>40</td>
<td>36</td>
</tr>
<tr>
<td>310 lbs</td>
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</tr>
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<td>29</td>
</tr>
<tr>
<td>350 lbs</td>
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<td>31</td>
<td>28</td>
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<td>48</td>
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<td>370 lbs</td>
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<tr>
<td>375 lbs</td>
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<td>380 lbs</td>
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<td>24</td>
<td>22</td>
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<tr>
<td>385 lbs</td>
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<td>32</td>
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<td>20</td>
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</tbody>
</table>

## (2) Double Reduced

<table>
<thead>
<tr>
<th>Base Weight</th>
<th>Under 26 inch</th>
<th>Over 26 inch thru. 27-1/2 inch</th>
<th>Over 27-1/2 inch thru. 29 inch</th>
<th>Over 29 inch thru. 30-1/2 inch</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ETP</td>
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<td>ETP</td>
<td>TFS</td>
</tr>
<tr>
<td>350 lbs</td>
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<td>56</td>
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<tr>
<td>355 lbs</td>
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<td>83</td>
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<td>53</td>
</tr>
<tr>
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<td>80</td>
<td>57</td>
<td>51</td>
</tr>
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<tr>
<td>405 lbs</td>
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**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
### Quality Inspection

<table>
<thead>
<tr>
<th>Type D</th>
<th>Single Reduced</th>
<th>Doubled Reduced</th>
<th>Type K, A or J</th>
<th>Single Reduced</th>
<th>Doubled Reduced</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>ETP</td>
<td>TFS</td>
<td>Base</td>
<td>ETP</td>
<td>TFS</td>
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<td>60lbs</td>
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<td>29</td>
<td>26</td>
<td>65lbs</td>
<td>36</td>
<td>32</td>
</tr>
<tr>
<td>83lbs</td>
<td>28</td>
<td>25</td>
<td>70lbs</td>
<td>34</td>
<td>30</td>
</tr>
<tr>
<td>85lbs</td>
<td>28</td>
<td>24</td>
<td>75lbs</td>
<td>32</td>
<td>28</td>
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<td>80lbs</td>
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</tr>
<tr>
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<td>26</td>
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<td>85lbs</td>
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</tr>
<tr>
<td>93lbs</td>
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<td>90lbs</td>
<td>26</td>
<td>23</td>
</tr>
<tr>
<td>95lbs</td>
<td>25</td>
<td>22</td>
<td>95lbs</td>
<td>25</td>
<td>22</td>
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<tr>
<td>100lbs</td>
<td>24</td>
<td>21</td>
<td>100lbs</td>
<td>23</td>
<td>21</td>
</tr>
</tbody>
</table>

[FR Doc. 78-2932 Filed 1-30-78; 4:40 pm]
NOTICES

DEPARTMENT OF THE TREASURY
Internal Revenue Service

DEPARTMENT OF LABOR
Pension and Welfare Benefit Programs

Prohibited Transaction Exemption 78-11

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: EESP-PT2: 202-662-3045). This is not a toll free number.

SUPPLEMENTARY INFORMATION

On October 25, 1977, notice was published in the Federal Register (42 FR 55379) 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 408(a) and 408(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 respecting 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 408(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 25, 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 of section 408(a) and 408(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 28th day of January 1978.

IAN D. LANGE,
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]

INTERSTATE COMMERCE COMMISSION

[4731]

CHESAPEAKE AND OHIO RAILROAD CO.

Railroad Services Abandonment


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 Emmitt 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 Remles, 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 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. Komme, Jr.,
Acting Secretary.

[FR Doc. 78-3040 Filed 2-2-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
cars in accordance with this order

original routing.

as possible the participation and rev-

be rerouted so as to preserve as nearly

the movement. Traffic necessarily di-

cific via any available route to expedite

authorized to divert or reroute such traf-

Louisville,

unable to transport traffic currently

Paul and Pacific Railroad Co., being

traffic.

Louisville,

over its line between Chicago, Ill., and

Paul and Pacific Railroad Company is

Agent, the Chicago, Milwaukee, St.

American Short Line Railroad Associ-

tions shall be those hereafter fixed by

this order shall be served upon the as-

suspended.

unless otherwise modified, changed, or

suspended.

It is further ordered, That this

ment shall become effective at

January 31, 1978, and that

order shall be served upon the as-

of American Railroads, Car

Service Division, as agent of all rail-

roads subscribing to the car service, and

car hire agreement under the terms of

that agreement, and upon the

American Short Line Railroad Associ-

ion, as agent of all railroads sub-

scribing to the car service and car hire

ment 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 div-

sions shall be those hereafter fixed by

the Commission in accordance with

pertinent authority conferred upon it

by the Interstate Commerce Act.

1. Effective date. This order shall

become effective at 4:30 p.m., January


2. 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 Di-

vision, as agent of all railroads sub-

scribing 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 Di-

rector, Office of the Federal Register.

Issued at Washington, D.C., January


INTERSTATE COMMERCE

Commission,

Joel E. Burns,

Agent.

[FPR Doc. 78-3038 Filed 2-2-78; 8:45 am]

(7035-01)

(7035-01)

(7035-01)

[7035-01]

[1.C.C. Order No. 40; Rev. S.O. No. 1253]

CHICAGO, MILWAUKEE, ST. PAUL AND

PACIFIC RAILROAD CO.

Routing 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 au-

thorized to divert or reroute such traf-

fic via any available route to expedite

the movement. Traffic necessarily dis-

verted by authority of this order shall

be rerouted so as to preserve as nearly

as possible the participation and rev-

ues 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 re-

routing or diversion is ordered.

(c) Notification to shippers. Each

carrier rerouting cars in accordance

with this order, shall notify each ship-

per at the time each shipment is re-

routed or diverted and shall furnish to

such shipper the new routing provided

under this order.

(d) As much as the diversion or re-

routing of traffic is deemed to be due to

carrier disability, the rates applica-

ble to traffic diverted or re-routed by

said Agent shall be the rates which

were applicable at the time of ship-

ment on the shipments as originally

routed.

(e) In executing the directions of the

Commission and of such Agent pro-

vided 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 div-

sions shall be those hereafter fixed by

the Commission in accordance with

pertinent authority conferred upon it

by the Interstate Commerce Act.

1. Effective date. This order shall

become effective at 4:30 p.m., January


2. 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 Di-

vision, as agent of all railroads sub-

scribing 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 Di-

rector, Office of the Federal Register.

Issued at Washington, D.C., January


INTERSTATE COMMERCE

Commission,

Joel E. Burns,

Agent.

[FPR Doc. 78-3037 Filed 2-2-78; 8:45 am]

NOTICES

1. Cars of Canadian or Mexican owner-

ship.

2. Cars subject to a car relocation or car

availability directive issued by the Car Ser-

vice Division, Association of American Rail-

roads.

3. Cars with inside length of 89-ft. 8-in.

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.


Issued at Washington, D.C., January


INTERSTATE COMMERCE

Commission,

Joel E. Burns,

Agent.

[FPR Doc. 78-3036 Filed 2-2-78; 8:45 am]
FOURTH SECTION APPLICATION FOR RELIEF


This application for long-and-shorthaul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.


Grounds for relief—market competition; short-line distance formula and grouping.

By the Commission.

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

[Federal Register: 1978-02-03]

REGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications


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 to 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 the 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 31452—(Sub-No. 25G), filed December 29, 1977. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield Street, P.O. Box 309, Lancaster, Tex. 75149. Applicant's representative: JAMES W. RIGHTOVER 136 Wynewood 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. D.). Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, 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. D.). 3. Between points in Mississippi, on the one hand, and, on the other, points in District of Columbia, North 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.; Klowa County, Okla., and points within 50 miles; Okmulgee County, Okla.; Colorado 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.

No. —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, Volume 40, Number 195, September 17, 1975, and is related to MC-P-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 protests 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 15, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway way 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. If any, must refer to such letter-notices by number.

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 Helsey, 665 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 Cohain, 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 application 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 Helsey, 665 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 New York Highway 87, thence along the road through Moriah Center to Fort 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 Lanken- mont, 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 Somerset-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. 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 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 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Interstate Highway 60, thence along Interstate Highway 60 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 Penn- sylvania on and south of a line begin- ning 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 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. 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 Alaba- bama, Arkansas, Colorado, Connecti- cut, 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, Ver- mont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ridgefield N.J.

No. MC 6973 (Sub-No. E202), filed December 17, 1976, Applicant: ROYAL TRUCKING INC., 2424 95th Street, North Bergen, N.J. 07047.

Applicant's representative: E. Stephen Heisley, 668 Eleventh Street NW., Washington, D.C. 20001. 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, requires 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 63539 (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, requires 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 New Jersey, and any point in Kentucky. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., any point 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 other hand, and, on the other, points in Pennsylvania in and west of Warren, Venango, Butler, Allegheny, Washington, and Greene 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.

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No. MC 83359 (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 Prince William, Fauquier, Culpeper, Madison, Greene, Albemarle, Augusta, Rockbridge, Botetourt, Roanoke, Montgomery, Pulaski, Wythe, Smyth, and Washington Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and West Virginia.

No. MC 83359 (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 points in that part of Virginia in and west of Prince William, Fauquier, Culpeper, Madison, Greene, Albemarle, Augusta, Rockbridge, Botetourt, Roanoke, Montgomery, Pulaski, Wythe, Smyth, and Washington Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and West Virginia.

No. MC 83359 (Sub-No. E395), 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 Virginia in and west of Prince William, Fauquier, Culpeper, Madison, Greene, Albemarle, Augusta, Rockbridge, Botetourt, Roanoke, Montgomery, Pulaski, Wythe, Smyth, and Washington Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and West Virginia.

No. MC 83359 (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 parts thereof, when moving in connection with such commodities, betw

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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. 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 related contractors' materials and supplies 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. 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 contractors' materials and supplies when moving in connection with such commodities, between points in Illinois and parts thereof, when moving in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

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 Ohio. Restriction: The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E420), 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 contractors' materials and supplies when moving in connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Indiana.

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 related contractors' materials and supplies when moving in connection with such commodities, between points in Texas and parts thereof, when moving in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.
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No. MC 107064 (Sub-No. E328), filed January 22, 1976. Applicant: STEEREE 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, Farmer, 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. E326), filed January 22, 1976. Applicant: STEEREE 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 plant site and storage facilities of Occidental Chemical Co., in Terry and Castro Counties, 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. E325), filed January 22, 1976. Applicant: STEEREE 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 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 114019 (Sub-No. E274), 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 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.

No. MC 114019 (Sub-No. E275), 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 mechanical refrigeration equipment, 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 running from the most easterly point of the New Jersey-Connecticut line to the New York 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 Interstate Highway 86 to junction New York Highway 38 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, Detroit, Flint and Grand Rapids, Michigan, 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 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 points 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 40, thence along U.S. Highway 54 to the Missouri-Illinois State line. (b) Between points in Pennsylvania on and south of U.S. Highway 30 from the Ohio-Pennsylvania State line, to junction Interstate Highway 219, thence along Interstate Highway 219 to the Maryland-Pennsylvania State line, and, on the other, points in Missouri on and west of U.S. Highway 63 from the Illinois-Missouri State line to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri-Kansas State line, and points in that part of New Jersey, Delaware, and Maryland which are within 30 miles of Philadelphia, Pa. (c) Between points within that portion of Ohio south of a line extending from Pennsylvania-Ohio State line along U.S. Highway 60 to junction Interstate Highway 18, thence south along Interstate Highway 18 to junction U.S. Highway 30, thence 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 13, thence west along U.S. Highway 50 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 62, thence along Missouri Highway 62 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 64 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. MC114211 (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: 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, and those in Pennsylvania and points on and west of Interstate Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 50, thence along Georgia Highway 50 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 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 805, 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.

[FPR Doc. 78-3035 Filed 2-2-78; 8:45 am]
NOTICES

[7035-01] [Notice No. 7TA]

MOTOR CARRIERS TEMPORARY AUTHORITY
APPLICATIONS


The following are notices of filing of applications for temporary authority under section 210(a)(3) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1181.3. 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 an authority upon which the protest is directed. 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. 184TA), filed January 5, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGONERS. P.O. Box 900, Livingston, 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 a protest seeking up to 90 days of operating authority.

Supporting shipper(s): R. W. Capaul, President, AcoustiFlex Corp., 611 Center Street, Plainfield, Ill. 60544. Send protests to: Paul J. Labone, District Supervisor, Interstate Commerce, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 556TA), filed January 5, 1978. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2236, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downling (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 Voikmuth 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): Voikmuth Printers, P.O. Box 1507, St. Cloud, Minn. (Sub-No. 350TA). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Building and Courthouse, 617 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 2236, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downling (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooded 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 Elizabetht Street, Green Bay, Wis. 54308 (Arnold Schmidt). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Building and Courthouse, 617 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 80443 (Sub-No. 9TA), filed January 5, 1978. Applicant: OVERTIME EXPRESS INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: Samuel Rubensteine, 301 North Fifth Street, Minneapolis, Minn. 55401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, moving in TOPC (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 66, Chaska, Minn. 55318, 55310, 55319, 55317. Send protests to: Marlin 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 105501 (Sub-No. 25TA), filed January 5, 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 plant site of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper(s): Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: N. Smith, 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 5, 1978. Applicant: E. L. MURPHY TRUCKING CO., 3303 Sibley Memorial Highway, Box 4010, St. Paul, Minn. 55163. 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 Centralia, Wash., to the facilities of Voikmuth Printers at or near St. Cloud, Minn., to Harrisburg, Pa., Jersey City, N.J., and New York City, N.Y., for 180 days. Supporting shipper(s): Voikmuth Printers, P.O. Box 1507, St. Cloud, Minn. (Sub-No. 350TA). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Building and Courthouse, 617 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

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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, Tampico, Ill. 61202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid rubber, in bulk, in tank vessels, from Missouri River, Miss., to St. Louis, Mo., for 180 days. There is no environmental impact involved in this application. Supporting shipper: Thokol Corp., P.O. Box 517, Moss Rock Point, Miss. 38953. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, 501 Federal Plaza, Room 240, New York, N.Y. 10007. The purpose of this republication is to correctly state the territorial description in Part 4(a) of the application.

No. MC 111401 (Sub-No. 505TA), filed January 5, 1978. Applicant: GROENDEYKE TRANSPORT, INC., 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 vessels, from Maryland Heights, Mo., to points in Texas and New Mexico, for 180 days. Supporting shipper: Pennzoll Co., Box 608, Oil City, Pa. 16301. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3rd, 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. Reoch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned foodstuffs, fresheners, brooms, brushes, mops, and advertising material, 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-state movement, for 180 days. Supporting shipper: Fuller Brush Co. Suite 520, 1000 Siskle Boulevard, Wilmette, Ill. 60091. Send protests to: Mrs. Maria B. Kessler, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 29 Federal Plaza Room 1807, New York, N.Y. 10007.

No. MC 112048 (Sub-No. 2TA), filed December 27, 1977. Applicant: SPEC TRUCKING, 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 crates, 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 U.S. Highway 52. From there, to the 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., 318 Summer Street, Boston, Mass. 02114. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned food products, from Pennsylvania, to New Jersey, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Campbell Soup Co. East Manuee Avenue, Napoleon, Ohio, 43545. Send protests to: John Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.


No. MC 114552 (Sub-No. 149TA), filed January 6, 1978. Applicant: 4741
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SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William F. 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 Niles, Mishawaka, 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, Kalamazoo, Mich. 49001. Send protests to: Strathfield District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 115498 (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 1287, 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 Niles, Mishawaka, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Applicant also has 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, Kalamazoo, Ind. 49001. Send protests to: Sara E. 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, Ill., 1811 North 13th Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Petroleum gases, in bulk, in tank vehicles, from the plant 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 also has 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., 3350 North Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Lefland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.


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 E. 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 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 5547, Riverside, Calif. 92507. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.


No. MC 124078 (Sub-No. 77TA), filed January 3, 1978. Applicant: SCHWERMANN 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, in tank vehicles, in points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above mentioned plant site, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3145, 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. 71TA), filed January 6, 1978. Applicant: SCHWERMANN 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, in tank vehicles, in points in Louisian and Tennessee, for 180 days. Supporting shipper(s): Cita- del 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 124308 (Sub-No. 40TA), filed January 4, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2739, Opelika, Ala. 36802. Applicant's representative: Richard A. Mehley, MacDonald & McNeny, 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 plant of Hercufina at or near Willington, N.C., to Hopewell, Va., and points in Prince George and Chesterfield Counties, Va., for 180 days. Supporting shipper(s): Hercufina P.O. Box 327, Wilmington, N.C. 28402. Send protests to: W. Andrews; District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26696, Raleigh, N.C. 27611.

No. MC 124947 (Sub-No. 90TA), filed December 15, 1977. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Peacock Road, St. George, Utah 84790. Applicant's representative: David J. Lister (same address as applicant). Authority sought to oper-
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ate 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 Commissioner in 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, Harrison, 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 Adair, 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 Bakhuis Building, 2100 South 18th 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 RAIL TRANSPORT CORP., 1200 S. Doly Avenue, Chicago, Ill. 60632. 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, Room 7TA, FEDERAL REGISTER, Vol. 43, No. 24—Friday, February 3, 1978.

No. MC 128305 (Sub-No. 43TA), filed December 27, 1977. Applicant: BULK, MATERIALS & TRUCKING CO., 1200 S. Doly Avenue, Chicago, Ill. 60632. 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, Patrick A. Rossco, Interstate Commerce Commission, 216 Bakhuis Building, 2100 South 18th Street, Omaha, Nebr. 68102.

No. MC 129334 (Sub-No. 2TA), filed January 3, 1978. Applicant: RONALD HACKENBERGER, d/b/a RON’S TRUCKING SERVICE, Route 250 North, K.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, 1060 First National Bank, 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, Ore., and Seattle, Wash., under a continuing contract, or contracts, with Weinstein International Corp., and Iowa Pork Industries, Inc. 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, Inc., PO Box 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. Hoarty, 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, Kingsport, Tenn., and Lynchburg, Va.; and 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
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shippers: Haddon Craftsman, 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. Sumo, 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 189 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: 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 138112 (Sub-No. 15TA), filed January 4, 1978. Applicant: CABLEX EXPRESS, 3001 S. Hackberry 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 shippers: Muskin Corp., 400 East Thomas Street, Wilkes-Barre, Pa. 18706. 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, Inc., 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, joists, I/S or nails, or staples, I/S/ N.O.I.; ceiling suspension grid systems; frames, door or windows, aluminum 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 26800 sub 5 iron and steel; light fixtures N.O.I. fluorescent without bulbs or fittings; panels or interior partitions or wall or per MPO item 35040; access or computer floor panels and hardware, from Medina County and Cuyahoga County, Ohio, to points in California, Montana, Washington, California, Utah, Idaho, Nevada, Arizona, and New Mexico, under a continuing contract, or contracts, with Donn Products, Inc., located in Westlake, Ohio. 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: GRANDVYSE ENTERPRISES, INC., 8265 North Borthwick Avenue, Portland, Ore. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Glassed and unglased ceramic wall and floor tile, glazed and unglazed ceramic wall and floor tile, and paneling, in Ohio, to Portland, Ore., and Tukwila, Wash., under a continuing contract or contracts with Uniq Distributing Co., Inc., from 100 days. Supporting shippers: Uniq Distributing Co., Inc., 3435 Southeast 17th, Portland, Ore. 97202; Tile, Inc., 3435 Southeast 17th, Portland, Ore. 97202. Send protests to: District Supervisor R. V. Dubay, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 139999 (Sub-No. 26TA), filed January 4, 1977. Applicant: REDFEATHER FAST FREIGHT, INC., 2608 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530, Unvac Building, 7100 West Center Road, Omaha, Nebr. 68108. Authority sought to operate as a common carrier, by contract carrier, 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 shippers: (A) M. A. Kline, Traffic Manager, First Plaza Dressed Beef, Inc., P.O. Box 539, Dodge City, Kans. 67801. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 250, 10 North 14th Street, Omaha, Nebr. 68102.


No. MC 141109 (Sub-No. 12TA), filed November 14, 1977. Applicant: CALTEX, INC., P.O. Box 1678, 5800 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, Albermarle, and Gastonia, N.C., to points in California, Arkansas, and Oklahoma; and (B) from Foley, Ala.; Lowlamar, Lowlamar, Fla.; Abbeville and Edgefield, S.C., to the facilities of A. M. Smyre Manufacturing Co., located at or near Ranlo, Albermarle, and Gastonia, N.C.; and (C) from the plantsites and warehouse facilities of A. M. Smyre Manufacturing Co., located at or near Ranlo, Albermarle, 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 shippers: 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
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16th Avenue South, Federal Way, Wash. 98003. Applicant’s representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 98055. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Processed meats, from Allen Township, Ind., to 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 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. Plack, 4311 Wilshire Boulevard, Santa Monica, Calif., to 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 O. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 14338 (Sub-No. 6TA), filed January 5, 1978. Applicant: CON-TROLLLED TEMPERATURE TRANSPORTATION SERVICE, 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 contract 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: 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 142056 (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, Ind., to 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: Daniel G. Eddy, Regional Traffic Manager, Ralston Purina Co., 355 South 8th Street, St. Louis, Mo. 63108. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

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 Relish Building, Springfield, Ill. 62701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizers and fertilizers and supplies, from the facilities 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 shippers: Daniel G. Eddy, Regional Traffic Manager, Ralston Purina Co., 355 South 8th Street, St. Louis, Mo. 63108. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 142328 (Sub-No. 1TA), filed January 4, 1978. 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 common carrier, by motor vehicle, over irregular routes, transporting: Processed meats, from Allen Township, Ind., to 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 O. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 141504 (Sub-No. 9TA), 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 shippers: Cyprus Industrial Minerals Co., 413 South Flower Street, Los Angeles, Calif. 90071. Send protests to: Joe L. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142259 (Sub-No. 9TA), 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, Ind., to 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: Daniel G. Eddy, Regional Traffic Manager, Ralston Purina Co., 355 South 8th Street, St. Louis, Mo. 63108. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 142836 (Sub-No. 1TA), filed December 16, 1977. Applicant: MOND R. WITTKOFF, 1400 19th Avenue, Waverly, Nebr. 68462. 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: Fertilizers and fertilizers and supplies, from the facilities 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 shippers: Daniel G. Eddy, Regional Traffic Manager, Ralston Purina Co., 355 South 8th Street, St. Louis, Mo. 63108. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 144123TA, 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, to restricted to the transportation of shipments (a) moving on freight car or by motor vehicle, over irregular routes, transporting: (1) Pickles, olives, table syrups, cherries, peppers, onions, vinegar, bran, bran, fruit drinks, vegetable drinks, d.d.t. and similar items and food products, from the plantsite of Alaga Whiffield Foods, Inc., at or near Montgomery, Ala. to all points in the States of Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, 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, Wisconsin; and (2) Ingredients which are consumed in and form a part of the finished products enumerated in (1) hereinafter, together with articles and supplies used in the maintenance and operation of Alaga Whiffield 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; and (3) against the transportation of commodities in bulk in tank vehicles for 180 days. Supporting shipper(s): Alaga Whiffield Foods, Inc., 1101 North Court Street, Room 300, Montgomery, Ala. 36104. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1015, 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 1R0. Applicant's representative: W. Normand, 280 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, in special and charter party operations, in round trip tours, from, to and return, points in New York, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Nebraska, Kansas, South Dakota, North Dakota, Minnesota, Wisconsin, Michigan, Minnesota, South Dakota, North Dakota, and Montana, restricted to the transportation of commodities used in the maintenance and operation of Alaga Whiffield Foods, Inc., 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, Wisconsin; and (2) Ingredients which are consumed in and form a part of the finished products enumerated in (1) hereinafter, together with articles and supplies used in the maintenance and operation of Alaga Whiffield 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, Wisconsin; and (3) against the transportation of commodities in bulk in tank vehicles for 180 days. Supporting shipper(s): Alaga Whiffield Foods, Inc., 1101 North Court Street, Room 300, Montgomery, Ala. 36104. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1015, 2121 Building, Birmingham, Ala. 35203.

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, Oregon, restriction: from 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 83709.

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 Bellefonte 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.*

[FEDERAL REGISTER, VOL 43, NO. 24—FRIDAY, FEBRUARY 3, 1978]
CONSUMER PRODUCT SAFETY COMMISSION.


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 Tri-treated Products that have been in Domestic Commerce. Richard Glimer, 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 Tri-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.

[5-262-78 Filed 2-1-78; 1:57 pm]

[6570-06]

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.


[5-264-78 Filed 2-1-78; 1:57 pm]

[6715-01]

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:

Ports open to the public:

1. Future meetings.

II. Correction and approval of minutes.


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.

XV. 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, Secretory to the Commission.

[5-264-78 Filed 2-1-78; 3:22 pm]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
WASHINGTON, D.C., 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-9-IL78-6, Illinois Power Co.
CP-2-RP71-107 (Phase ID) and RP72-127, Northern Natural Gas Co.

KENNETH F. PLUMB, Secretary.
[2-283-78 Filed 2-1-78; 1:57 pm]

FEDERAL ENERGY REGULATORY COMMISSION.


GAS AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING.

CAG-2. Docket Nos. RP72-133 and RP77-107 (PGA77-1A), United Gas Pipe Line 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.

L LICENSED PROJECT MATTERS
P-1. Project No. 400, Colorado-Ute Electric Association, Inc.

L ELECTRICAL RATE MATTERS
ER-1. Docket Nos. E-8553 and E-8557, Public Service Co. of Indiana.
ER-2. Docket Nos. ER76-209 and ER76-492, Metropolitan Edison Co.
ER-5. Docket No. EL78-5, Pacific Gas and Electric Co.

POWER AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING.

CAP-1. Lands withdrawn in project Nos. 220 and 691—Wyoming.

KENNETH F. PLUMB, Secretary.
[2-283-78 Filed 2-1-78; 3:22 pm]
CONTACT PERSON FOR MORE INFORMATION:
Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

[6750-01]

8

FEDERAL TRADE COMMISSION.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:
CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously announced meeting to Friday, February 3, 1978.

[6750-01]

9

FEDERAL TRADE COMMISSION.
TIME AND DATE: 10 a.m., Tuesday, February 7, 1978.
STATUS: Closed.

[6750-01]

10

FEDERAL TRADE COMMISSION.
TIME AND DATE: 10 a.m., Wednesday, February 8, 1978.

SUNSHINE ACT MEETINGS

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.

[7020-02]

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INTERNATIONAL TRADE COMMISSION.
CHANGES IN THE MEETING: Agenda item No. 6 [GSP (Inv. TA-503(a)-4 and 322-90) 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.

[4910-58]

12

NATIONAL TRANSPORTATION SAFETY BOARD.
TIME AND DATE: 9:30 a.m., Thursday, February 9, 1978 (NM-78-7).
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 Fleming 202-472-6022.

[7910-01]

13

RENEGOTIATION BOARD.
DATE AND TIME: Thursday, February 9, 1978, 9:30 a.m.

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:

GOODWIN CHASE, Chairman.

[8010-01]
NURSING SPECIAL PROJECT GRANTS
Proposed Provisions
Section 57.1904 of the proposed regulations sets forth the requirements for an 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(c)(1)), 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 proposed regulation is 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(2) 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. 270).

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 11621 and OMB Circular A-107.


JULIUS E. RICHMOND, Assistant Secretary for Health.


JOSEPH A. CALIFANO, Jr., Secretary.

Subpart T—Nursing Special Project Grants

Sec. 57.1901 Applicability.
57.1902 Definitions.
57.1903 Eligibility.
57.1904 Application.
57.1905 Project requirements.
57.1906 Evaluation and grant award.
57.1907 Grant payments.
57.1908 Expenditure of grant funds.
57.1909 Nondiscrimination.
57.1910 Grantee accountability.
57.1911 Publications and copyright.
57.1912 Applicability of 45 CFR Part 74.
§ 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 620 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 budgetary 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;

4. To provide continuing education for nurses;

5. To provide appropriate retraining opportunities for nurses who (after period of 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; or

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.

(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.

*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, 7000 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)(x), 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) Currently receives financial aid 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 training 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 carry out the purposes of section 820 of the Act, taking into consideration 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 expiration of the project period, including any plans for continuing such activities beyond the project period.

The Secretaries of the Departments of Health, Education, and Welfare, Labor, and Housing and Urban Development shall be notified of the action taken on the application with a statement of the reasons for the decision. The Secretaries shall be requested to publish the action in the Federal Register, and included in the announcement shall be the names of the applicants whose applications have been approved or rejected, the amount of funds awarded to the approved applicants, and any other information which the Secretary deems relevant.

§ 57.1907 Grant payments.

The amount of any award will be determined by the Secretary after consultation with the Council and the Director of the Bureau of the Budget. The amount of any award will be the 

§ 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 any religious purpose.

(b) Any unobligated funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligating during subsequent budget periods of the project period. The amount of any 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 856 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 for the benefit of any entity unless the application for the grant,
loan guarantee, or interest subsidy payments 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 84).

(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 Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 86).

(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 504 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 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 defined in Subpart A of Part 74, the provisions of 45 CFR Part 74, establishing uniform administrative requirements and standards for 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
E Grant-Related Income
F Grant Payment Requirements
G Budget Revision Procedures
H Grant Closeout, Suspension, and Termination
I Property
J Cost Principles

§57.1912 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and standards for 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
E Grant-Related Income
F Grant Payment Requirements
G Budget Revision Procedures
H Grant Closeout, Suspension, and Termination
I Property
J 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.
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

NURSING SCHOOLS EDUCATIONAL PROGRAMS
Proposed Grant Provisions
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 capitalization 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 726, the above address, phone: 301-438-6684.

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 capitalization 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 capitalization 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 capitalization 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 capitalization 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 following 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)(1)(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)).
3. 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.


JULIUS B. RICHMOND,
Assistant Secretary for Health.


JOSEPH A. CALIFANO, JR.,
Secretary.

Subpart K—Grants to Schools of Nursing for the Support of Their Educational Programs

Proposed Rules

§ 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. 299e) 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).

(f) "School" or "school of nursing" means a collegiate, associate degree, or diploma school of nursing which is accredited as provided in section 853(e) of the Act.

(g) "Associate degree 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 of 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.

(h) "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.

57.1008 Expenditure of grant funds.
PROPOSED RULES

§ 57.1001 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.

(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 grant awarded under this subpart.

(c) In addition to any 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 applicant will meet the requirements of § 57.1002(b) of this part 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 each school year thereafter beginning in a fiscal year in which such a grant is made, and for 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 § 57.1001(a).

(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.

(3) A program for the continuing education of nurses which meets needs identified by appropriate State, regional, or local health or educational 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 in the three school years immediately preceding the school year for which the grant is sought 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

(i) 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

(ii) 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 applicable.

(E) In the case of an application from a new school of nursing which applies for a grant under this subpart...
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 and in each fiscal year in which the grant is made.

$§ 57.1005$ 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 school year shall be the number of such students enrolled or to be enrolled, as the case may be, at the time of 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(c), (e), (g), (h), or any full-time students enrolled in such school on October 15 of any such year, may be admitted to full-time student status as of any time during the fiscal year after the fiscal year in which the grant is made, and information and assurances supporting such estimate.

$§ 57.1007$ Grant payments.

(a) 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) Capital 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 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 86).

(c) 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 (44 CFR Part 13).

(d) 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) 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 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.

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(f) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.
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 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:

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<tr>
<th>Subpart</th>
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<td>A</td>
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<td>B</td>
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<tr>
<td>C</td>
<td>Bonding and insurance</td>
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<tr>
<td>D</td>
<td>Retention and custodial requirements for records</td>
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<tr>
<td>F</td>
<td>Grant-related income</td>
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<tr>
<td>K</td>
<td>Grant payment requirements</td>
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<td>M</td>
<td>Grant closeout, suspension, and termination</td>
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<td>O</td>
<td>Property</td>
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<td>Q</td>
<td>Cost principles</td>
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§ 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 judgment 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]
DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION
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 30 FR 396 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 (38 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 determinations 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 SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes 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 wage law and other Federal statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The determinations of prevailing wage law and other Federal statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics employed in construction activity of the character and in the localities specified 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 determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

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are hereby cancelled. Agencies with residential construction projects contemplated in these counties should utilize the project determination procedure by submitting form SF-308 (see 29 CFR Part 1, Section 1.5). Contracts for which bids have been opened shall not be affected by 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

<table>
<thead>
<tr>
<th>DECISION NO. FL77-1059, MOD. 3</th>
<th>Basic Fringe Benefits Payments</th>
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<tr>
<td>1970旱</td>
<td>60330 - May 14, 1977</td>
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<td>Change:</td>
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<tr>
<td>Truck Drivers</td>
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<td>Welders - rates for craft to which welding is incidental</td>
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<td>1970旱</td>
<td>60335 - November 25, 1977</td>
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<td>Change:</td>
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<td>Bricklayers; Marble Setters; Stonemasons; Cement Masons; Tile &amp; Terrazzo Workers</td>
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<td>ROOFERS:</td>
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<td>Slate; Tile; Composition; Damp &amp; Waterproofer</td>
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<td>Add:</td>
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<td>LABORERS - Permit value up to 2350,000: Airtool Operators; Mason Tenderers; mortar mixers; Pipelayers</td>
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FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### Modifications P. 3

**DECISION #D77-5088 - Mod. #5**

*Statewide Idaho*

#### Changes:

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<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Hours/Week</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appro Tr.</th>
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<td><strong>Electricians:</strong></td>
<td>Adi, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties</td>
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<td>10.75</td>
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<td><strong>Ironworkers:</strong></td>
<td>Ornamental Reinforcing; Structural: Bonneville, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, St. George, Shoshone Counties</td>
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<td><strong>Line Construction Workers:</strong> (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 1000 KVA or greater capacity, all communications, underground work, 34.5 KV, streets and highways lighting and motor traffic controls: Groundman</td>
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<tr>
<td>Cable Splicers</td>
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<td><strong>Soft Floor Layers:</strong> Bonneville, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, St. George, Shoshone Counties</td>
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### Modifications P. 4

**DECISION #A578-4001 - Vol. 02**

*Statewide Louisiana*

#### Changes:

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<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appro Tr.</th>
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**DECISION #ME-77-0527-MOD. #1**

*Noxubee County, Mississippi*

#### Changes:

<table>
<thead>
<tr>
<th>Laborers:</th>
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<tbody>
<tr>
<td>Laborers</td>
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### Fringe Benefits Payments

**Decision DMET-1461 - Mod. #6**

<table>
<thead>
<tr>
<th>Laborator</th>
<th>Basic Hourly Rates</th>
<th>N &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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<tbody>
<tr>
<td>Common Labor</td>
<td>7.015</td>
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<tr>
<td>Machinists and AIH Tool Operators</td>
<td>7.165</td>
<td>.55</td>
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<td>Men's Report</td>
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**Decision NV717-5072 - Mod. #7**

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<th>Basic Hourly Rates</th>
<th>N &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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<tbody>
<tr>
<td>Electricians; Equipment Operators</td>
<td>12.22</td>
<td>.73</td>
<td>.50</td>
<td>.05</td>
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<td>Cable Splicers</td>
<td>12.15</td>
<td>.73</td>
<td>.50</td>
<td>.05</td>
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<tr>
<td>Groundmen</td>
<td>10.18</td>
<td>.75</td>
<td>.60</td>
<td>.06</td>
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<td>Painters</td>
<td>13.5</td>
<td>.75</td>
<td>.60</td>
<td>.06</td>
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<td>Paperhangers; Sprays</td>
<td>10.11</td>
<td>.75</td>
<td>.60</td>
<td>.06</td>
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<tr>
<td>Roofers</td>
<td>13.75</td>
<td>.65</td>
<td>.60</td>
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**Decision NV77-5085 - Mod. #4**

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<th>Education and/or Appr Tr</th>
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<tbody>
<tr>
<td>Common Labor</td>
<td>13.75</td>
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**Decision NV77-5089 - Mod. #6**

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<th>Basic Hourly Rates</th>
<th>N &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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<tr>
<td>Plumbers; Steamfitters</td>
<td>11.74</td>
<td>.90</td>
<td>1.95</td>
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### DECISION NO. NY77-3115-NOD. 81
(42 F.R. 42079-August 19, 1977)
Monroe County, New York

#### CHANGES:

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<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
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<td><strong>BOILERMAKERS</strong></td>
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<td><strong>ELEVATOR CONSTRUCTORS</strong></td>
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<td><strong>ELEVATOR CONSTRUCTORS HELPERS</strong></td>
<td>8.51</td>
<td>.745</td>
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<td><strong>ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY</strong></td>
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<td><strong>LINE CONSTRUCTION</strong></td>
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<tr>
<td><strong>ELECTRICAL OVERHEAD AND UNDERGROUND DISTRIBUTION WORK:</strong></td>
<td></td>
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</tr>
<tr>
<td>Lineman and Technicians</td>
<td>10.00</td>
<td>1.00</td>
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<tr>
<td>Cable Splicer</td>
<td>12.07</td>
<td>1.00</td>
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<tr>
<td>Groundman Digging Machine Operator and Groundman Dynamic</td>
<td>9.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units)</td>
<td>9.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Groundman Truck Driver, Driver Mechanic, Groundman (experienced)</td>
<td>7.50</td>
<td>1.00</td>
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<tr>
<td><strong>ALL OVERHEAD TRANSMISSION LINE WORK AND LIGHTING FOR ATHLETIC FIELDS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lineman and Technicians</td>
<td>11.25</td>
<td>1.00</td>
</tr>
<tr>
<td>Groundman Digging Machine Operator, Groundman Dynamic</td>
<td>10.125</td>
<td>1.00</td>
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<tr>
<td>Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units)</td>
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<td>1.00</td>
</tr>
<tr>
<td>Groundman Truck Driver, Driver Mechanic, Groundman (experienced)</td>
<td>8.4375</td>
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#### NOTICES:

**LINE CONSTRUCTION (CON'T)**

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<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td><strong>ALL PIPE TYPE CABLE INSTALLATIONS:</strong></td>
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<td></td>
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<tr>
<td>Lineman and Groundman Equipment operator</td>
<td>11.70</td>
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<tr>
<td><strong>GROUP 2:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-A</td>
<td>11.50</td>
<td>80</td>
</tr>
<tr>
<td>I-B</td>
<td>11.75</td>
<td>80</td>
</tr>
<tr>
<td>I-C</td>
<td>12.00</td>
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<td>I-D</td>
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<td>I-E</td>
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<td>I-F</td>
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<tr>
<td>I-H</td>
<td>14.25</td>
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FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
MODIFICATIONS P. 9

DECISION NO. NP77-3115-MOD. 81
(42 Fr. 4260) August 19, 1977
Monroe County, New York

IN ORDER EQUIPMENT OPERATORS (cont'd)

<table>
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<th>MODIFICATIONS P. 9</th>
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<td>ECONOMY EQUIPMENT OPERATORS (cont'd)</td>
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<td>GROUP I</td>
</tr>
<tr>
<td>Basic Hourly Rates</td>
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<tr>
<td>Pensions</td>
</tr>
<tr>
<td>Vacation</td>
</tr>
<tr>
<td>Education and/or Appl. Tr.</td>
</tr>
</tbody>
</table>

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 6% basic hourly rate for 5 years of service on the basis of $30 basic hourly rate for 6 months of 5 years of service or Vacation Pay Credit.

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

4801
**NOTICES**

**MODIFICATIONS P. 11**

**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—laid man), great machine operator, grout or dry pack gun (nozzle and machine man) manholes or catch basin builder (brick, block, concrete or any prefabrication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbo), multi-plate pipe (aligning and securing), placing wire mesh on grout projects reinforcing steel placers (bending, aligning and securing & end weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

**CLASS 4**
- Welder (pipelines)

---

**MODIFICATIONS P. 12**

**NOTIFICATION**

**Amendment 407 - Mod. #6**

(42 FR 39836 - August 5, 1977)

Statewide Utah

<table>
<thead>
<tr>
<th>Position</th>
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<tbody>
<tr>
<td>Brick Tenders</td>
</tr>
<tr>
<td>Change: Electricians</td>
</tr>
</tbody>
</table>

**North section of Utah - Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties:**

**Zone 11** 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
- Cable Splicers 11.65

**Zone 21** 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
- Cable Splicers 12.35

---

**Fringe Benefits Payments**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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<tr>
<td>$8.72</td>
<td>.40</td>
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### DECISION NO. WATT-5097 - Mod. 02

**Stateside, Washington**

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<tr>
<td></td>
<td>H &amp; W</td>
<td>Pen.</td>
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<tr>
<td><strong>Electricians</strong></td>
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<td></td>
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<tr>
<td>Zone 1: That area lying east of 112°30' longitude and north of 41st Parallel,</td>
<td>12.85</td>
<td>3%</td>
</tr>
<tr>
<td>Cable Splicers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone 2: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 3 miles east and west from Hwy. 91</td>
<td>12.60</td>
<td>3%</td>
</tr>
<tr>
<td>Electricians; Technicians</td>
<td></td>
<td></td>
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<tr>
<td>Cable Splicers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone 3-A: That area on any job or project not exceeding $35,000 electrical, labor and material including,</td>
<td>14.35</td>
<td>3%</td>
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<tr>
<td>Cable Splicers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone 4-A: All other area west of Zones 3 and 3-A in Box Elder County</td>
<td>14.60</td>
<td>3%</td>
</tr>
<tr>
<td>Electricians; Technicians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cable Splicers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone 5: That area lying west of 112°20′ longitude and north and east of Utah Hwy. 87</td>
<td>12.60</td>
<td>3%</td>
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<td>Electricians; Technicians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cable Splicers</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Notes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Electricians:</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Adams, Fox, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties | 13.47 | 3% | .40 | 0%
| Electricians | | | | |
| Cable Splicers | 13.97 | 3% | .40 | 0%
| Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties | 13.17 | 3% | .40 | 0%
| Electricians | | | | |
| Cable Splicers | 13.83 | 3% | .40 | 0%
| Chelan, Douglas, Grant and Okanogan Counties | 13.53 | 3% | .40 | 0%
| Electricians | | | | |
| Cable Splicers | 14.88 | 3% | .40 | 0%
| Clark, Kittitas and Skamania Counties | 14.60 | 3% | .40 | 0%
| Electricians | | | | |
| Cable Splicers | 15.55 | 3% | .40 | 0%
| Glassers: Asotin, Garfield and Whitman Counties | 9.53 | 3% | .40 | .50 |
| Ironworkers: Clark, Cowitz, Kittitas, Pacific (Southern portion), Skamania and Wahkiakum Cos. Reinforcing; Structural; Fence Erectors Ornamental; Riggers: Signalmen | 11.85 | 3% | .40 | .50 |
| Marble Setters: Benton, Franklin and Walla Walla Counties | 11.06 | 3% | .40 | .50 |
| Painters: Clark, Cowitz, Kittitas, Pacific (Southern portion), Skamania and Wahkiakum Cos. Brush | 9.92 | 3% | .40 | .50 |

**NOTICES**

- **Building Construction**
- **Including WMTA - Rapid Rail Transit System**
- **Power Equipment Operators**

| Group 13 (Oilers) | 8.55 | 3% | .75 | 8/10% |

**FEDERAL REGISTER, VOL. 42, NO. 24—FRIDAY, FEBRUARY 3, 1978**
### DECISION NO. WA77-5096 (Cont'd)

<table>
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<th>Fringe Benefits Payments</th>
<th>Education</th>
<th>Appr Tr</th>
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<tr>
<td></td>
<td>Rates</td>
<td>H &amp; W</td>
<td>Pensions</td>
<td>Vacation</td>
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<tr>
<td>Spray</td>
<td>$10.32</td>
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<td>Bridges, High work over 50' (brush)</td>
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<td>.55</td>
<td>70</td>
<td>50</td>
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<tr>
<td>Bridges, High work over 50' (spray)</td>
<td>11.07</td>
<td>.55</td>
<td>70</td>
<td>50</td>
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<tr>
<td>Roofers:</td>
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<td></td>
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</tr>
<tr>
<td>Clallam, Cowitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Whatcom Counties</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Roofers; Waterproofers</td>
<td>10.98</td>
<td>60</td>
<td>.60</td>
<td>02</td>
</tr>
<tr>
<td>Slate and Tile Roofers</td>
<td>11.23</td>
<td>60</td>
<td>60</td>
<td>02</td>
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<tr>
<td>Sheet Metal Workers:</td>
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<tr>
<td>Clallam, Jefferson, Kitsap and Mason Counties</td>
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<td>35%+ 37</td>
<td>82</td>
<td>1 50</td>
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<td>Add:</td>
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<td>Soft Floor Layers:</td>
<td>7.26</td>
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<td>.10</td>
<td>.10</td>
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<td>Malheur County</td>
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</table>

### DECISION NO. U177-2100 - Mod. 8.6

(42 FR 46785 - 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 |

### DECISION NO. U177-2092-MOD. 82

(42 FR 33911 - June 24, 1977)

Milwaukee, Ozaukee, Waukesha and Washington Counties, Wisconsin

**Change:**

*Line Construction:*

| Linemen | 9.97 | 45 | 7% | 5% |
| Equipment Operator | 8.97 | 45 | 7% | 5% |
| Light Groundman - Truck Driver | 6.98 | 45 | 7% | 5% |
| Groundmen | 5.48 | 45 | 7% | 5% |

### DECISION NO. U177-2101-MOD. 82

(42 FR 37773 - July 22, 1977)

Columbia, Dane, Iowa, and Sauk Counties, Wisconsin

**Change:**

*Line Construction:*

| Linemen | 9.97 | 45 | 7% | 5% |
| Equipment Operator | 8.97 | 45 | 7% | 5% |
| Light Groundman - Truck Driver | 6.98 | 45 | 7% | 5% |
| Groundmen | 5.48 | 45 | 7% | 5% |

### DECISION NO. U177-2111-MOD. 82

(42 FR 40727 - Sept. 23, 1977)

Green and Rock Counties, Wisconsin

**Change:**

*Line Construction:*

| Linemen | 9.97 | 45 | 7% | 5% |
| Equipment Operator | 8.97 | 45 | 7% | 5% |
| Light Groundman - Truck Driver | 6.98 | 45 | 7% | 5% |
| Groundmen | 5.48 | 45 | 7% | 5% |
### DECISION #77-108I - Mod. #1

(62 PR 32473 - June 28, 1977)
Fort Campbell (Located in Christian County, Ky, and Montgomery County, Tn.)

<table>
<thead>
<tr>
<th>Carpenters &amp; Soft Floor Layers</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or App. Tr.</th>
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</thead>
<tbody>
<tr>
<td>$9.00</td>
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<td>0.05</td>
<td>0.02</td>
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### MILLWORKER & PILE DRIVER

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<td>Basic Hourly Rates</td>
</tr>
<tr>
<td>Wiresmen:</td>
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<tr>
<td>Kentucky portion</td>
<td>9.70</td>
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<td>Tennessee portion</td>
<td>11.65</td>
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<tr>
<td>Ironworkers:</td>
<td>9.05</td>
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<tr>
<td>Structural, ornamental, reinforcing, machinery mover, riggers, machinary erector &amp; fence erector</td>
<td>9.00</td>
</tr>
<tr>
<td>Electroder</td>
<td>10.05</td>
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<td>Laborer</td>
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### CONSTRUCTION WORKERS

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<td>4.25</td>
<td>4.50</td>
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<tr>
<td>Concrete Finishers</td>
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<td>3.60</td>
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### WELDERS - RECEIVE RATE FOR CRAFT

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<th>Aggregate spreader operator</th>
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<td>Bulldozers</td>
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<td>Ball Floats</td>
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FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1970
### DECISION NO. AL78-1003

#### COUNTIES:
- **ZONE 1 - Jefferson**
- **ZONE 2 - Mobile**
- **ZONE 3 - Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa and Walker.**

#### FOOTNOTE:

- Plus fringe benefits of 30% Health and Welfare, 1% + 40 Pension & .5% Apprentice Training.

### TABLE: POWER EQUIPMENT OPERATORS (CONT'D)

<table>
<thead>
<tr>
<th>Equipment Description</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
<th>Zone 4</th>
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<tbody>
<tr>
<td>Concrete mixers (3-bags and under)</td>
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<td>3.44</td>
<td>2.70</td>
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<tr>
<td>Concrete mixers (over 3-bags)</td>
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<td>Concrete paving machines</td>
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<td>Concrete paving finishing machines</td>
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<td>Cranes, clamshells, backhoes</td>
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<td>Derricks, draglines or shovels</td>
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<td>Conveyors</td>
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<td>Crusher and screening plants</td>
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<td>Firemen</td>
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<td>Form graders</td>
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<td>Hoist (2 drums or 2-cages or more)</td>
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<td>Hoist (1 drum)</td>
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<td>Motor patrols</td>
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<tr>
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<td>Paving subgraders</td>
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<tr>
<td>Piledrivers</td>
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<td>Pumps</td>
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<td>Pulpers</td>
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<td>Rollers, self-propelled</td>
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<td>Seeding and slicing machines</td>
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<td>Striping machines (paint)</td>
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</table>
**SUPERSIDAS DECISION**

**STATE:** Alabama  
**COUNTIES:** See below  
**DECISION NUMBER:** AL78-1004  
**DATE:** Date of Publication  
**DESCRIPTION OF WORK:** Building construction (does not include single family homes and garage type apartments up to and including 4 stories)

*Counties: Colbert & Lauderdale*

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
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<tr>
<td>Asbestos workers</td>
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<td>Boiler makers</td>
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<tr>
<td>Bricklayers</td>
<td>10 155</td>
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<tr>
<td>Bricklayers, blocklayers, stonemasons</td>
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<td>Saw operator</td>
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<tr>
<td>Carpenters</td>
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<td>Carpenters, soft floor layers</td>
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<td>Filledrivers</td>
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<td>Millwrights</td>
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<td>Cement masons</td>
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<td>Power tool operators</td>
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<td>Electricians</td>
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<td>9 305</td>
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<td>Air tool operator (hammer, vibrator)</td>
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<td>Plasterers' tenders</td>
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<td>Mason tenders</td>
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<tr>
<td>Mortar mixers</td>
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<tr>
<td>Pipe layers</td>
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<td>Painters</td>
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<td>Sheet metal workers</td>
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<tr>
<td>Sprinkler fitters</td>
<td>10 32</td>
<td>.65</td>
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</table>

**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 3 years.  
Employer contributes 2% of regular hourly rate to vacation pay  
credit for employee who has worked in business less than 3 years.
<table>
<thead>
<tr>
<th>POWER EQUIPMENT OPERATORS:</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Apprenticeship</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
<td>Vacation</td>
</tr>
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<td>GROUP A</td>
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<tr>
<td>GROUP B</td>
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<tr>
<td>GROUP C</td>
<td>7.92</td>
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<td>40</td>
</tr>
</tbody>
</table>

**GROUP A** - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevator grader, finishing machine (concrete), forklift, front end loader, grader, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, pilothouse, 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, ¼ 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.), conveyer, 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.

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**NOTICES**

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**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
**DECISION NO. K578-4007**

**CLASSIFICATION DEFINITIONS**

**LABORERS:**
Group 1 - Board mat weavers and cable-tiers, Georgia buggy (manually operated), mixer-men, skip lift, railers, salamander tenders, track man, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborers including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, Georgia buggy (mechanically operated) grade man, hot mastic kettleman, crusher feeders, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, crew hole man working 10 ft. deep, pipe layer drainage (concrete or/and corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper (concrete saw, concrete material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line netter, form netter and liner on concrete paving, powderman, sandblasting and gunite nozzle man, sanitary sewer pipe layer, steel plate structure erectors, water and gas distribution lines

Group 5 - Leadmen or pusher

---

<table>
<thead>
<tr>
<th>Lathers</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
<td>Vacation</td>
</tr>
<tr>
<td></td>
<td>10.60</td>
<td>.40</td>
<td></td>
</tr>
</tbody>
</table>

**LINE CONSTRUCTION:**

Zone 1 - Southwest 2/3 of Leavenworth County

- Lineman: 10.25, .45, .34, .5
- Cable splicer: 10.75, .45, .34, .5
- Groundman, over 1 year: 6.38, .45, .34, .5
- Groundman, 1st year: 4.83, .45, .34, .5
- Powderman: 6.50, .45, .34, .5
- Line Truck & Equipment Operators:
  - 1st year: 6.53, .45, .34, .5
  - 2nd year: 7.83, .45, .34, .5
  - Over 2 years' experience: 8.50, .45, .34, .5

Zone 2 - Remainder of Leavenworth County

- Lineman: 12.28, .45, .34+.15, .5
- Lineman operator: 11.43, .45, .34+.15, .5
- Groundman: 8.52, .45, .34+.15, .5
- Groundman (1st 6 mos.): 6.93, .45, .34+.15, .5

**POWER EQUIPMENT OPERATORS**

**GROUP 1 - Asphalt paver and spreader, asphalt plant mixer operators, asphalt plant operators, backfillers, backhoe, all types, barrow, green loader (similar type), blade, power, all types, bolters, power bolters, (2) boring machines (all types), cable ways, cherry pickers (all types), chip spreader, concrete ready-mixed plant, portable (job site), concrete mixer pavers, crane-overhead, crane, rock detricks, and Derrick cars (power operated), ditching machines, dozers, dredges (any type power), graders (similar type), hoist, endless chain power operator (with power travel), loaders (all types), mechanical and wheeled, mucking machines, orange peelers, pumps, material-all types, push catas, scoops (all types), self-propelled rotary drill (shovel), power side boom, skimmer, scoopy, teething machines, thrash (throttle man)
**POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT.**

**GROUP 2 -** Rollers (1); brooms-power operator (all types); chip spreader (front man); cleat plang operator; compressor (1) 105' or over; compressors (2) 105' or over not more than 20' apart; compressors-tandem (any sizes); compressors single, truck mounted; concrete saws, self-propelled; crane-power operator; curb finishing machine; elevator; finishing machine; firemen on rigs; flex plane, floating machine; form grader; greasers; hoist, endless chain-power operated; hopper-power operated; hydra banner (all types); lad-a-vator-similar type; rollers—all types; silphons, jets and jennies; sub-grader; tractors over 50 h.p.

**GROUP 3 -** Oilers

**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 loader); 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 rig, 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 rig, over 200 ft. of boom

**GROUP 8 -** Holster—each additional drum over 1 drum

**GROUP 9 -** Master mechanic

**GROUP 10 -** Crane—over or climbing

**GROUP 11 -** Ready Mixed Concrete Plants:

<table>
<thead>
<tr>
<th></th>
<th>Basic Hourly Rate (H &amp; W)</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Apprenticeship Tr.</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
<td>Pension</td>
</tr>
<tr>
<td>Group 1</td>
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<td>Group 3</td>
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<td>Group 4</td>
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</tr>
<tr>
<td>Group 5</td>
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<td>Group 6</td>
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</tr>
<tr>
<td>Group 7</td>
<td>10.60</td>
<td>50</td>
<td>10</td>
</tr>
</tbody>
</table>

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.
### FRINGE BENEFITS PAYMENTS

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
</tr>
</tbody>
</table>

**ROOFERS**
- 10.30 | .65 | .60 | .14 |
- 11.35 | .50 | .50 | .05 |
- 11.48 | .65 | .95 | .08 |
- 10.91 | 5%  | 4.25%|

**SHEET METAL WORKERS**
- 9.71 |

**SPRINKLER FITTERS**
- 9.71 |

**TERRAZZO WORKERS**
- 9.71 |

**TRUCK DRIVERS**

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
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<tr>
<td>1</td>
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<tr>
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<td>9.355</td>
<td>.75</td>
</tr>
<tr>
<td>8</td>
<td>9.455</td>
<td>.75</td>
</tr>
</tbody>
</table>

**CLASSIFICATION DEFINITIONS**

**TRUCK DRIVERS (Building Construction) (Contd)**

- **Group 1** - Warehousemen and stockmen
- **Group 2** - Flat beds, pick-ups, dump trucks, under 10 yds.
- **Group 3** - Dump trucks, 10 yds. and over, steel trucks, coal truck drivers
- **Group 4** - Straddle trucks, wheel tractors (when used for tiling), hydro lift trucks, hydraulically operated aerial lifts, heavy hauling, a-frame winch and fork lifts, heavy excavating (dumpers, cranes, etc.), double bottom units (20 tons cap. and over)
- **Group 5** - Distributor truck drivers, and operators, oilers, greasers, mechanics
- **Group 6** - Mechanics
- **Group 7** - Transit mix, 5 yds. and over
- **Group 8** - Transit mix, under 5 yds.
## SUPERSEDES DECISION

**STATE:** Kansas  
**COUNTY:** Sedgwick  
**DECISION NO.** KS78-4008  
**Supersedes Decision No.** KS77-4081, dated April 8, 1977 in 42 FR 18669  
**DESCRIPTION OF WORK:** Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

### CLASSIFICATION DEFINITIONS

#### LABORERS:

- **GROUP 1** - Board nailers, cable hangers, Georgia buggy, manually operated, misc. man-
  nelers, scaffolders, truck men; bricklayers, stone- masons, pattern men; truck men, crane-
  men, crane operators; truck men, crane-
  men, crane operators; truck men, crane-
  men, crane operators.

- **GROUP 2** - Air cool operators, cement mixers, (bulk) chain saw, Georgia buggy, (manually operated), grade men, hot mastic国庆, brick- 
  and stone masons, pattern men, carpenters, truck men, crane men, crane operators, truck 
  men, crane operators, truck men, crane 
  operators, truck men, crane operators.

- **GROUP 3** - Conduit pipe, tile, cement, 
  bricklayers, stone- masons, pattern 
  men, carpenters, truck men, crane 
  operators, truck men, crane operators, 
  truck men, crane operators, truck men, 
  crane operators.

- **GROUP 4** - Structural steel not done 
  from scaffolding, structural steel not 
  done from scaffolding, structural steel not 
  done from scaffolding, structural steel not 
  done from scaffolding.

<table>
<thead>
<tr>
<th>BASIC HOURLY RATES</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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</thead>
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<tr>
<td>ASBESTOS WORKERS</td>
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<tr>
<td>BOILERMAKERS</td>
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<tr>
<td>BRICKLAYER; STONE- MASON</td>
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</tr>
<tr>
<td>CARPENTERS</td>
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<tr>
<td>Cement Masons</td>
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<tr>
<td>Paper Makers</td>
<td></td>
<td></td>
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<tr>
<td>Trucking Operators</td>
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<td></td>
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<tr>
<td>ELECTRICIANS</td>
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<tr>
<td>ELEVATOR CONSTRUCTORS</td>
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<tr>
<td>ELEVATOR CONSTRUCTORS' HELPERS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### FOOTNOTE:

- Employer contributes 6% of basic hourly rate for over 5 years.  
- Also 6 paid holidays.

### LABORERS (BUILDING CONSTRUCTION):

- **GROUP 1** - Common laborers.
- **GROUP 2** - Power tool operators, concrete runners, concrete finishers, concrete saws, oper. 
  Georgia buggy, mason tenders, plaster tenders, mortar mixers for plasterers, 
  mason and cement finishers, scaffolding, clean up for masons (building 
  scaffolding), sand and concrete 
  gun nozzle man, power man.

<table>
<thead>
<tr>
<th>GROUP 1</th>
<th>GROUP 2</th>
<th>GROUP 3</th>
<th>GROUP 4</th>
<th>GROUP 5</th>
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</thead>
<tbody>
<tr>
<td>$10.00</td>
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<td>9.65</td>
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### LATTERS:

<table>
<thead>
<tr>
<th>LATTERS</th>
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<tr>
<td>Lineman</td>
<td>10.45</td>
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<tr>
<td>Calb. elevators</td>
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<tr>
<td>Groundmen, over 1 year</td>
<td>6.30</td>
</tr>
<tr>
<td>Groundman, 1st year</td>
<td>6.00</td>
</tr>
<tr>
<td>Powermen</td>
<td>8.50</td>
</tr>
<tr>
<td>Line truck &amp; equipment operators 1st year</td>
<td>6.50</td>
</tr>
<tr>
<td>2nd year</td>
<td>7.80</td>
</tr>
<tr>
<td>Over 2 years experience</td>
<td>8.50</td>
</tr>
</tbody>
</table>

| PAINTER:
|-------------------|
| GROUP 1 | Brush, sheetrock 
  taping and finishing |
| GROUP 2 | Stage chair and window 
  jack work to and including 
  five stories high |
| 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 planks, 
  stage chairs or platforms |
| GROUP 4 | Structural steel not 
  done from scaffolding |
| GROUP 5 | Structural steel not 
  done from scaffolding |

### PLASTERERS:

- **GROUP 1** - Mason plasterers, bricklayers,
  stone masons, pattern men, carpenters,
  truck men, crane operators, truck men,
  crane operators, truck men, crane
  operators, truck men, crane
  operators.

<table>
<thead>
<tr>
<th>GROUP 1</th>
<th>GROUP 2</th>
<th>GROUP 3</th>
<th>GROUP 4</th>
<th>GROUP 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.35</td>
<td>.75</td>
<td>.75</td>
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### NOTICES:

**FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978**
### DECISION NO.

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Trs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
</tbody>
</table>

#### POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):  
**GROUP 1**:  
- 10.40  
- 9.70  

**GROUP 2**:  
- 8.65  
- 8.50  

**GROUP 3**:  
- 8.10  
- 8.30  

**GROUP 4**:  
- 10.30  
- 8.60  

**GROUP 5**:  
- 8.60  
- 5.80  

**GROUP 6**:  
- 11.10  
- 5.00  

---

### CLASSIFICATION DEFINITIONS

**POWER EQUIPMENT OPERATORS:**  
- **GROUP 1**:  
  - boiler (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 yard), hoist, two drums, locoactive, mechanic or welder, minicrane, paver, or any other machine with power osw, plowedrivers, operator, power shovel pump, concrete or other material  
- **GROUP 2**:  
  - A-frame truck, barrow-green loader or similar type, bob cat  
  - hi-loaders (1 yard and under), hoist (1), ditching machine-small, elevator operator, firemen, fork lift, grader, equipment, hoist, one active drum, hydram, jep, ditcher, mechanic other than paved, 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, earmke-type pile driving machines  
- **GROUP 6**:  
  - Crane 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**:  
  - Crane and shovels 200 ft. and over; (4) drum hoist  
- **GROUP 8**:  
  - Master mechanic  
- **GROUP 9**:  
  - Cranes with lifting ring

---

### DECISION NO.

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Trs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
</tbody>
</table>

#### POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING):  
**GROUP 1**:  
- 8.35  
- 8.10  

**GROUP 2**:  
- 8.05  
- 7.60  

**GROUP 3**:  
- 7.50  
- 7.60  

**GROUP 4**:  
- 8.50  
- 8.00  

---

### CLASSIFICATION DEFINITIONS

**POWER EQUIPMENT OPERATORS:**  
- **GROUP 1**:  
  - Asphalt paver & spreader, back hoe, boring machine, blades, all types, clamshell, concrete mixer power operator, concrete central power operator, (automatic) crane, truck crane, pitman crane hydro crane or any machine with power osw, derrick or derrick trucks, dragline operator, derrick operator, dozer, ditching machine, hydraulic loader, hoist-tractors, drams, loader, all types, mechanic or welder, minicrane, multi-unit scraper, plowedriver operator, power shovel operator, quad track, scoop operator, all types, side boom cat, paver, picker, skimmer scoop operator, pusher operator  
- **GROUP 2**:  
  - Asphalt plant operator, elevating grader operator  
- **GROUP 3**:  
  - A-frame truck, asphalt roller operator, asphalt plant boiler fireman, backhoe loader, barber-green loader, bulldozer other than asphalt, bull float operator, shunt drill operator, compressor operator (1), concrete cement plant operator, concrete mixer operator, skip concrete pump operator, crusher operator, distributor operator, finish machine operator, concrete fireman other than asphalt, flex piano operator, fork lift, form grader operator, grader, hoist 1 drum, jeep ditching machine, power broom, operator, pump, 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 tractor operator, other than asphalt, slip-on jack, 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, barrow disc washer, oiler, paper feed operator, 50 h.p. or less without attachments  
- **GROUP 5**:  
  - Oilier, motor crane  
- **GROUP 6**:  
  - Master mechanic
SUPPLEMENTARY DECISION

STATE: Kansas
COUNTY: Shawnee
Supplemental Decision No. K877-4000 dated April 8, 1977 in 42 FR 18808
DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories)

<table>
<thead>
<tr>
<th>ROOFERS</th>
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</thead>
<tbody>
<tr>
<td>H &amp; W</td>
<td>Pensions</td>
<td>Vacation</td>
<td>Education and/or Appr Tr</td>
</tr>
<tr>
<td>8.80</td>
<td>20</td>
<td>20</td>
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<td>9.55</td>
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</tr>
<tr>
<td>11.11</td>
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<td>12</td>
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</tr>
<tr>
<td>11.48</td>
<td>95</td>
<td>08</td>
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</table>

<table>
<thead>
<tr>
<th>SHEET METAL WORKERS</th>
<th></th>
<th></th>
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<table>
<thead>
<tr>
<th>TRUCK DRIVERS (BUILDING CONSTRUCTION)</th>
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<tbody>
<tr>
<td>H &amp; W</td>
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<td>Education and/or Appr Tr</td>
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<table>
<thead>
<tr>
<th>TRUCK DRIVERS PREPARATION &amp; OPERATING</th>
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<tr>
<td>H &amp; W</td>
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<td>Vacation</td>
<td>Education and/or Appr Tr</td>
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<td>7.05</td>
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<table>
<thead>
<tr>
<th>CLASSIFICATION DEFINITIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TRUCK DRIVERS:</td>
<td></td>
</tr>
<tr>
<td>Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)</td>
<td></td>
</tr>
<tr>
<td>Group 2 - Tandem trucks, warehousesmen or parts men, mechanic helpers and servicemen</td>
<td></td>
</tr>
<tr>
<td>Group 3 - Lowboys, semi-trailers, all transit mixer (single or tandem axle), a-frame and winch trucks when used as such, euclid, end and bottom dump, tourma rockers, atchys, dumpers and similar off-road equipment and mechanics on such equipment</td>
<td></td>
</tr>
<tr>
<td>WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental</td>
<td></td>
</tr>
<tr>
<td>Laborers: (Site Preparation and Grading)</td>
<td>Basic Hourly Rates</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td></td>
<td>H &amp; W</td>
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<tr>
<td>Group 1</td>
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<td>Group 2</td>
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<td>Group 4</td>
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<tr>
<td>Group 5</td>
<td>7.30</td>
</tr>
</tbody>
</table>

**Classification Definitions**

**Laborers:**

**Group 1** - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixer man - no skip; lift; nailers; salamander tenders; track men; tractor swappers; truck diapper, wire mesh setter, water pump up to 4 inches; and all other general laborers including flagman.

**Group 2** - Air tool operators; cement handlers (bulk); chain saw, Georgia buggy (mechanically operated); grade man, hot mastic ketleman, cracker sander; joint man; jute man; mason tender; material batch hoppers and-scale man; mixer man; piler hole man working 10 ft. deep pipe layers, drainage (concrete and/or corrugated metal); signal man (crane); truck diapper-dry batch; vibrater operator; wagon and churn drill operator.

**Group 3** - Asphalt raker, barco tamper; concrete saw; concrete material-handling and applying; nozzle burner (cutting torch and burn bar)

**Group 4** - Conduit pipe; tile and duct line setter; form letter and liner on concrete paving; powderman; sandblasting and gunite nozzle man; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

**Group 5** - Leadman or pusher
DECISION NO. K578-4009

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (1); boom cat, boring machine, ditching machine, concrete ready-mix plants; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall hi-loaders (over 1 yd³); hoist, two locomotives; mechanic or welder; mixer-mobile; power, or any other machine with power swing; pile driving machine; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barber greenie loader or similar type; bob cat hi-loaders (1 yd³ and under); boiler (1); ditching machine-small; elevator operator; fireman; fork lift; greaser, equipment hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power becon, pump, 4" or larger, small machine engine; welding machine (1)

Group 3 - (a) Farm tractor (without attachments); (b) Farm tractor (with attachments)

Group 4 - (a) Oil well

Group 5 - Tower crane and derrick; frankie-type pile driving machines; (4) drum hoist

Group 6 - Crane & shovel or 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 or 200 ft and over

Group 8 - Crane with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional $25

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Fringe Benefits Payments

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>POWER EQUIPMENT OPERATORS</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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<tbody>
<tr>
<td>Group 1</td>
<td>8.35</td>
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<tr>
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<td>8.00</td>
<td>50</td>
<td>1</td>
<td>00</td>
</tr>
</tbody>
</table>

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NOTICES

POWER EQUIPMENT OPERATORS (Cont'd.)

Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greenie loader; boiler - other than asphalt; bulk float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skid; 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 hydras 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 jet; subgrading machine operator; tank car heater, driver, combination booster and boiler; towboat operator; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; narrow, disc seeder, oilers; tractor operator, 50 h p or less without attachments

Group 5 - Oil well, motor crane

Group 6 - Master mechanic

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
</table>

KOOFERS, FLAT, SLATE & TILE

DAMPERS AND WATERPROOFERS

KOOFERS WORKING IN FITCH, TAR OR CREOSOTE, COAL

POUTHOLES: a-After 6 months of employment $0.26; after 5 years $0.52

SHEET METAL WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

TILE SETTERS

TRUCK DRIVERS (Building Construction): Light, pickups, station wagons

Medium flat beds and dump; 5 tons or less; warehousemen and

partsman

Truck over 5 tons and semi-

trailers

TRUCK DRIVERS (Site preparation and grading):

Group 1

Group 2

Group 3

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or porters, 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; atboys, dumpers and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

---

SPECIAL EQUIPMENT OPERATORS:
Backhoe Operator
Bulldozer Operator
Grane Operator
Finishing Machine Operator
Front End Loader
Scraper

FOOTNOTES:
- Employer contributes 4% or regular hourly rate to vacation pay credit for employees who have worked in business more than 5 years & 2% for employee in business less than 5 years.
- $5.00 per month - Life Insurance
<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Asbestos workers</td>
<td>9.63</td>
<td>45</td>
</tr>
<tr>
<td>Boilermakers</td>
<td>10.25</td>
<td>.75</td>
</tr>
<tr>
<td>Bricklayers</td>
<td>8 70</td>
<td>25</td>
</tr>
<tr>
<td>Stone, block, &amp; marble masons</td>
<td>8 70</td>
<td>25</td>
</tr>
<tr>
<td>Saw setters</td>
<td>8 70</td>
<td>25</td>
</tr>
<tr>
<td>Tile &amp; terrazzo setters</td>
<td>8 60</td>
<td>.25</td>
</tr>
<tr>
<td>Carpenters</td>
<td>8 85</td>
<td>.40</td>
</tr>
<tr>
<td>Drywall application</td>
<td>8 15</td>
<td>.40</td>
</tr>
<tr>
<td>Soft floor layer</td>
<td>8 15</td>
<td>.40</td>
</tr>
<tr>
<td>Power saw operator (1 hp or over)</td>
<td>8 85</td>
<td>40</td>
</tr>
<tr>
<td>Fiber glass insulation application</td>
<td>8 30</td>
<td>40</td>
</tr>
<tr>
<td>Millwrights</td>
<td>8 40</td>
<td>40</td>
</tr>
<tr>
<td>Pile drivers</td>
<td>8 40</td>
<td>40</td>
</tr>
<tr>
<td>Cement masons</td>
<td>6 00</td>
<td>25 30</td>
</tr>
<tr>
<td>Float machine operator</td>
<td>7 00</td>
<td>25 30</td>
</tr>
<tr>
<td>Electricians</td>
<td>9 70</td>
<td>35 38</td>
</tr>
<tr>
<td></td>
<td>9 95</td>
<td>35 38</td>
</tr>
<tr>
<td>Elevator constructors</td>
<td>7 83</td>
<td>545</td>
</tr>
<tr>
<td>Hoists</td>
<td>5 46</td>
<td>545</td>
</tr>
<tr>
<td>Hoists (probationary)</td>
<td>3 915</td>
<td>35</td>
</tr>
<tr>
<td>Glaziers</td>
<td>7 85</td>
<td>.45</td>
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<tr>
<td>Ironworkers</td>
<td>8 80</td>
<td>.45</td>
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<tr>
<td>Laborers</td>
<td>4 93</td>
<td>15</td>
</tr>
<tr>
<td>Mason tenders</td>
<td>5 08</td>
<td>15</td>
</tr>
<tr>
<td>Pipefitters</td>
<td>5 08</td>
<td>15</td>
</tr>
<tr>
<td>Sprinkler fitters</td>
<td>10 35</td>
<td>65</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**


b. If not specified, 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
### Basic Hourly Rates and Fringe Benefits Payments

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
<th>Hourly Rate</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacations</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP I</td>
<td>9.40</td>
<td>30</td>
<td>30</td>
<td>GROUP II</td>
<td>8.45</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

**GROUP I:** Operators of heavy equipment.

**GROUP II:** Equipment operators of heavy equipment.

**GROUP III:** Operators of heavy equipment.

**GROUP IV:** Operators of heavy equipment.

**GROUP V:** Operators of heavy equipment.

**GROUP VI:** Operators of heavy equipment.

### Supersedas Decision

**States:** Nebraska  
**Counties:** Stateud (except Douglas, Chase, Sarpy, Washington and that portion of Saunders County East of Highway #109

**Decision No.:** NE78-4006  
**Date of Publication:** January 7, 1977

**Description of Work:** Heavy and highway (Construction excluding bridges across navigable waterways).

### Federal Register

**Volume:** 43, No. 24  
**Friday, February 3, 1978**
<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
</tr>
</tbody>
</table>

**Front End Loader:**
- 3 yd Cu Yds or Less: $5.35
- over 3 yd Cu Yds: 5.85
- Mechanic: 6.20
- Mechanic Helper: 5.35
- Motor Grader: 6.20
- Oilier 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 Grader Machine (trimmer and profilier): 6.10

**Tractor:**
- Farm Type: 4.60
- Less than 115 Drawbar H P: 5.45
- 115 Drawbar H P and over: 5.85
- Traveling Plant (stabilization): 5.45
- Traveling Plant Helper (stabilization): 4.80
- Trenching Machine: 5.05

**TRUCK DRIVER:**
- Single Axle: 4.25
- Tandem Axle: 4.80
- Semi-Trail C: 4.80
- Transit Mix: 4.80
- Loveboy: 5.35
- Water Tanker, 6,000 Gal & over: 5.45
- Welder: 5.85
- Hydrohammer: 4.75

---

**Asbestos Workers**
- $12.38, 1.02, 1.82

**BOILERMAKERS**
- 13.19, 5%, 35%, 7%, 02

**BRICKLAYERS:**
- Suffolk County:
  - Center Moriches on the south shore and following Chichestier Avenue, north of Wading River and area 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:
  - Bricklayers - 8.62, 1.13, 1.33
  - Cement Masons: 11.70, 1.74, 1.19
  - Plasterers: 10.10, 1.75, 1.25

**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:
  - Bricklayers - 8.62, 1.13, 1.33
  - Cement Masons: 11.04, 1.48, 2.38
  - Plasterers: 10.10, 1.75

**CARPENTERS:**
- Nassau County except that part south of the Southern State Parkway west of Seaford brook—also Smithtown, Islip line on the east; Long Island Sound on the north and Middle Island railroad track on the south:
### NOTICES

#### DECISION NO. NY78-3001

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
</tr>
<tr>
<td>Carpenter, Millwrights, Pile-</td>
<td>11.05</td>
</tr>
<tr>
<td>drivers and Soft Floor Layers</td>
<td></td>
</tr>
<tr>
<td>Remainder of County:</td>
<td></td>
</tr>
<tr>
<td>Carpenter, Millwrights, Dock-</td>
<td>11.45</td>
</tr>
<tr>
<td>builders, Piledrivers and Soft</td>
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<tr>
<td>Floor Layers</td>
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<td>Rehabilitation work on residential</td>
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<tr>
<td>structures over 4 stories defined</td>
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<tr>
<td>to include demolition, alteration</td>
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</tr>
<tr>
<td>and repair on any existing structures</td>
<td></td>
</tr>
<tr>
<td>which are intended for predominantly residential use</td>
<td>9 16</td>
</tr>
<tr>
<td>Suffolk County:</td>
<td></td>
</tr>
<tr>
<td>Fishers Island; Buildings:</td>
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</tr>
<tr>
<td>Carpenters and Soft Floor Layers</td>
<td>10.00</td>
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<tr>
<td>Remainder of County, Buildings:</td>
<td></td>
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<tr>
<td>Carpenters and Soft Floor Layers</td>
<td>11.05</td>
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<tr>
<td>Suffolk County, Heavy and Highway:</td>
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<tr>
<td>Carpenters, Dockbuilders, Wharf-</td>
<td></td>
</tr>
<tr>
<td>builders, Piledrivers and Tim-</td>
<td></td>
</tr>
<tr>
<td>berers:</td>
<td></td>
</tr>
<tr>
<td>ELECTRICIANS AND LINEMEN</td>
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<tr>
<td>11.32</td>
<td>.745</td>
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<tr>
<td>ELECTRICAL CONTRACTORS HELPERS</td>
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<td>ELECTRICAL CONTRACTORS HELPERS</td>
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<tr>
<td>ELECTRICAL CONTRACTORS HELPERS</td>
<td>7 10.75</td>
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<tr>
<td>ELECTRICAL CONTRACTORS MODERN-</td>
<td>10.55</td>
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<tr>
<td>IZATION HELPERS</td>
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<tr>
<td>ELECTRICAL CONTRACTORS MODERN-</td>
<td></td>
</tr>
<tr>
<td>IZATION HELPERS</td>
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<tr>
<td>GLAZIERS</td>
<td>11.20</td>
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<tr>
<td>IRONWORKERS, ORNAMENTAL FINISHER</td>
<td>10.67</td>
</tr>
<tr>
<td>IRONWORKERS, STRUCTURAL</td>
<td>11.59</td>
</tr>
<tr>
<td>IRONWORKERS, REINFORCING</td>
<td>19.41</td>
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</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### DECISION NO NY78-3001

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
</tr>
<tr>
<td>PLUMBERS:</td>
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<tr>
<td>NASSAU COUNTY</td>
<td>11.00</td>
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<tr>
<td>SUFFOLK COUNTY</td>
<td>10.85</td>
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<tr>
<td>POINTERS, CAULKERS, AND CLEANERS:</td>
<td></td>
</tr>
<tr>
<td>Pointers, Caulkers and Cleaners</td>
<td>10.17</td>
</tr>
<tr>
<td>Sandblasters</td>
<td>11.27</td>
</tr>
<tr>
<td>Steamcleaners</td>
<td>10.42</td>
</tr>
<tr>
<td>ROOFERS:</td>
<td></td>
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<tr>
<td>Composition, Damp and Waterproofers</td>
<td>10.20</td>
</tr>
<tr>
<td>Slate and Tile</td>
<td>11.07</td>
</tr>
<tr>
<td>SHEET METAL WORKERS:</td>
<td></td>
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<tr>
<td>SUFFOLK COUNTY:</td>
<td></td>
</tr>
<tr>
<td>Fishers Island</td>
<td>10.95</td>
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<tr>
<td>Remainder of County</td>
<td>11.545</td>
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<tr>
<td>NASSAU COUNTY:</td>
<td></td>
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<tr>
<td>Sprinkler Fitter and Steamfitters</td>
<td>10.97</td>
</tr>
<tr>
<td>STONE DERRICKMEN AND RIGGERS</td>
<td>11.87</td>
</tr>
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<td>STONEMasons</td>
<td>11.00</td>
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<tr>
<td>TERRAZZO WORKERS</td>
<td>11.18</td>
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<tr>
<td>TILE SETTERS</td>
<td>9.15</td>
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<tr>
<td>TILE SETTERS FINISHERS</td>
<td>8.81</td>
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<tr>
<td>TRUCK DRIVERS:</td>
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<tr>
<td>BUILDING:</td>
<td></td>
</tr>
<tr>
<td>Ready-mix concrete, Sand Gravel</td>
<td>8.87</td>
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<tr>
<td>Asphalt and Bulk Cement</td>
<td>8.725</td>
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<tr>
<td>HEAVY:</td>
<td></td>
</tr>
<tr>
<td>Euclid and Turnpullels</td>
<td>8.823</td>
</tr>
<tr>
<td>HIGH-RISE:</td>
<td></td>
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<tr>
<td>Truck Drivers</td>
<td>9.44</td>
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<tr>
<td>TUCKPOINTERS:</td>
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<tr>
<td>Tuckpointers and Waterproofer</td>
<td>8.72</td>
</tr>
<tr>
<td>Sandblasters</td>
<td>9.72</td>
</tr>
<tr>
<td>Steamcleaners</td>
<td>8.97</td>
</tr>
<tr>
<td>WELDERS: receive rate prescribed for craft performing operation to which welding is incidental.</td>
<td></td>
</tr>
</tbody>
</table>

### 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 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.


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 1/2 day on the working day immediately preceding 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 employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

i. Paid Holiday: 1/2 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 Benefit 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.
<table>
<thead>
<tr>
<th>DECISION NO. NY78-3001</th>
<th>Fringe Benefits Payments</th>
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</thead>
<tbody>
<tr>
<td><strong>HEAVY AND HIGHWAY CONSTRUCTION</strong></td>
<td></td>
</tr>
<tr>
<td><strong>LABORERS:</strong></td>
<td></td>
</tr>
<tr>
<td>Concrete and curb form setters, Asphalt rakers</td>
<td>8 25</td>
</tr>
<tr>
<td>Asphalt workers and roller boys, Asphalt top shovellers and smoothers, Asphalt tampers</td>
<td>8 05</td>
</tr>
<tr>
<td>Jackhammers, and drill men, Hoppersmen, Carpenters' tenders, Pipe jointers and setters, Concrete laborers (structure), Stone spreading laborers, Trackmen, Grading and excavating laborers, Yard laborers, Pudlers on concrete pavement, Laborers (other than above) on concrete pavement, Landscape laborers, Asphalt plant (batcher and hopper men)</td>
<td>7 65</td>
</tr>
<tr>
<td><strong>PAID HOLIDAYS:</strong></td>
<td></td>
</tr>
<tr>
<td>A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.</td>
<td></td>
</tr>
<tr>
<td><strong>FOOTNOTE:</strong></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>

**NOTICES**

**DECISION NO. NY78-3001**

**BUILDING CONSTRUCTION**

**POWER EQUIPMENT OPERATORS:**

- Asphalt spreader
- Backhoe, dragline, gradall, pike driver, shovel
- Ratching plant (on site of job), power which (used for stone or steel), power which truck mounted (used for stone or steel), pump (concrete)
- Bonding machine, generator (small), vibrater (1 to 5), dinky locomotive
- Boiler, boiler, compressor (on crane) compressor (piping), compressor (steam setting), concrete breaker, conveyor, generator (piping), loading machine (front end), maintenance engineer, mechanical compressor (machine drain), powerhouse, power which truck mounted (used for other than steel or stone), pump mixer, power which (used for other than stone or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic pump jet), pump (single action 1 to 3), pump (well points), welding and burning, welding machine (piping)
- Boom truck, crane (crawler or truck), conveyor-belt, crane engine, stone spreader (self-propelled)
- Compressor, compressor (2 or more in battery), generator, oil pump machine, pin pumps, portable heaters, pump (4 inch or over), truck tamp (2 engines each), welding machine
- Crane and boom truck (setting structural or stone)
- Bulldozer (used for excavation), sleeter, loading machine, powerboom, scoops (carry-all scraper), vac-all oil or mass spreader, concrete spreader, derrick, side boom tractor
- Compressor (structural steel)
- Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpillar or wheel | 11.73 | 0% | 1.65 | 4 | .15
| 12.005 | 0% | 1.65 | 4 | .15
| 11.905 | 0% | 1.65 | 4 | .15
| 10.535 | 0% | 1.65 | 4 | .15
| 11.555 | 0% | 1.65 | 4 | .15
| 12.555 | 0% | 1.65 | 4 | .15
| 11.305 | 0% | 1.65 | 4 | .15
| 12.133 | 0% | 1.65 | 4 | .15
| 11.18 | 0% | 1.65 | 4 | .15
| 12.105 | 0% | 1.65 | 4 | .15
| 11.705 | 0% | 1.65 | 4 | .15
| 10.605 | 0% | 1.65 | 4 | .15

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<table>
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<tr>
<th>Building Construction</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crane with clam shell bucket</td>
<td>12.405 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Crane, crawler or truck</td>
<td>12.565 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Boom lengths of 300' (including jib)</td>
<td>12.655 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Boom lengths of 400' (including jib)</td>
<td>12.755 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Boom lengths of 600' (including jib)</td>
<td>12.855 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Curb machine (asphalt or concrete), curing machine, pump (submersible)</td>
<td>14.405 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Tower crane maintenance men</td>
<td>15.675 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Bridge</td>
<td>16.445 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Elevator, forklift, hoist (1 drum)</td>
<td>17.035 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Forklift (walk-behind, power operated)</td>
<td>17.345 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Grader</td>
<td>17.625 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Hoist (2 and drum)</td>
<td>17.975 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Mechanical compactors (hand operated), trench machine (hand)</td>
<td>18.365 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Hoist tandem platform</td>
<td>18.725 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Hydra-hammer, ridge cutter</td>
<td>18.935 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Lead engineer</td>
<td>18.055 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Loading machine (with capacity of 10 yds or over)</td>
<td>19.145 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Oilier, stump chipper</td>
<td>20.055 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Power buggies</td>
<td>20.445 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Scraper, trench machine</td>
<td>20.855 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Scoop, carry-all, scraper in tandem</td>
<td>21.265 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Sideloader (used in tank work)</td>
<td>22.365 $/hr</td>
<td>$.65 a</td>
</tr>
<tr>
<td>Stripping machines</td>
<td>22.635 $/hr</td>
<td>$.65 a</td>
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<tr>
<td>Tank work</td>
<td>23.025 $/hr</td>
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<tr>
<td>Tower crane (engineer)</td>
<td>23.495 $/hr</td>
<td>$.65 a</td>
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<td>Tower crane (operator)</td>
<td>23.965 $/hr</td>
<td>$.65 a</td>
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<tr>
<td>Welding machine, structural steel</td>
<td>24.415 $/hr</td>
<td>$.65 a</td>
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</table>

**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; Lincoln's Birthday, Washington's Birthday, Columbus Day.
- b. Basic hourly rate includes $.65 Vocation Fund.
### Notices

**State:** Wyoming  
**Counties:** Converse, Goshen, Laramie, Natrona, Niobrara and Platte

**Decision No.: WY70-5013**

**Date of Publication:** May 20, 1977, in 42 FR 26108

**Description of Work:** Building Construction (does not include single family homes and garden type apartments up to and including 4 stories) and heavy construction

**Basic Hourly Rates**

<table>
<thead>
<tr>
<th>Rate</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr Tr</th>
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<td>.85</td>
<td>6%</td>
<td>.07</td>
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</tbody>
</table>

**Fringe Benefits Payments**

### Painters

- **Converse, Natrona and Niobrara Counties:**
  - Painters, Brush and Roll: Hardwood Finishers; Sandblast; Pot Tenders
    - Zone 1 (15 miles radius from Cheyenne Post Office): $9.10 .65 .30
    - 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 (Postnote tb): General Contracts $700,000 or less 9.32 .75 .60 1.00 .18
    - General Contracts over $700,000 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

### Plumbers

- **Steamfitters:**
  - Goshen, Laramie and Platte Counties: 9.32 .75 .60 1.00 .18
  - Converse and Natrona Counties: 9.82 .75 .60 1.00 .18

---

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
<table>
<thead>
<tr>
<th>DECISION NO. W78-5013</th>
<th>Page 3</th>
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<table>
<thead>
<tr>
<th>ROOFERS</th>
<th>SHEET METAL WORKERS:</th>
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<tbody>
<tr>
<td></td>
<td>Niobrara Counties</td>
</tr>
<tr>
<td></td>
<td>Goshen, Laramie and Platte</td>
</tr>
<tr>
<td></td>
<td>SPARKLER FITTERS</td>
</tr>
<tr>
<td></td>
<td>WELDER: RIGGER: Receive rate prescribed for craft performing operations to which welding or rigging is incidental.</td>
</tr>
</tbody>
</table>

**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. Vacation Pay Credit. 6 Paid Holidays: A through F.
- **b** Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within 5 mile radius from the Post Office.

**PIED HOLIDAYS:**

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**LABORERS**

*Building Construction*

<table>
<thead>
<tr>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
<th>Group 4</th>
<th>Group 5</th>
<th>Group 6</th>
<th>Group 7</th>
<th>Group 8</th>
<th>Group 9</th>
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<tr>
<td>$6.52</td>
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</tbody>
</table>

**HEAVY CONSTRUCTION**

- Carpenters: 8.37 $60.60 15
- Concrete Masons: 8.90 50 35
- Ironworkers, structural: 6.21
- Ironworkers, reinforcing: 5.50 35
- Painters, brush and spray: 7.02

<table>
<thead>
<tr>
<th>DECISION NO. W78-5013</th>
<th>Page 4</th>
</tr>
</thead>
</table>

**LABORERS**

*Building Construction*

<table>
<thead>
<tr>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
<th>Group 4</th>
<th>Group 5</th>
<th>Group 6</th>
<th>Group 7</th>
<th>Group 8</th>
<th>Group 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Axeman and hand, fallers: Concrete worker (wet or dry) (curing and drying), Car and truck loader, Dumpyman, 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, corrogated; All work pertaining to pre-watering, pre-irrigation and pre-wetting; Rodman, Rigup 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 packaging of steel rods and mesh (reinforcing); Heater tender and pilot car operator.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Asphalt raker and tamper; Bin wall installer; Bituminous slab builder; Carpenter tender; Cement mason tender; Chuck tender; Formsetter (paving); Hand operator vibratory roller; Landscaper; Mechanical form cleaner; Mortar man on stone ripper; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrogated; 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).</td>
<td></td>
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</tr>
<tr>
<td>Concrete saw; Gunite nozzleman; High scaler (using air tools from boss'n chair, swing stage lift belt, or block and tackle, shall receive $2.20 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 (rido); Shoring and lagging of open ditch.</td>
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<tr>
<td>Powderman and blaster; Hagon drill, air grader, and other drills for blasting powder or grouting.</td>
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</tr>
<tr>
<td>Hose carter, Mason tender, Plastermen tenders, Terrazzo tenders, Tile setter tenders, and scaffold builders.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Formsetter and mover; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar men; Powderman.</td>
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</tr>
<tr>
<td>Hipper; Chuck tender; Top man or toplander.</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brakeman and vibrator man.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mucker and bull gang laborer.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
<table>
<thead>
<tr>
<th>Group 1:</th>
<th>Heavy Construction Laborers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average and hand feller; Bin Wall Installer Helper; Concrete Worker (wet or dry); Concrete Worker (curing and drying); Gunite Erector and Installer (including the installation and erection of funnels, snow fences, guard rails, median rails, guard posts, signs and right-of-way markers); Form Strippers; Form Setter Helper; (paving); General Labor; Gunite Worker; Hoist Tender; Landscaper Helper; Mason Helper; Lumber, rods, cement, concrete; Mason, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (cement); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Lap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc; Saloon Man or Helper; Tanker; Stake Worker; for equipment; Tar and asphalt pot tender; Trenching and demolition crews</td>
<td></td>
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</table>

<table>
<thead>
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<th>Group 2:</th>
<th>Heavy Construction Laborers</th>
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</thead>
<tbody>
<tr>
<td>Average and hand feller; Bin Wall Installer Helper; Concrete Worker (wet or dry); Concrete Worker (curing and drying); Gunite Erector and Installer (including the installation and erection of funnels, snow fences, guard rails, median rails, guard posts, signs and right-of-way markers); Form Strippers; Form Setter Helper; (paving); General Labor; Gunite Worker; Hoist Tender; Landscaper Helper; Mason Helper; Lumber, rods, cement, concrete; Mason, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (cement); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Lap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc; Saloon Man or Helper; Tanker; Stake Worker; for equipment; Tar and asphalt pot tender; Trenching and demolition crews</td>
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<table>
<thead>
<tr>
<th>Group 3:</th>
<th>Laborers (Cont'd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete Saw; Gunite Nozzelman; High Raiser (using air tools from boom chair, swing stage, lift belt, or block and tackle) shall receive 60 per hour; Mason Helper (using air tools from boom chair, swing stage, lift belt, or block and tackle) shall receive 60 per hour; Mason Helper (using air tools from boom chair, swing stage, lift belt, or block and tackle) shall receive 60 per hour; Mason Helper (using air tools from boom chair, swing stage, lift belt, or block and tackle) shall receive 60 per hour</td>
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<table>
<thead>
<tr>
<th>Group 4:</th>
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</thead>
<tbody>
<tr>
<td>Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting</td>
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<table>
<thead>
<tr>
<th>Group 5:</th>
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<tbody>
<tr>
<td>Tunnel and Underground Work; Breakers; Swappers; Vibrator Man</td>
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<table>
<thead>
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<tr>
<td>Bull Gang; Dumpy Man; Hoes Man; Trackman</td>
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<table>
<thead>
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<th>Group 7:</th>
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<tbody>
<tr>
<td>Miners (drillers); Machine Men; Timbermen; Steelmen; Drill Doctors; Form Setters and Movers; Sprayers; Tuggers; Spilling and/or Caulking Workmen; Powdermen; Jackhammermen; Finichers</td>
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<table>
<thead>
<tr>
<th>Group 8:</th>
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</thead>
<tbody>
<tr>
<td>Graders; Chucktenders; Togmen; Topladers</td>
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</table>
## HEAVY CONSTRUCTION
### POWER EQUIPMENT OPERATORS

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hours Rate</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Apps. Tr.</th>
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<td>Group 16</td>
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<tr>
<td>Group 17</td>
<td>8.45</td>
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<td>.35</td>
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</tbody>
</table>

### POWER EQUIPMENT OPERATORS

- **Group 1**: Auger Machine Operator (including holes, etc.); Batch Bin Filler, Dismantler, or Hopperman; Beginner Operator; Brake- man and Helper; Crusher Oiler; Oiler; Utility; Score Operator; Tractor Operators (farm, crawler or wheel type, 60 HP or more) (or less with or without use of power attachments, except for the use of backhoes or bucket trucks)

- **Group 2**: Broom Operators, self-propelled; Cabaway Signalman (bendboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

- **Group 3**: Air Compressor over 120 HP capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Roller Operators, self-propelled (pneumatic, rubber tired, smooth foot, vibratory or combination type); Tire Repairman

- **Group 4**: Pump Operator (all others)

- **Group 5**: Conveyor Belt Operator; Fork Lift and Lumber Stacker; Screening Plant Operator

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**NOTICES**

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
### HEAVY CONSTRUCTION TRUCK DRIVERS

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
</tbody>
</table>

**Pick-up Truck Drivers (when used for hauling)**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5.99</td>
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<td>.35</td>
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</table>

**Dump Truck Drivers (water level capacity box)**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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</thead>
<tbody>
<tr>
<td>6.04</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

- Over 7 cu yds to and including 10 cu yds.
- Over 10 cu yds to and including 13 cu yds.
- Over 13 cu yds to and including 20 cu yds.
- Over 20 cu yds to and including 25 cu yds.
- Over 25 cu yds to and including 30 cu yds.
- Over 30 cu yds to and including 35 cu yds.
- Over 35 cu yds to and including 40 cu yds.
- Over 40 cu yds to and including 45 cu yds.
- Over 45 cu yds. (to be negotiated prior to use)

**Snow Plow Truck Drivers (the cu yd. rate of the truck driver classification)**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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</thead>
<tbody>
<tr>
<td>$5.99</td>
<td>.35</td>
<td>.35</td>
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</tbody>
</table>

**Pilot Car Drivers**

<table>
<thead>
<tr>
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<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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<td>6.04</td>
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**Gravel Spreader**

<table>
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<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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</thead>
<tbody>
<tr>
<td>6.04</td>
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<td>.35</td>
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</table>

**Flat Rack Material Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.04</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

- Less than 2 tons
- 2 tons to 5 tons
- Over 5 tons

**Low Boy and Tandem Axle Flatbed Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.79</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

**Gang Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.04</td>
<td>.35</td>
<td>.35</td>
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</tbody>
</table>

**HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
</tbody>
</table>

**Stringing Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.04</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

- Single axle type truck
- Multiple axle type truck

**Winch Trailer Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.29</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

**Utility Winch Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.29</td>
<td>.35</td>
<td>.35</td>
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</table>

**"A" Frame Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.29</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

**Warehousemen, Partsman and Helpers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.04</td>
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</table>

**Material Checkers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
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<tbody>
<tr>
<td>6.19</td>
<td>.35</td>
<td>.35</td>
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</table>

**Transit Mix or wet mix Truck Drivers**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.29</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

- Less than 5 cu yds: Single axle
- Over 5 cu yds. to and including 10 cu yds.
- Over 10 cu yds.

**Power Broom Drivers and/or Operators**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.19</td>
<td>.35</td>
<td>.35</td>
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**Water Truck Drivers**

<table>
<thead>
<tr>
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<th>Education and/or Appr Tr</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.04</td>
<td>.35</td>
<td>.35</td>
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</tbody>
</table>

- 2500 gal. or less (straight truck)
- 2500 gal. or less (semi truck)
- Over 2500 gal. to and including 3600 gal.
- Over 3600 gal. (straight truck)
- Over 3600 gal. (semi truck)

**Power Broom Drivers and/or Operators**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
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- 2500 gal. or less (straight truck)
- 2500 gal. or less (semi truck)
- Over 2500 gal. to and including 3600 gal.
- Over 3600 gal. (straight truck)
- Over 3600 gal. (semi truck)

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</tbody>
</table>

- 2500 gal. or less (straight truck)
| HEAVY CONSTRUCTION |
| TRUCK DRIVERS (Cont'd) |
| Basic Hourly Rates | Flights Benefits Payments |
| $6.19 | H & W | Pensions | Vacation | Education and/or Appr Tr |
| Over 25 gal. to and including 3600 gal | 35 | 35 |
| Over 3600 gal. (straight truck) | 6.39 | 35 | 35 |
| Over 3600 gal. (semi truck) | 6.49 | 35 | 35 |
| Heavy Duty (Euclid, 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 |
| Field Mechanics (mechanics, etc) | 6.55 | 35 | 35 |

[PR Doc 78-2777 Filed 2-2-78; 8:45 am]
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
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 X 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.

SECTION 50.301 Applicability. 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.

50.304 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, severe and long-lasting physical health damage to the mother would result if the pregnancy 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 less than 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 stating that: (a) The person upon whom the medical procedure was performed was, within 60 days of the incident, to have been the victim of rape or incest; (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.

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 penal statutes of the United States, or of any State or local jurisdiction.

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.
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 permitted or encouraged by the regulations except where the life of the mother would be endangered if the fetus were carried to term; or except for medical procedures necessary for the termination of an ectopic pregnancy.

§ 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 part 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 part shall 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.


JAMES F. DICKSON,
Acting Assistant Secretary for Health.


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

[FR Doc. 78-2872 Filed 1-30-78; 2:15 pm]

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 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 titleXX 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: The regulations will be effective February 14, 1978. As explained below, in providing Federal financial participation for 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 the regulations is in order in light of these comments.

In commenting please refer to PCO-197-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:


SUPPLEMENTARY INFORMATION:

On December 19, 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. 84-459, which has popularly been referred to as the “Hyde amendment.”

STATUTORY LANGUAGE

Section 101 of Pub. L. 95-205 provides, in part, that:

"None 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 medical procedures necessary for the termination of a pregnancy, 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. 84-459, the Labor-HEW Appropriations Act of 1977, prohibited the Department from

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978
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: “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 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 medical 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 of Health, Education, and Welfare 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 “interpreting the statutory language, for as the Supreme Court has noted, it is a cardinal principle of statutory construction that “where the meaning of the statute is plain and unambiguous, the rule is that the meaning is fixed by the language used, and the court need not employ auxiliary aids of construction.” 47.01 United States v. American Trucking Ass'ns,” 310 U.S. 534, 543 (1940).

Examination of the 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 construction. In the words of the most authoritative treatise on statutory construction, “The use of intrinsic aids, by concentrating attention on the text of the law, thus appears to be most directly related to the purpose of deciding according to what the statute may be generally understood to mean.” 2A Sutherland, “Statutory Construction” § 47.01 (Sands ed. 1978).

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 250 pages of congressional debate over 6 months.

Unfortunately, the reports of the House and Senate committees to which 1976 fiscal year appropriations bills were referred contain virtually no discussion of the issue of Federal funding of abortions. Also, because House and Senate conference were never able to agree on the abortion issue, there is no 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 purpose 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 valuable intrinsic aids, 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 sec. 101 are consistent with the will of Congress. Accordingly, on January 24, 1978, the Secretary, by letter, requested the Honorable Griffen 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. 20210


Hon. Griffen 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 Continuing Resolution [HEW-Labor] 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 “the 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 comments 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
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.

The reports of the Conference Committees are equally unenlightening, as the conferences were unable to reach agreement on the abortion funding provisions of the Act. The final version of § 101 was a product of compromise on the floor of both houses. Consequently, the floor debates provide the only guidance also indicate that the members of that body understood medical procedures to include abortions. See, e.g., Cong. Rec. H12651 (daily ed., Dec. 6, 1977) (remarks of Representative Michel); id. S19237 (Nov. 29, 1977) (remarks of Representative Brooke); Cong. Rec. H12653 (Dec. 6, 1977) (colloquy between Representatives Volker 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(d) 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 exclude “any other federal, state, or local law enforcement 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. 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.”

The logical interpretation of the language of the paragraph is that Federal funding of abortions followed the exceptions. The second of those exceptions is for medical procedures necessary for the victims of rape or incest. The logical interpretation of the language 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 your question.

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. H12651 (Nov. 29, 1977) (remarks of Representative Conte); Cong. Rec. H12772, H12774 (Dec. 7, 1977) (remarks of Representative Conte). The sole suggestion to the contrary in the debates appears in a colloquy between Representatives Michel and Volker. In response to a question whether Michel asserted that medical procedures in cases of rape or incest did not include abortions, Cong. Rec. H12562 (Dec. 6, 1977). Both earlier and later in the debates, however, Representative Michel made statements implicitly contradicting that assertion. Cong. Rec. H12570 (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 phrase “paragraph is a non-authorization of a law enforcement agency or public health service, Congress did not however, direct the form or content of the report except to indicate that the victims of rape and incest “report” the incidents to a law enforcement agency or public health service. Congress did not direct the form or content of the report except to indicate that the 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 victims of rape and incest “report” the incidents to a law enforcement agency or public health service.

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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. 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.”

The logical interpretation of the language of the paragraph is that Federal funding of abortions followed the exceptions. The second of those exceptions is for medical procedures necessary for the victims of rape or incest. The logical interpretation of the language 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 your question.

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. H12651 (Nov. 29, 1977) (remarks of Representative Conte); Cong. Rec. H12772, H12774 (Dec. 7, 1977) (remarks of Representative Conte). The sole suggestion to the contrary in the debates appears in a colloquy between Representatives Michel and Volker. In response to a question whether Michel asserted that medical procedures in cases of rape or incest did not include abortions, Cong. Rec. H12562 (Dec. 6, 1977). Both earlier and later in the debates, however, Representative Michel made statements implicitly contradicting that assertion. Cong. Rec. H12570 (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.
RULES AND REGULATIONS

1(d)(a)(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. S15297, S15398 (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 appears within the permissible meaning of the words "reported promptly" its adoption is within the Secretary's discretion.

PROCEDURES FOR IMPLEMENTING THE REQUIREMENTS

Section 449.108 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 certifications and documentation specified in those sections.

Neither the statute 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 determination of whether or not 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 agency 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. Federalman 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 appropriated in this title shall be used to pay for any abortion except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy 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 be conclusive. The life endangering exception in Pub. L. 95-205 is identical to the statutory exception contained in section 309 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 practice of abortion, see, e.g., Cammarnaro v. United States, 356 U.S. 49S, 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, in light of 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.

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 be conclusive. The life endangering exception in Pub. L. 95-205 is identical to the statutory exception contained in section 309 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

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,

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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 damage would 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 at 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. H12553 (daily ed. Dec. 6, 1977) (emphasis supplied); and

MR. BAOAMAN: As to the mother's 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 second sentence as well as 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," 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 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, especially in the second and third paragraphs 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, which are separable from the rest of the 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 1974 Labor-HHEW Appropriations Act stated:

It is the intent of the Congress 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 funding for medically inaccurate methods 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 for medical reasons must be terminated. Nor is it the intent of the Conference to prohibit medical procedures necessary for the termination of an ectopic pregnancy or for the treatment of rape or incest victims; to prohibit the use of drugs or devices to prevent implantation of the fertilized ovum. H. Rep. No. 1556, 94th Cong., 2d Sess. 5 (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 necessary 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
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 Donnelly, Hatcher, 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 record that Congress intended the term "medical procedures" to encompass 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 in the House and Senate as to the meaning of 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, indicates that Congress intended the term "medical procedures" to encompass abortions.

Record 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 on November 3, 1977, See 123 Cong. Rec. S18590 (daily ed. Nov. 3, 1977). While the language was changed in the Senate to refer to the "medical procedures" as used in the Senate's legislation, the intended meaning remained consistent with the view that "medical procedures" necessary for the victims of rape or incest include abortions.


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 Volker.

Mr. MICHEL: That is correct.

Mr. VOLKER: Four, in the first sentence of the first phrase, "when so necessary", 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" not including the word "abortion" is not included in "medical procedures" is that correct?

Mr. MICHEL: That is correct.

Mr. VOLKER: Is it the gentleman's intention in presenting this amendment to the House that the words "medical procedures" as used in the Senate's legislation, the word "abortion" obviously is made to them, does not include the word "abortion" is that correct?

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 prohibits the use of drugs or devices to prevent the implantation of the fertilized ovum, (emphasis supplied), in a sentence separate from and following the one providing for the general prohibition against Federal funding of abortions and for the exceptions thereto. These items are not aborting. 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 or 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 agencies, 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 did report, within the time period specified by the regulations, to have been a victim of rape or 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 to permit the funding of abortions for the victims of rape or incest.

(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: * * * Obviously 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 that and the 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 made to a rape crisis center or chaplain's office which is part of or administered by a law enforcement agency. The reference to "general penal statutes" is intended to preclude reporting to a specialized law enforcement agency.
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 the term "public health service" does not include human service agencies ultimately accountable to the Government and serving the public in the immediate local area, or over a wider region. The Department also believes that Congress intended "public health service" to mean Federally funded clinics from the private sector, or even moneys totally from the private sector. If that is the best the regulations can do, we intend that the term not be so broad as to include abortion clinics, thereby having the right to certify that these pre-existing abortion clinics should be excluded.

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 medical-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 pre-existing abortion clinics were a result of rape or incest. Obviously, it would be against public policy if the law authorized that the money in these clinics that may be comprised of 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 conference.

MR. MICHEL: No, it should not. I would sincerely hope that they would be getting the message now 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 Volkmern and Michel:

MR. VOLKMER: What about State and local funds?

MR. MICHEL: I am talking about federally funded services. The Senator and I will know that in Cook County or Peoria County today they are taking care of situations that we are taking care of here, but they feel a need 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?


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-jurisdictional compact.

The Department recognizes that in certain rural areas no appropriate governmental agency or facility may be available. In order to ensure 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. 1488, 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 family planning facilities. Hence, the function is the performance of abortions. The Department believes that permitting reporting to abortion clinics would be inconsistent with the concept of respect for life.

(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 victimization 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 assure 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 facts of the rape. 123 Cong. Rec. H12491 (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 short 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 desire to put 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 some elaboration on the subject from the Senator from Massachusetts.

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 prompt, expressed the view 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 Senator said. 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977).

In response to that remark, Representative Mahon related his belief that prompt was shorter than "promptly" 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 "promptly" 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. Calffano, 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 "promptly" 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 12772.

On the previous day, Representative Michel provided his view on the meaning of prompt reporting:

But "promptly" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known unless the rape occurred within the first period. So it seems to me that "promptly" 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. It has to be done and it has to be done promptly.

In the face of these sharply conflicting expressions of Congress, 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 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. 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 1990(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 74.32. 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 206.50.

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 Reporting of any details concerning the underlying incident other than the name of the victim.

§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 11(a)(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 Marianas 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 medical procedures performed upon a victim of rape or incest if 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 medical procedures performed upon a victim of rape or incest if the mother 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 has 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.

§ 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 has 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.)


ROBERT A. DERZON,
Administrator, Health Care Financing Administration.


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. 4853 in providing Federal financial participation rules and 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 29, 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:


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.


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.)


   WARREN MASTER,
   Acting Assistant Secretary for Human Development Services.


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

   [FR Doc. 78-2871 Filed 1-30-78; 2:16 pm]