FRIDAY, OCTOBER 28, 1977

IMPORTANT NOTICE TO FEDERAL AGENCIES
For information on new billing codes required on all
documents submitted for publication in the Federal Reg-
ister after October 1, 1977, see back cover of this issue.

"THE FEDERAL REGISTER—WHAT IT IS AND
HOW TO USE IT"
Reservations for November are being accepted for the
free Wednesday workshops on how to use the FEDERAL
REGISTER. The sessions are held at 1100 L St. N.W.,
Washington, D.C. in Room 9409, from 9 to 11:30 a.m.
Each session includes a brief history of the FEDERAL
REGISTER, the difference between legislation and regula-
tions, the relationship of the FEDERAL REGISTER to the
Code of Federal Regulations, the elements of a typical
FEDERAL REGISTER document, and an introduction to the
finding aids.
FOR RESERVATIONS call: Martin V. Franks, 202-523-
3517.

SUNSHINE ACT MEETINGS

ICE CREAM
USDA/FSQS establishes quality standard; effective
10-29-77

NONCLINICAL LABORATORY STUDIES
HEW/FDA announces availability of results of good
laboratory practice pilot compliance program

OTC PRODUCTS
HEW/FDA clarifies proposed dosage statements for
phenylpropanolamine and eliminates an inconsistency
regarding products containing an oral bronchodilator and
an antitussive; comments by 12-27-77

COSMETIC LABELING
HEW/FDA proposes recognition of new sources for names
of ingredients; comments by 12-27-77

BIOLOGICS
HEW/FDA announces opportunity for hearing on intent
to revoke certain U.S. licenses for skin test antigens;
requests for hearing by 11-28-77
AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

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

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

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

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

FEDERAL REGISTER, Daily Issue:
Subscription orders (GPO) .... 202-783-3238
Subscription problems (GPO) ...... 202-275-3050
"Dial-a-Regulation" (recorded summary of highlighted documents appearing in next day's issue).
Scheduling of documents for publication.
Copies of documents appearing in the Federal Register.
Corrections ..... 523-3187
Public Inspection Desk .......... 523-3238
Finding Aids. .................. 523-5227
Public Briefings: "How To Use the Federal Register." ..... 523-3517
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NEW ANIMAL DRUGS
HEW/FDA approves revised labeling and a tolerance for the safe and effective use of nicarbazine premix in the treatment of chickens; effective 10-28-77. 56729

LEAD-BASED PAINT
SBA, as part of a consolidation of regulations, prohibits use in structures built with SBA financing; effective 10-28-77. 56720

PESTICIDES
EPA announces rebuttable presumption against registration of products containing maleic hydrazine (Part IV of this issue). 56920

CADMIUM, ARSENIC, AND POLYCYCLIC ORGANIC MATTER
EPA requests information by 12-31-77 on possible health hazards from ambient air exposure. 56786

WATER QUALITY STANDARDS
EPA deletes obsolete rules and lists State standards, their adoption and approval dates (2 documents); comments by 12-27-77; effective 12-27-77. 56739

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HEW/NIH announces availability of carcinogenicity report. 56805

OCCUPATIONAL SAFETY
HEW/PHS solicits information on certain chemical agents and processes; comments by 12-27-77. 56805

NARCOTIC TREATMENT PROGRAMS
HEW/FDA and the National Institute on Drug Abuse issue proposals on use of methadone and other drugs; comments by 12-27-77 (2 documents) (Part II of this issue). 56896, 55397

HOSPITAL AND MEDICAL FACILITIES
HEW/PHS proposes construction and equipment standards (Part III of this issue); comments by 12-12-77. 56916

DENTAL TEAM PRACTICE GRANTS
HEW/HRA begins accepting applications for fiscal year 1978; apply by 11-10-77. 56801

NATIONAL SCHOOL LUNCH PROGRAM
USDA/FNS apportions child care nonfood assistance funds; effective 10-19-77. 56714

PLANT VARIETY PROTECTION
USDA/AMS proposes limits of reciprocity for Israeli nationals; comments by 11-28-77. 56751

ALIEN STUDENTS
Justice/INS proposes to allow immigration judges to reinstate nonimmigrant alien students in lawful status; comments by 11-28-77. 56753

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RURAL RENTAL HOUSING LOANS
USDA/FmHA adds square footage guidelines, and also
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MULTI-BANK COMMON TRUST FUNDS
SEC proposes treatment similar to traditional single-bank
common trust funds; comments by 11-30-77. 56754

SMALL BUSINESS INVESTMENT COMPANIES
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RAILROAD SAFETY
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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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reminders

(The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Issuance of special flight permits with a continuing authorization to air taxi operators of large aircraft.
51561; 9-29-77

EPA—Approval of revision to District of Columbia State implementation plan.
49811; 9-28-77

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.


FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977 xiii
SUMMARY: The following positions excepted under Schedule C because they are confidential in nature: One position of Special Assistant (Community Relations) to the Commissioner.

PART 213—EXCEPTED SERVICE
Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Staff Assistant to the Director, Office of Workers' Compensation Programs, is excepted under Schedule C because it is confidential in nature.


FOR FURTHER INFORMATION CONTACT:

Accordingly, 5 CFR 213.3315(b) is added as set out below:
§ 213.3315 Department of Labor.
• • • • •
(d) Office of Workers' Compensation Programs.
• • • • •
(1) One Staff Assistant to the Director.

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

[FR Doc.77–31287 Filed 10–27–77; 8:45 am]

[6325–01 ]

PART 213—EXCEPTED SERVICE
Federal Maritime Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant for International Programs is excepted under Schedule C because it is confidential in nature.


FOR FURTHER INFORMATION CONTACT:

Accordingly, 5 CFR 213.3367(g) is added as set out below:
§ 213.3367 Federal Maritime Commission.
• • • • •
(g) One Special Assistant for International Programs.

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

[FR Doc.77–31287 Filed 10–27–77; 8:45 am]
**RULES AND REGULATIONS**

### Title 7—Agriculture

**CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE**

**PART 226—CHILD CARE FOOD PROGRAM**

Initial Apportionment of Fiscal Year 1978 Child Care Nonfood Assistance Funds Pursuant to the National School Lunch Act

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action apportions Child Care Nonfood Assistance Funds among States in compliance with section 17 of the National School Lunch Act, as added by Pub. L. 94-105.

**EFFECTIVE DATE:** October 19, 1977.

**FOR FURTHER INFORMATION:**


- The following appendix is added to 7 CFR Part 226:

#### APPENDIX—INITIAL APPORTIONMENT OF FISCAL YEAR 1978 CHILD CARE NONFOOD ASSISTANCE FUNDS PURSUANT TO THE NATIONAL SCHOOL LUNCH ACT

Pursuant to section 17 of the National School Lunch Act, as added by Pub. L. 94-105, Child Care nonfood assistance funds available for the fiscal year ending September 30, 1978, are apportioned among the States as follows:

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<thead>
<tr>
<th>State</th>
<th>Total</th>
</tr>
</thead>
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<td>Washington</td>
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**NOTES:**—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11851 and OMB Circular A0107.

**Date:** October 19, 1977.

**GENE DICKIE, Acting Administrator.**

[Fed. Reg. 37:31322 Filed 10-27-77; 8:45 am]

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**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 30–November 5, 1977. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

**FOR FURTHER INFORMATION CONTACT:**

Charles R. Brader, 202-447-3545.

**SUPPLEMENTARY INFORMATION:**

**Findings:** Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 901–914), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on October 25, 1977, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week.

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

**§ 910.417 Lemon Regulation 117.**

**Order.** (a) The quantity of lemons grown in California and Arizona which may be handled during the period October 30, 1977, through November 5, 1977, is established at 200,000 cartons.

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

**Date:** October 27, 1977.

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

[ 1505-01 ]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE
[FF 77-30538, appearing at page 59879 in the issue for Thursday, October 20, 1977

PART 1002—Milk in the New York-New Jersey Marketing Area

Order Amending Order

Corrections

In FED Doc. 77-28934 appearing in the issue of Friday, September 23, 1977, on page 59879, the caption above the table in §1002.51(c) on page 59880 was inadvertently omitted. The caption should be included as follows:§1002.51 Transportation differentials. 

(c) [Cents per hundredweight]

ACTION: Final rule.

SUMMARY: This rule amends Farmers Home Administration (FmHA) regulations to add specific maximum square footage area guidelines for rental units and community rooms or buildings in rental housing projects. These guidelines are intended to alleviate inconsistencies in program administration.


1. For further information contact:

Mr. Paul R. Conn, Director, Multiple Family Housing, or Mr. Lynn E. Voigt, Multiple Family Housing Loan Officer, 202-421-7297.

SUPPLEMENTARY INFORMATION: This rule amends existing regulations in order to provide guidelines for use in assuring that FmHA finances rental housing units and related facilities that are modest in size and cost.

FmHA gave notice on April 10, 1977 at 42 FED. REG. 20302 that it was proposing to amend §1822.88(a) (1) and (2) of Subpart D of Part 1822, Chapter XVII, Title 7, Code of Federal Regulations (40 FR 2178) by adding square footage guidelines for rental units and community rooms or buildings, and providing editorial changes. The comment period closed May 19, 1977, and FmHA is now publishing the amendment as a final rule.

FmHA received 11 comments in response to the proposed regulations. All comments were carefully considered, and changes have been made to the proposed regulations, as described below, based on these comments. A discussion of the principal changes and of the more recurrent and significant comments follows:

1. Several comments suggested that the method of calculating the square footage living area be defined. Accordingly, FmHA has defined the method of calculating the square footage living area as follows: The living area of an apartment is the square footage area within the living unit including all interior hallways, utility rooms, closets, storage, bathrooms, kitchens, bedrooms, dining areas, and other similar spaces. Square footage living area shall be measured from the exterior faces of exterior walls and from the center line of walls separating the individual living units from other interior spaces, and shall include the area occupied by interior partitions of the living unit.

2. It was suggested that the size guidelines for community rooms or buildings be changed to comply with the Federal Intergency Day-Care Requirements of September 23, 1977. This suggestion has not been accepted because current regulations do not permit the use of rural rental housing loan funds to finance day-care centers or facilities.

3. In response to many comments, living area size guidelines have been provided in §1822.88(a) (1) for these regulations for living units of 4 or more bedrooms.

4. Comments suggested no maximum square footage living area guidelines should be set, and expressed the opinion that they could discourage and penalize innovative architects and builders. Careful consideration has been given to this suggestion and FmHA has determined that the guidelines should be established in order to assure the construction and rehabilitation of economical housing that is modest in its size and cost, and not of elaborate or extravagant design or materials. Furthermore, the establishment of a range of figures as a guideline, as opposed to one maximum figure, will still afford architects and builders an opportunity to demonstrate their innovativeness. The range of figures will also provide the latitude necessary to meet the additional handicapped unit design and construction standard requirements of the Department of Housing and Urban Development (HUD): Minimum Property Standards for Multiple Family Housing No. 4101.

5. While several comments suggested a reduction in the maximum size guidelines published for comment, numerous comments were in favor of increasing the maximum guidelines. FmHA has carefully considered these conflicting comments, and has determined that a modest increase is warranted. Accordingly, the maximum square footage guidelines shown in §1822.88(a) (1) of these regulations have been increased.

6. One comment expressed concern over the applicability of these proposed guidelines to the rehabilitation of existing structures, and especially the treatment of historic structures under the proposed amendment. The opinion was expressed that some existing structures for which rehabilitation may be economically feasible may not be adaptable to the proposed maximum living area guidelines since the difference in character between contemporary and older construction often extends to the disposition of interior spaces. Accordingly, §1822.88(a) (1) is changed to provide basic applicability to new rental units to be constructed with rural rental housing loan funds.

Section 1822.88(a) (1) and (2) are revised. Section 1822.88(a) (3) is being revised this date in a separate publication. Also, minor editorial changes have been provided in paragraphs (a), (b), (c), and (d) of §1822.88(a). Because of the nonsubstantive nature of these editorial changes, publication in proposed rulemaking for §1822.88(a) (4), (5), (6), and (7) is unnecessary. Therefore, §1822.88(a) (1), (2), (3), (4), (5), (6), and (7) is read as follows:

[ 3410-07 ]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

FmHA Instruction 444.5

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

Rental Units and Community Rooms: Square Footage Guidelines

AGENCY: Farmers Home Administration, USDA.

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977

56715
ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning financing rural rental housing projects of more than two-stories so that consideration can be given to financing low-rise rental structures when justified on an individual case-by-case basis. This regulation is being amended as a result of requests from the general public, and is intended to provide more latitude in providing rural residents with necessary housing.


FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, Director, Multiple Family Housing Loan Division or Mr. Lynn E. Voigt, Multiple Family Housing Loan Officer, 202-447-7207.

SUPPLEMENTARY INFORMATION:

This rule amends existing regulations in order that they be consistent with the National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, No. A117.1-R 1971, which have been approved by the American National Standards Institute, Inc. (ANSI). The Secretary of the Department of Housing and Urban Development (HUD) has incorporated the provisions of the Architectural Barriers Act of 1968 and the ANSI standards into the HUD Minimum Property Standards for Multifamily Housing No. 4910.1. Since FmHA requires rural rental housing loan applicants to comply with the HUD Minimum Property Standards, compliance with both the Architectural Barriers Act of 1968 and the ANSI standards is, therefore, also required.

One comment expressed opposition to the proposed change and expressed the opinion that a lack of buildings and high cost of land do not justify a change in FmHA’s policy toward financing more than two-story rental structures. The opinion was expressed that buildings of more than two-stories are not rural in character, and the cost-reduction achieved by higher density housing will only be offset by increased management and maintenance costs. It was suggested that FmHA could make fuller use of its site loan program to lower its site development standards in order to encourage the development of lower cost building sites. Careful consideration has been given to this comment and suggestion, and FmHA has determined that criteria should be established so that consideration can be given to financing low-rise rental structures in those rural communities where there may be no other alternative to providing the needed residential housing. The establishment of these criteria should in no way prohibit an eligible recipient from utilizing the alternative of obtaining a site loan in order to develop low cost building sites.

Section 1822.88(a) (8) (iv) has been revised to remove the requirement that rental units be leased under the HUD Section 8 Housing Assistance Payments Program if the cost of the units is higher than the cost of one- and two-story construction normally financed with RHS loans. The proposed rule publication erroneously contained this requirement.

It should be noted that other paragraphs of § 1822.88 have been revised this date in a separate publication.

Therefore § 1822.88(a) (3) is revised to read as follows:

§ 1822.88 Special conditions.

(a) * * *

(3) Be residential in character and location and be designed to meet the needs of the elderly and those who are capable of caring for themselves. Generally, RHS units should not be more than two-story structures. However, in some cases, especially those involving senior citizen projects, low-rise structures with...
RULING, ELEVATORS CAN BE CONSIDERED ON AN INDIVIDUAL CASE-BY-CASE BASIS, WITH PRIOR WRITTEN AUTHORIZATION FROM THE NATIONAL OFFICE, WHEN THE FOLLOWING CONDITIONS EXIST:

(i) There is a serious shortage of suitable building sites, and the number of units needed cannot be built due to lack of space on the site and other building sites and available land.

(ii) Land costs are such that one- or two-story construction would result in a unit cost and rental rates in excess of what eligible occupants can afford.

(v) The costs of the units should compare favorably with one- and two-story construction financed with FHA loans. If the costs are higher, the loan will not be approved until the FMHA State Area Office submits in accordance with Exhibit F-7, must identify market acceptability for the number and type of low-rise rental units proposed.

(iv) Elevators will be provided in accordance with the HUD Minimum Property Standards (MPS) (4910.1). If elevators are included, the subsoil conditions of the site must be adequate for the installation of hydraulic elevators and sufficient service personnel must be available in the area for service and repair work.

(42 U.S.C. 1408; delegation of authority by the Secretary of Agriculture, 7 CFR 2.22; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Note-The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11931 and OMB Circular A-107.

Dated: October 20, 1977.

JAMES E. THORNTON, Associate Administrator, Farmers Home Administration.

[FR Doc.77-31263 Filed 10-27-77; 8:15 am]

PART 2858—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS, AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

United States Department of Agriculture

STANDARD FOR ICE CREAM

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: Under the Food and Agriculture Act of 1977, Congress has directed that the Secretary of Agriculture establish a standard of quality for ice cream that meets certain compositional and ingredient requirements set forth by Congress. This final rule establishes such a standard. Ice cream meeting these requirements may bear a symbol indicating that it meets the Department of Agriculture standard for ice cream.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

§ 206 of the Food and Agriculture Act of 1977, Pub. L. 95-113 (Sept. 29, 1977), amends § 283(c) of the Agricultural Marketing Act of 1946, 7 U.S.C. 1627, and directs the Secretary of Agriculture to establish by regulation a standard for ice cream. A preamble to an economic impact statement is on file in the United States Department of Agriculture.

The Act mandates that the standard shall provide that ice cream shall contain at least 1.6 pounds of total solids to the gallon, weigh not less than 4.5 pounds to the gallon and contain not less than 20 percent total milk solids, constituted of not less than 10 percent milkfat. In no case shall the content of milk solids not fat be less than 6 percent. They shall not, by weight, be more than 25 percent of the milk solids not fat.

The standard established by the Secretary must prescribe ingredients at least equal to those contained in the standard of identity set forth in 21 CFR Part 20, § 20.1 (1976), for ice cream established by the Food and Drug Administration. Therefore, there has been provided additional requirements for the reduction of the minimum levels for milk fat and total milk solids when optional ingredients such as chocolate, nuts, or fruits, are used in ice cream.

Packages of ice cream meeting the USDA standard may be voluntarily labeled with the USDA symbol indicated in § 2858.2637 of the regulation. The authority, approval, and withdrawal of use of such a symbol shall follow the regulations contained in Part 2838, Subpart A, "Regulations Governing the Inspections and Grading Services of Manufactured or Processed Dairy Products."

These regulations require that the dairy ingredients come from a USDA approved plant, that bulky ingredients, such as chocolate or cocoa solids used in ice cream, be manufactured from approved plants, and that any ice cream bearing the USDA symbol be produced under continuous inspection. Since this program is under the USDA voluntary service, a fee will be charged for all services. Such fees are contained in Subpart A.

The Department requests comments as to other means of implementing this program. If there are substantial comments supported by appropriate facts and data that would warrant a change in the regulations contained in Subpart A, the Department will propose appropriate amendments.

Also, the Department requests comments as to the interest and desirability of establishing quality grade standards for ice cream. Such grade standards would allow consumers the choice to select the quality (milkfat and milk solids content, flavor, body, texture, color, and appearance) of ice cream they desire.

Comments on these two requests should be sent to the Hearing Clerk, Room 1077, South Building, Washington, D.C. 20250, not later than January 1, 1978.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to give preliminary notice, engage in public rulemaking procedures, and postpone the effective date of this final rule. Therefore, section 553(b) of the Administrative Procedure Act, as amended, and as further amended by the Food and Drug Administration, directs the Secretary to issue the standard within 30 days of enactment of the Act.

Therefore, under the authority of the Agricultural Marketing Act of 1946, 7 U.S.C. 1977, as amended, and as further amended by the Food and Agriculture Act of 1977, a new Subpart W is added to Part 2858 to read as follows:

Subpart W—United States Department of Agriculture Standard for Ice Cream

§ 2858.2825 United States Standards for Ice Cream.

(a) Ice cream shall contain at least 1.6 pounds of total solids to the gallon, weigh not less than 4.5 pounds to the gallon, and contain not less than 20 percent total milk solids, constituted of not less than 10 percent milkfat. In no case shall the content of milk solids not fat be less than 6 percent. They shall not, by weight, be more than 25 percent of the milk solids not fat.

(b) When one or more of the bulky optional ingredients, as approved by the Food and Drug Administration, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids added or multiplied by 2.5) (in any milled milkfat or solids) used in the finished ice cream shall be the weight of the finished product, plus the weight of the ingredients used in the ice cream and the weight of the sugar or other sweetening materials added. In no case is the weight of milk fat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished ice cream. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; the weight of fruit or fruit nect used must be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the following weights of milk fat and total milk solids when such ingredients are used.
original weights before drying and this weight multiplied by 1.4. The finished ice cream contains not less than 1.6 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose is used, the finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon exclusive. In both cases, of the weight of the microcrystalline cellulose.

(c) Optional characterizing ingredients, optional sweetening ingredients, stabilizers, and emulsifiers as approved by the Food and Drug Administration may be used.

§ 2858.2826 General identification.

A consumer packaged product shall comply with the applicable labeling regulations of the Food and Drug Administration.

§ 2858.2627 Official identification.

(a) The official symbol to be used to identify product meeting the USDA standard for ice cream shall be as follows:

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[DIAGRAM OF SYMBOL]
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(b) Ice cream manufacturing plants using this symbol shall be USDA approved as set forth in Subpart B of this regulation, and the ice cream bearing the symbol shall be manufactured under continuous resident or continuous non-resident USDA inspection service in accordance with Subpart A of this regulation.

The dairy ingredients used in such ice cream shall come from USDA approved plants.

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

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc.77-31426 Filed 10-27-77; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

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

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Restrictions on Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document provides for temporary importation of horses for purposes other than breeding from Australia, Ireland, France, and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man); countries affected with contagious equine metritis, previously known as equine metritis (EM–77), a breeding disease of horses. The importation of all horses from Australia, Ireland, France, and the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man) is prohibited.

The following restrictions apply to horses imported for purposes other than breeding.

The importation of horses from the following countries and importation of all horses which have been in any such country within the 60 days immediately preceding their export to the United States is prohibited because of the existence of contagious equine metritis in such countries, except that, the provision of this paragraph shall not apply to geldings, weanlings, or yearlings whose age is certified to on the import health certificate prescribed in § 92.17 of this part, and horses imported for purposes other than breeding, only, under the conditions established by the countries of origin.

§ 92.17 Horses, certification and requirements in transit.

Horses offered for importation from any part of the world, except as provided in §§ 92.23 and 92.24, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in said country during the 60 days preceding exportation; that the animal has such an age, if 16. It has been inspected on the premises of origin and found free of evidence of communicable disease and, insofar as can be determined, exposure thereto during the 60 days preceding exportation; that each animal has not been vaccinated with a live or attenuated or inactivated vaccine during the 14 days preceding exportation; and, insofar as can be determined, exposure to African horse sickness, dourine, glanders, strum, epizootic lymphangitis, ulcerative lymphangitis, equine piroplasmosis, or Venezuelan equine encephalomyelitis has occurred on the premises of origin or on adjoining premises during the 60 days preceding exportation; and the horses have not been on any premises at any time when such premises were known to be affected with contagious equine metritis, and further, that the horses have not been bred by or bred to horses from premises known to be affected with contagious equine metritis, and that the horses have not been on any premises at any time when such premises were known to have had contact with horses that are found affected with this disease: • • •

(Sec. 2, 32 Stat. 799, as amended; secs. 4 and 11, 76 Stat. 130, 183, 21 U.S.C. 111, 194; and 134; 37 FR 5864, 5847; 38 FR 10161.)

These amendments relieve certain restrictions presently imposed by excluding horses temporarily imported for purposes other than breeding from the prohibition against the importation of certain horses into the United States from countries in which contagious equine metritis is known to exist and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking procedure would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making the amendments effective less than 30 days after publication in the Federal Register.

FEDERAL REGISTER, VOL. 42, NO. 203—FRIDAY, OCTOBER 28, 1977
RULES AND REGULATIONS

OUTSIDE METROPOLITAN AREA

TWO HOURS
Add: Oakfield, Wisconsin (served from Ripon, Wisconsin).
Delete: Oakfield, Wisconsin (served from Markesan, Wisconsin).

THREE HOURS
Add: Anchorage, Alaska (served from Palmer, Alaska).
Add: Chilton, Wisconsin (served from Ripon, Wisconsin).
Add: Hartford, Wisconsin (served from Ripon, Wisconsin).
Add: Watertown, Wisconsin (served from Ripon, Wisconsin).
Delete: Chilton, Wisconsin (served from Markesan, Wisconsin).
Delete: Hartford, Wisconsin (served from Markesan, Wisconsin).
Delete: Watertown, Wisconsin (served from Markesan, Wisconsin).

FOUR HOURS
Add: Sheboygan Falls Wisconsin (served from Ripon, Wisconsin).
Delete: Anchorage, Alaska (served from Palmer, Alaska).
Delete: Nikiski, Alaska (served from Palmer, Alaska).
Delete: Sheboygan Falls, Wisconsin (served from Markesan, Wisconsin).

SIX HOURS
Add: Barron, Wisconsin (served from Ripon, Wisconsin).
Delete: Seward, Alaska (served from Anchorage, Alaska).

TWELVE HOURS

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions is impractical, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 20th day of October 1977.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM
SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM [Docket No. R-0121]
PART 261—RULES REGARDING AVAILABILITY OF INFORMATION
PART 262—RULES OF PROCEDURE

Bank Holding Company and Bank Merger Orders

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Board of Governors has amended its Rules Regarding Availability of Information and Rules of Procedure to conform the rules to current practices.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:
The Board of Governors will no longer publish bank holding company and bank merger orders in the Federal Register. Copies of these orders will be available upon request to Publication Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The provisions of section 553 of Title 5, United States Code, are not followed in connection with these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirements of such section.

§ 261.3 [Amended]
1. Section 261.3(a) is amended by revising the last sentence to read as follows:

(a) * * * The Board also publishes in the Federal Register notice of receipt of applications pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1842), and notices of formal hearings ordered by the Board.

* * * * *

§ 262.3 [Amended]
2. Section 262.3(g) (4) is amended by deleting the words, "Each such Order is published in the Federal Register."

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

NORVAN L. MEYER,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-31292 Filed 10-27-77;8:45 am]

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-31722 Filed 10-27-77;8:45 am]
RULES AND REGULATIONS

1. Section 107.810 is amended to read as follows:

§ 107.810  Assets in liquidation.
(a) A Licensee shall dispose of assets acquired in total or partial liquidation of a Portfolio asset, within a reasonable period of time.
(b) (1) A Licensee may incur reasonably necessary expenditures for maintenance and preservation of such assets, and
(2) A Licensee may, subject to prior written SBA approval, incur reasonably necessary expenditures for improvements to render such assets salable.
(c) The following required expenditures allocable to such assets in an aggregate amount which, together with its total investment attributable thereto, and its expenditures pursuant to paragraphs (a) and (b) of this section do not exceed 35 percent of its Private Capital, except as specifically approved in writing by SBA.
(d) Application for SBA approval under paragraphs (b) (2) and (3) of this section shall specify all expenses estimated to be necessary pending disposal of the assets.

2. Section 107.901(b) is amended to read as follows:

§ 107.901  Control of small concern.

(b) A Licensee which has assumed Control of a Small Concern may later provide additional Financing, without an exemption under §107.1004(b)(1), and shall within 30 days resubmit its divestiture plan for SBA approval only where the additional Financing requires significant changes in such SBA-approved plan on file in order to effect divestiture of Control.

§ 107.1104  [Reserved]

3. Section 107.1104 (Fidelity insurance) is repealed.

Appendix—[Amended]

4. Subdivision X of Appendix A—Audit Guide for Small Business Investment Companies, dealing with fidelity bonds, is rescinded.

(Catalog of Federal Domestic Assistance Program No. 69.011, Small Business Investment Companies.)

A. Vernon Weaver, Administrator.
[FR Doc.77-31324 Filed 10-27-77; 8:45 am]
Subpart C—Lead-Based Paint § 116.20 Purpose and scope.

116.21 Definitions.

116.22 Prohibition.

116.30 Exemption.

Authority: Sec. 204(b) of Pub. L. 94-517; 90 Stat. 765.

Subpart A—Veterans § 116.1 Purpose and scope.

This subpart is established by the SBA to set forth the Agency's policies and criteria for giving special consideration to veterans of the Armed Forces and their survivors or dependents in the administration of SBA programs of assistance.

§ 116.2 Definitions.

As used in this subpart:

(a) The term "veteran" means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(b) The term "Armored Forces" includes the Army, Navy (with the Marine Corps), Air Force; the Coast Guard; a unit of the National Guard when called into the service of the United States; and Environmental Science Services Administration, Public Health Service, and other organizations assigned to and serving with the armed forces.

(c) The term "survivor" means a widow or widower who has not remarried, child, or dependent parent of a deceased veteran.

(d) The term "dependent" means the spouse, child, or dependent parent of a veteran as defined further in sections 152-153 of the Internal Revenue Code.

(e) The term "child" shall include dependent children, whether a legitimate child, a legally-adopted child, a step-child who is a member of the veteran's household, or an illegitimate child if so acknowledged in writing by the veteran or determined to be such by a court of competent jurisdiction.

§ 116.3 Special consideration.

(a) Special consideration as defined below, is available only to the veteran himself, or to one dependent or survivor. That is, it will apply first to the veteran himself or herself if not permanently disabled veteran, and then to a dependent if the veteran does not choose to seek SBA assistance. In the case of a deceased or totally and permanently disabled veteran, the benefit would apply to either the unremarried or supporting spouse, or child, or dependent parent. This policy does not preclude the veteran or other dependents or survivors from later applying for SBA assistance under normal procedures and criteria.

(b) Special consideration will include the following:

(1) In depth management assistance counseling on first interviews. Action will be taken to ensure that our management assistance people advise veterans of SBA's programs and the potential benefits to them.

(2) Emphasis to SBA personnel designated as Veterans Affairs Officers the need for close cooperation with the local VA offices and organizations having direct interest in veteran problems.

(3) Direct SBA procurement personnel designated as Veterans Procurement Advisers to emphasize how veterans can obtain procurement contracts from the Government.

(4) Local media campaigns to inform the veteran about SBA ability and desire to help.

(5) Special workshops and training.

(6) Prompt processing of loan applications of any type.

(7) Particular attention to giving maximum or indirect assistance to veterans.

(8) Loans will not be denied solely because of the lack of collateral, providing the veteran, dependent, or survivor will provide any worthwhile collateral.

(9) On all direct loans, place a liberal interpretation on present deferment policy.

(10) In the awarding of 8(a) contracts, veteran status may be a contributing factor in establishing eligibility as "socially or economically disadvantaged."

(11) In all district offices there shall be one or more specialists designated as veterans loan officers.

Subpart B—Flood Insurance Protection § 116.10 Purpose and scope.

This subpart is established by the SBA to implement the Agency's responsibilities under section 102(a) of the Flood Disaster Protection Act of 1973 which prohibits Federal financial assistance for acquisition or construction purposes in special flood hazard areas (as designated by the Secretary of Housing and Urban Development), when persons in such areas are eligible for flood insurance which has been made available under the National Flood Insurance Act of 1968, and have not obtained such insurance. The following programs are subject to the legislation: 1(a) Business loans, all 7(b) disaster loans, economic opportunity loans, handicapped assistance loans, water pollution loans, sections 501 and 505 loans, lease guarantees, small business investment loan guarantees, and pollution control guarantee program.

§ 116.11 Requirements.

(a) General. Flood insurance is required of a recipient of SBA direct or indirect assistance for construction purposes as defined in paragraph (d) of this section on the basis of its availability at the time of approval of a loan subject to a continuing requirement that if flood insurance becomes available during the term of the loan, the borrower will purchase and maintain such insurance.

(b) Community Participation in Insurance Program. On and after July 1, 1975, no financial assistance will be authorized by which SBA would provide direct or indirect assistance to an applicant located in an identified special flood hazard area unless the community in which said applicant is located is participating in the flood insurance program or (2) less than a year has elapsed since the community was formally notified of the identification of a special flood hazard area within its boundaries.

(c) Amount of coverage required. The amount of flood insurance required is the lesser of:

(1) The maximum amount available.

(2) An amount equal to the Federal assistance for construction purposes, or

(3) The insurable value of the property to be insured.

(d) Covered loan uses. For the purpose of this subpart, construction is defined to include the acquisition, reconstruction, repair or improvement of any building or mobile home on a foundation, and any machinery, equipment, inventory, fixtures or furnishings contained or to be contained therein.

(e) Policy requirements. For the purpose of this subpart, any flood insurance policy shall be deemed satisfactory if it meets the following requirements:

(1) Is a standard flood insurance policy; or

(2) Is a policy issued by an insurer licensed to do business in the jurisdiction where the property is located.

(3) The flood insurance policy issued by the insurer includes an endorsement which:

(1) Requires that the insurer give 30 days written notice of cancellation or non-renewal to the Insured with respect to the flood insurance coverage. Such notice must be mailed to both the Insured and the lender and must include information as to the availability of flood insurance coverage under the National Flood Insurance Program, and guarantees that the flood insurance coverage offered by the Insurer is at least as broad as the coverage offered by the Standard Flood Insurance Policy, and

(2) Contains a mortgage interest clause similar to that contained in the Standard Flood Insurance Policy.

(i) Additional assistance. If SBA provides additional assistance to a borrower previously assisted with respect to real estate at the same facility in the same location, flood insurance will be required on the previously assisted building as well as on personal property covered by the new assistance if said borrower is located in an area in which flood insurance is available and subject to the restrictions of paragraph (b) of this section.

(ii) Non-hazard areas in nonparticipating communities. The restriction against approval of financial assistance as set forth herein applies only to property located within the designated flood hazard area and does not extend to locations outside that area even in a nonparticipating community.

§ 116.12 Related regulations.

It is the intent of the SBA that this regulation be administered in a manner
consistent with regulations issued by the Department of Housing and Urban Development (24 CFR Parts 1909-1920).

Subpart C—Lead-Based Paint

§ 116.20 Purpose and scope.

This subpart implements the requirements of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801 et seq., and the regulations imposed by the Department of Housing and Urban Development, 24 CFR 35.50-35.65, which has the responsibility of ensuring compliance with the Act. All SBA programs of assistance except management assistance are subject to this subpart.

§ 116.21 Definitions.

(a) Lead-based paint. Lead-based paint means

(1) Any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint or the equivalent measure of lead in the dried film of paint already applied or both; or

(2) With respect to paint which is manufactured after June 22, 1977, any paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.

(b) Residential structure. Residential structure means any house, apartment or structure intended for human habitation, including any institutional structure where persons reside, such as an orphanage, boarding school, dormitory, day care center, or extended care facilities, college housing, hospitals, group practice facilities and community facilities.

(c) Applicable surfaces. Applicable surfaces means all interior surfaces, whether accessible or not, and those exterior surfaces such as stairs, decks, porches, railings, windows and doors which are readily accessible to children under 7 years of age.

§ 116.22 Prohibition.

All recipients of SBA assistance granted in connection with the construction or rehabilitation of a residential structure are prohibited from using lead-based paint on the applicable surfaces of such residential structure.

§ 116.23 Penalty.

In the event lead-based paint is improperly used, the recipient will be required to remove the paint and repaint the affected area at its own expense.

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPDR–136, Amdt. 1]

PART 371—ADVANCE BOOKING CHARTERS

Free and Reduced-Rate Transportation for Travel Agents

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule permits charter operators to offer free and reduced-rate transportation to travel agents for a two-year trial period. The rule is in response to a petition for rulemaking from General Tours, Inc., a tour operator. These rules will allow charter and tour operators to offer these seats for promotional and familiarization purposes.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Under the Board’s charter rules for advanced booking charters (ABCs), inclusive tour charters (ITCs), and onestop inclusive tour charters (OTCs) (14 CFR Parts 371, 378, and 378a), charter and tour operators are not allowed to offer travel agents free or reduced-rate transportation on charter flights. In contrast, scheduled carriers may offer such travel, though on a restricted basis, to promote those discount fares in direct competition to the charter programs.

General Tours, Inc., a tour operator, filed a petition for rulemaking, asking the Board to consider permitting these reduced rates on charters for familiarization and promotional purposes. On February 3, 1977, the Board issued Notice of Proposed Rulemaking SPDR–55 (42 F.R. 8151), proposing to allow indirect air carriers (charter and tour operators) to offer free and reduced-rate transportation to travel agents on charters and tours conducted under Parts 371, 378, and 378a of the Special Regulations for ABCs, ITCs, and OTCs. An overwhelming majority of the 31 comments and letters received in response to the notice were in general support of the proposed rule.1

1 Comments and letters were received from: Association of Retail Travel Agents, Royal Caribbean Tours, United Airlines, Goeg International, American Express, Anne Storch International—ASTI Tours, Charter Travel Corporation, Trans World Airlines, Hawaiian Holidays, Member Carriers of the National Air Carriers Association (Overseas National Airways, Trans International Airlines, World Airways), Pan American World Airways, Mepali Malaysian Airlines, MEA Travel, Travel Unlimited, Master Travel, employees of Johnstown Holiday Travel Agency, employees of Marvel Bureau, Conference and Meeting Assistance Company, East Norwich Tours and Travel, Trans Travel, Trans Tour, Travel Hut, and the Scottsdale Chamber of Commerce. A reply comment was filed by OTC Tours.

The Board’s Office of the Consumer Advocate (OCA) partially opposed the rule because of its belief that the proposal has the potential to displace full-fare charter passengers with travel agents flying free or at reduced rates. Several individual letters opposed the proposal because agents not appointed by either the International Air Transport Association (IATA), the Air Traffic Conference (ATC), or the National Air Carrier Association (NACA) would be eligible to receive the benefits of the proposed rules.

Upon consideration, the Board has decided to adopt the rules as proposed, with several modifications discussed herein. The tentative findings and conclusions set forth in SPDR–55 are incorporated and made final, except as modified. All requests contained in the comments are denied unless specifically granted.

As proposed in SPDR–55, a travel agent would be eligible for reduced-rate transportation on a particular charter only if the agent was currently engaged in the sale of that particular type of charter for the particular operator offering the reduced-rate seat. For example, an agent who sells ABCs for a tour operator could not be offered such transportation on an OTC conducted by the same operator. Nor could a tour operator offer free and reduced-rate transportation to agents not yet engaged in selling any part of his, or any other, charter program. Several commenters argued that this provision is unnecessarily restrictive because it would preclude an operator from demonstrating his charter program to prospective retailers. These commenters contend that the provision would frustrate the underlying purpose of the familiarization flight as a sales promotional device, and that the elimination better serves the public interest since it would permit a travel agent to experience a particular charter program personally before making recommendations to potential travelers.

The Board agrees with this rationale, and has modified the rules accordingly. Although elimination of this provision widens somewhat the class of eligible travel agents for a particular charter, the tour operator should still have the economic incentive to provide to travel agents only those seats which cannot be sold at full price to the public. Otherwise, the operator either will have to absorb the cost of these seats, for which he has already paid the direct carrier, or must...
raise his charter prices, thereby lessening the attractiveness of his charter programs as compared to those of his competitors. Also, other eligibility conditions placed on travel agents for reduced-rate flights remain in force.

The Association of Retail Travel Agents (ARTA), along with many other commenters, strongly urges the Board to restrict the eligibility of travel agents for free or reduced-rate transportation to the employees of the travel agency which holds appointments from either the ATC, IATA, or NACA. The Board disagrees with ARTA, and will adhere to its tentative conclusion on this matter, as stated in each agency proposed rulemaking. The definition of a travel agent now contained in §223.1 of our Economic Regulations (14 CFR 223.1) is sufficiently precise to delineate the class of those eligible for reduced-rate transportation under these rules. Further, since ATC or other appointments are not required for an agent to sell charters, any such restriction on eligible agents for purposes of free and reduced-rate flights is needlessly and unfairly limiting, and discriminates against agents not holding such appointments.

The American Society of Travel Agents (ASTA) suggested a different method for determining eligibility: a sales productivity standard similar to that put in place in other businesses, now pending before the Board for similar transportation for travel agents on domestic scheduled flights. Under the ATC proposal, familiarization trips would be placed on travel agents for reduced-rate flights made during the preceding year. ATC claims that not only would this standard recognize the truly productive agent, but would also reduce the incentive for a person to become a travel agent just to receive the benefits of free and reduced-rate transportation.

We disagree that the ATC proposal is suited for either free and reduced-rate transportation on charters and tours, as opposed to scheduled service, and affirm our tentative conclusion to depart from our previous policy of parity between the scheduled direct carriers and the indirect carriers in this area. The purpose of the rules adopted here is to allow tour operators to promote their charter programs as they see fit, not to prescribe how—or whether—tour and charter operators must make such seats available to retail agents.

To protect the integrity of the advance purchase period required by some charter rules, the proposed rules had required the charter operator to affirm that all persons on the travel agent passenger list are eligible. We believe that this requirement would lead to the reports of travel agents carried on charters under this program, which will be submitted to the Board, will be sufficient to allow us to monitor compliance with the rules without the need for an additional certification by the travel agency. In addition, responsibility for ensuring compliance should rest with the operator, not the indirect air carrier for that charter.

Several commenters recommend changing the definition of the term travel agent to provide that an agent is an employee of a travel agency for only 2 to 3 months, rather than 12 months as in the proposed rules. The 12-month employment provision for a travel agent to qualify for reduced-rate transportation for travel agents on domestic scheduled flights remains in force.

We disagree that the American Society of Travel Agents (ASTA) and Amexco go somewhat further and argue that there should be a definition of the term travel agency in the rules to prevent a firm from falsely declaring itself to be a travel agency to enable members of their sales force to receive free or reduced-rate seats on charters. Amexco believes that the rules, without such a definition, would foster instances where agents would be employed for 12 months, but in activities not related to travel. Amexco also asserts that the absence of a definition of the term travel agency could encourage immediate entry into the travel industry of businesses declaring themselves to be a travel agency, thus becoming immediately eligible for reduced-rate flights for their employees, even though the firm has no previous experience in the travel industry.

We do not believe that a definition of the term travel agency is necessary or sufficient to prevent the kinds of misuse of this authority adverted to by Amexco. The reports required by these rules, and the definition of the term travel agency, provide the needed information and criteria for investigation of any abuse of the privilege of reduced-rate seats mentioned by Amexco. In addition, permitting the term travel agency to be a flexible one will permit this authority to be used by 'firms of various types of organizations, such as MIA Travel, which play a much larger role than in the scheduled service market in the selling of seats and the organizing of charter passenger lists on behalf of charter operators. Employees of these types of organizations, of course, must still satisfy the travel agent definition to qualify for free or reduced-rate flights.

Many of the tour operators commenting on the proposed rules state that the reporting requirements are onerous and unnecessarily detailed, especially the requiring of price information. The Board disagrees with this contention. The requirement for the listing of all types of charters is necessary to be sure that there is no misuse of familiarization seats on a charter flight, and to gain information about the charter industry, which several commenters state the Board does not now have. Any of the requests in the reports appear to be likely to overburden the operator, since the facts requested should readily be known from his own records.

OTC Tours, in its reply comment, questions whether there is an adequate legal foundation in SPD-55 for adoption of the reporting requirements, citing the Administrative Procedure Act, 5 U.S.C. 100, et seq. OTC Tours claims that the reporting requirements are not discussed in the Explanatory Statement of the notice, and argues that, in the absence of any justification or statement, the public is unable to respond in a meaningful way.

The Federal Reports Act provides for review by the General Accounting Office of the collection of informations by independent regulatory agencies, in order to eliminate duplication and to minimize burdens on reporting persons. The Administrative Committee of the National Association of Independent Regulatory Agencies, in its reply comment, states that in rulemaking proceedings the agency must issue a public notice which includes either the terms or the substance of the proposed rule, or a description of the issues involved, 5 U.S.C. 551, 553. SPD-55 contains the text of the proposed reporting requirements, and a statement of the issues involved in the proceeding, and thus clearly satisfies the requirements of the Act's meaning. Moreover, since many of these commenters in this proceeding did express their views on the proposed reporting requirements, and articulated the arguments on which they based their conclusion that the public was deprived of its right to meaningful comment.

The proposed rules required that the charter operator send to the direct carrier a travel agent passenger list no later than 5 days prior to departure, in the case of those charters requiring advance purchase by regular passengers. As pointed out by Amexco, SPD-55 erroneously stated that a travel agent passenger list would have to be delivered to the direct carrier no later than the sixth day after departure for TFC flights. Since the passenger list is required primarily to protect the advance purchase period for those types of charters having such a restriction, there is no reason that a time lessened in the case of the ITC, and the final rules will continue to reflect this fact.

United Air Lines (United), supported by Pan American World Airways (Pan Am), recommended that the required initial time to the direct carrier of the travel agent passenger list be changed to 10 days prior to departure for all three types of charters. As stated previously,
we see no reason to impose such a requirement on ITCs or OTCs, when there is not now a requirement that an ITC or OTC main passenger list be sent to the direct carrier in advance. We will, however, advance the requirement for ABC travel agent passenger lists to 10 days, which should give the direct carrier more time to forward the list to the departure gate and verify its accuracy.

Pan Am states that it must obtain the approval of some foreign governments for free or reduced-rate transportation on international charters, thus requiring advance warning if any such passengers are to be carried on a flight. We do not believe that this situation warrants the creation of a special provision in our regulations, and require that any additional advance notice requirements for particular destinations can be dealt with between the carrier and the operator on a contractual basis.

The Board's Office of the Consumer Advocate (OCA) expresses concern in its comments about the increasing use of the Board's authority to grant reduced-rate transportation on international charters, stating that insufficient restrictions on the quantity of such transportation may be injurious to the interests of the traveling public. OCA contends that the tour operator reserves a certain percentage of seats on a charter flight for promotional trips at reduced rates, the estimated load factor for the flight, on which the individual price of the charter is based, will then reflect these nonrevenue flight miles. Consequently, the cost to the full-price participant ultimately will rise in order to offset the added expense. OCA thus proposes that a limit be placed on the quantity of seats available at the free or reduced rate, at either 5 percent of the capacity of the aircraft, or no more than 2 persons per block of seats for which a separate passenger list has been filed. OCA also recommends that familiarization charter seats be first used to substitute for any cancelling passenger, and only thereafter for any unsold seats on the flight, and that reports to the Board include the name of any cancelling participants replaced by a travel agent. This, according to OCA, will guard against an operator selling a seat twice, without refunding the tour price to the cancelling participant.

As discussed previously, in view of the competitive nature of the charter industry, we believe that the restrictions as proposed by OCA are unnecessary. Since the operator must pay in advance for all seats which can be made available, or the priority in which the seats are filled, preferring to leave this matter to the discretion and judgment sense of the charter operator. Further, we do not share OCA's fear that charter organizers may routinely sell seats twice, first to a regular participant who cancels, and then to a travel agent at a reduced rate, without refunding the charter price paid by the participant. If this should occur, the Board has adequate means of discovery and investigation, without adding still another element to the report required of charter operators. We also have doubts about the efficacy of a reporting requirement to cure any problems of this type that do occur, since OCA's proposal seems to assume that operators who had violated our rules in this respect would voluntarily report that they had done so.

Merpati Nusantara Airlines and Magic World Travel suggest that supplemental carriers should also be authorized to offer reduced-rate transportation to travel agents. As we indicated in SPDR-55, we have chosen not to expand this proceeding to include that issue.

Charter Travel Corporation (CTC), in its comments, (at p. 4) appears to be misinterpreting the concept and purpose of these rules by implying that travel agents can be given "familiarization tours which are shorter than regular tours." Although not adopting reductions as to minimum group size, trip duration, or itinerary, as required for reduced-rate transportation on scheduled flights, the Board is not authorizing separate "familiarization tours" for travel agents but rather is only permitting seats on a regular charter program to be occupied by travel agents at free or reduced rates. Travel agents must participate in the entire charter as would a full price passenger, not just in part of it. To clarify this point, we have amended the proposed rules to make it clear that travel agents are part of the charter or tour groups with which they will travel.

We do agree with CTC, though, that our experiment in this matter should be for two years, rather than just for one year as proposed. As stated by CTC, time is needed for the industry to implement this program, and thereafter for a full year of operation, for proper Board evaluation of the program. We have thus modified the proposed rules and have changed the reporting requirements to require a report every six months during the rule's effectiveness.

An editorial amendment has been made to the proposed rules to clarify our intent that an ITC operator is not limited to unused space on an aircraft when offering reduced-rate seats to travel agents.

On July 11, 1977 (42 FR 36915), we permitted the charter operator to retain a maximum $25 administrative fee when required to refund the charter price to a participant for whom no seat was then found on an ABC flight. In SPDR-56, adopted February 24, 1977 (42 FR 12066), in Docket 29926, we proposed the same maximum administrative fee if we had permitted substitutions for the OTC, rather than eliminate the entire advance purchase requirement. Since a charter operator will now be permitted to retain this same fee when required to make a refund to a participant replaced by a travel agent, by only one OTCs, and so that there will be consistency in our special charter rules, we will initiate a rulemaking proposing that the same administrative fee as is permitted on ABCs, when a travel agent is substituted for a cancelling participant, and a refund is required, be allowed on both the OTC and the ITC as well.

Due to the Board's recent decision in Docket 29926 to eliminate the advance purchase requirement for OTCs, the proposed rules have been modified accordingly, and are now substantially the same as adopted for the ITC in permitting reduced-rate travel for travel agents. Accordingly, 14 CFR Part 371 is amended as follows:

1. Amend the Table of Contents by adding, to Subpart B and to Subpart C, new §§ 371.15 and 371.25a, identified as follows:

Subpart B—General Conditions and Limitations
Sec. 371.15 Free and reduced-rate transportation for travel agents.

371.25a Passenger lists for travel agents.

§ 371.2 [Amended]

2. Revise the definition of the term "charter group," within § 371.2, Definitions, to read as follows:

"Charter group" means an aggregate of persons who are assembled by a charter operator or a foreign charter operator for the purpose of participation as a single unit in an advance booking charter, including travel agents being carried in accordance with § 371.15.

3. Add a new definition, at the end of existing § 371.2, Definitions, to read as follows:

"Travel agent" means a person (a) who is employed full time in a travel agency, (b) who has been in the continuous employment of such agency at least 12 months, and (c) who devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

Revise paragraph (f) of § 371.10, to read as follows:

§ 371.10 Advance booking charter general requirements.

(f) Passengers transported on the charter flight shall consist solely of charter participants (including travel agents being carried in accordance with § 371-10), and persons authorized to occupy unused space in accordance with § 371.15.
5. Add a new § 371.15, to read as follows:

§ 371.15 Free and reduced-rate transportation for travel agents.

For a period of two years after the effective date of this section, charter operators may provide free or reduced-rate transportation on charters operated pursuant to this part, on a space-available basis or otherwise, to travel agents as defined by § 371.2. No travel agent may be transported unless that agent has been included on the list required by § 371.25a, and has paid the full price (if any) specified on the list prior to his or her departure. If a travel agent replaces a cancelling charter participant, the participant shall be given a refund in accordance with § 371.14(a).

6. Add a new § 371.25a, to read as follows:

§ 371.25a Passenger lists for travel agents.

(a) Charter operators offering free or reduced-rate transportation to travel agents shall prepare and transmit lists of agents to be transported in accordance with the following:

(1) No less than ten days before the effective date of this section, each charter operator that may offer free or reduced-rate transportation to travel agents shall provide a list to the Civil Aeronautics Board constituted under the Civil Aeronautics Act of 1938, 49 U.S.C. 1357 et seq., of all travel agents who are or may be participating in the charter. The list shall set forth the name of each travel agent, the number of names on the passenger list, and shall not enplane any agent whose name is not on the list unless a certificate or affidavit satisfactory to the Board has been filed with the Board to show that the agent will be carried pursuant to § 371.15, whose name does not already appear on the passenger list.

(b) The total number of names on the passenger list, thus received, shall not be greater than the number of names originally appearing on that list, plus any new travel agents traveling free or at a reduced rate. The number of newly entered names (other than travel agents traveling free or at a reduced rate) shall not exceed the total amounts (or subtotal amounts, if there is a standby list, specified in paragraph (c)) to read as follows:

§ 371.41 Direct air carrier to identify travel agents.

(b) A direct air carrier shall, at the time of time of charter or charter trip reporting, enter on its copy of the passenger list, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the documents, together with the name of any enplaning passenger, and each travel agent being carried pursuant to § 371.15, whose name does not already appear on the passenger list.

8. Amend § 371.50 by adding a new paragraph (c), to read as follows:

§ 371.50 Charter trip reporting.

(c) Within 30 days after the end of the sixth month after the month in which § 371.15 has become effective, and within 30 days after the end of each six month period thereafter, each charter operator that has transported one or more travel agents pursuant to § 371.15 shall file with the Board (Bureau of Accounts and Statistics) a report identifying each charter (including the CAB identification) on which one or more travel agents were so transported.

The report shall show, for each such charter, the name of each agent transported, the price which each agent paid, and the percentage relationship between the price paid and the full price of the charter. The report may be in letter form, shall be clearly identified as a "Charter Operator Free and Reduced-Rated Transportation Report," and shall be signed by the charter operator or by an officer or member thereof. If a charter operator has also transported agents on tours conducted pursuant to Parts 376 or 378a of this chapter, one report covering all agents so transported may be filed.
chartered by it for an inclusive tour, for the transportation, on a free or reduced basis, of such tour operator's or foreign tour operator's employees, directors and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

3. Add a new § 378.32, to read as follows:

§ 378.32 Free and reduced-rate transportation of travel agents.

(a) For a period of two years after the effective date of this section, tour operators and foreign tour operators may transport travel agents, as defined below, on inclusive tour charters, on a space-available basis or otherwise, free of charge or at a reduced rate. The report shall show, for each such tour, the name of one or more travel agents were so transported. The report shall be signed by the tour operator or a foreign tour operator for the purpose of participation as a single unit in a one-stop-inclusive tour charter, including travel agents being carried in accordance with § 378a.14, to read as follows:

(b) Within 30 days after the end of the sixth month after the month in which § 378.32 has become effective, and within 30 days after the end of each six month period thereafter, each tour operator and foreign tour operator which has transported one or more travel agents pursuant to § 378.32 shall file with the Board (Bureau of Accounts and Statistics) a report identifying each tour (including the CAB identification) on which one or more travel agents were so transported. The report shall show for each such tour, the name of each agent transported, the price which each agent paid, and the percentage relationship between the price paid and the full price of the tour. The report may be in letter form, shall be clearly identified as a "Tour Operator Free and Reduced-Rate Transportation Report," and shall be signed by the tour operator or by an officer or member thereof. If a tour operator has also transported agents on charters or tours conducted pursuant to Parts 371 and 378a, one report covering all agents so transported may be filed.

(c) If a travel agent replaces a cancelling tour participant, the participant shall be given a refund of the tour price.

(See. 101, 204, 401, 402, 407, and 416 of the Federal Aviation Act, as amended, 72 Stat. 737, 743, 784, 785, 766, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1386).)

By the Civil Aeronautics Board.

Note.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review, 44 U.S.C. 3512(e) (2).

PHELLIS T. KAYLOR, Secretary.

[FR Doc. 77-31220 Filed 10-27-77; 7:45 am]

§ 378a.10 One-stop-inclusive tour general requirements.

§ 378a.14 Free and reduced-rate transportation for travel agents.

For a period of two years after the effective date of this section, tour operators may provide free or reduced-rate transportation on tours operated pursuant to this part on a space-available basis or otherwise, to travel agents as defined in § 378a.2. If a travel agent replaces a cancelling tour participant, the participant shall be given a refund of the tour price.

6. Amend § 378a.50 by adding a new paragraph (d), to read as follows:

§ 378a.50 Charter trip reporting.

(d) Within 30 days after the end of the sixth month after the month in which § 378a.14 has become effective, and within 30 days after the end of each six month period thereafter, each tour operator which has transported one or more travel agents pursuant to § 378a.14 shall file with the Board (Bureau of Accounts and Statistics) a report identifying each tour (including the CAB identification) on which one or more agents were so transported. The report shall show, for each such tour, the name of each agent transported, the price which each agent paid, and the percentage relationship between the price paid and the full price of the tour. The report may be in letter form, shall be clearly identified as a "Tour Operator Free and Reduced-Rate Transportation Report," and shall be signed by the tour operator or by an officer or member thereof. If a tour operator has also transported travel agents on charters or tours conducted pursuant to Parts 371 or 378 of this chapter, one report covering all agents so transported may be filed.

(See. 101, 204, 401, 402, 407, 416, Federal Aviation Act, as amended, 72 Stat. 737, 743, 784, 785, 766, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1385).)

By the Civil Aeronautics Board.

Note.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review, 44 U.S.C. 3512(e) (2).

PHELLIS T. KAYLOR, Secretary.
RULES AND REGULATIONS

[6750-01]
Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION
SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE
PART 4—MISCELLANEOUS RULES
Availability of Public Information
AGENCY: Federal Trade Commission.
ACTION: Final rule.
SUMMARY: This rule change alters the hours during which the public records of the Commission are available for inspection. The change is designed to facilitate public access to the records and receive briefings on current matters each morning before the room is opened to the public.

FOR FURTHER INFORMATION CONTACT:

As amended to read as follows:

§ 45.1(a) [15 U.S.C. § 552(a)] is amended to read as follows:

(a) All of the public records of the Commission are available for inspection at the principal office of the Commission on each business day from 9 a.m. to 5 p.m., and copies of some of those records are available at the regional offices and the field stations on each business day from 8:30 a.m. to 5 p.m.


CAROL M. THOMAS,
Secretary.

[FR Doc. 77-31225 Filed 10-27-77; 8:45 am]

[8010-01]
Title 17—Commodity and Securities Exchanges
CHAPTER II—SECURITIES AND EXCHANGE COMMISSION
[Revised Nos. 33—5876; 34—14685; 35—22128; 39—458; 40—9968; 41—607; 42—62; FF—54]
PART 200—ORGANIZATION; CONDUCT OF BUSINESS; ETHICS; AND INFORMATION AND REQUESTS
Delegation of Authority to Director of Reports and Information Services
AGENCY: Securities and Exchange Commission.
ACTION: Final rules.
SUMMARY: The Commission today announced the amendment of its regulations governing delegation of authority with respect to the Freedom of Informa-

§ 200.80 Commission records and information.

(a) * * *

(4) Waiver or reduction of fees. Requested records shall be furnished without charge or at reduced charge whenever it shall be determined by the Director of the Office of Reports and Information Services that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Requests for waiver or reduction of fees for searching and/or copying may be submitted with the original request for records and may state such facts as the requestor may consider appropriate. Denials of requests for a waiver or reduction of fees may be appealed to the Commission in accordance with the same procedure set forth in paragraph (d) (6) of this section.

III. Section 200.310 of Subpart H is revised to read as follows:

§ 200.310 Fees.

(a) Place to make requests. A request by an individual for copies of a record pertaining to him or her that is maintained by the Commission may be made in person during normal business hours at the Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 900 North Capitol Street, Washington, D.C. 20549. There will be no charge assessed to the individual for the Commission's expense involved in searching for or reviewing the record. Copies of the Commission's records will be provided by a commercial copier or by the Commission at rates established by a contract between the copier and the Commission. In addition, copying machines are provided for public use in the public reference facilities in the Commission's Washington, D.C., New York, Los Angeles and Chicago Offices.

(b) Waiver or reduction of fees. Whenever the Director of the Office of Reports and Information Services determines that good cause exists to grant a request for reduction or waiver of fees for copying documents, he may reduce or waive any such fees. The Commission finds that the foregoing action relates solely to agency management and personnel, and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act, 5 U.S.C. 1001 et seq. are not necessary. This action, taken pursuant to Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2; Pub. L. 93-502; and Pub. L. 93-579, will be effective upon publication.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

October 21, 1977.

[FR Doc. 77-31229 Filed 10-27-77; 8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
RULINGs AND REGULATIONS

ACTION: Final rule.

SUMMARY: This is a correction of the recodification of human food regulations published in the issue of March 15, 1977 (42 FR 14302).


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

In FR Doc. 77–7048 in the issue of March 16, 1977, the following corrections are made:

1. On page 14503, the complete entry for 25.3 should read

25.3 -- 169.150 ----- NA.

2. On page 14304:

a. the entry "§ 182.5200 appearing in the first column headed "New human section" as the eighteenth item from the bottom of the page should read "NA".

b. In the second column under the heading "New human section" the following corrections are made:

   "182.5017 should read "NA"

   "182.5049 should read "NA"

   "182.5091 should read "NA"

   "182.5046 should read "NA"

   "182.5411 should read "NA"

   "182.5475 should read "NA"

   "182.5590 should read "NA"

   "NA" (following 182.5634 should read "NA"

   "182.5701 should read "NA"

   "182.5835 should read "NA"

   "182.5915 should read "NA"

   "182.5920 should read "NA"

   "182.5915 should read "NA"

   "182.5475 should read "NA"

   c. The complete entry for § 121.104(g) (2) (old section) should read: "121.104(g) (2) --- 184.1790 NA"; and the entry for § 121.104(g) (2) should read: "121.104(g) (2) --- 184.1660 NA".

   3. On page 14385, the complete entry for § 121.1060 should read: "121.1600 ----- 173.350 ----- NA"; and the entry for § 121.2500 should read: "121.2500 174.5 NA".

   4. On pages 14407 and 14408, in § 172–320, the item "Glucose" in the listing in paragraphs (a), (b), and (c) should read "Alanine, sodium, and/or calcium potassium citrate".

   5. On page 14386, the section heading for § 173.150 is corrected to read: "§ 173–150 Milk-clotting enzymes, microbial".

   6. On page 14538, the words "For use as preservative only" should appear in the "Limitations" column next to the entry "4,4'-Isoproylendenedi-phenol, polybutylated mixture". The entry under the "Limitations" column for isopropyl peroxycarbonate is deleted.

7. On page 14541, the line that reads "Silicon dioxide as defined in Sec. 121.1906(a)" is deleted.

8. On page 14575, in the first column, the first word on the thirteenth line, is corrected to read: "mM".

9. On page 14580, the entry in Table 1 under § 171.3210(b) (6) for natural rubber is inadvertently listed with a 0.6 percent limitation although there are no prescribed limitations on the use of the substance. The 0.6 percent limitation should be moved down one line to appear in the "Limitations" column next to the entry "a - cis - 9 - Octodeceny1 - octadecenoate (oxystyrene)"

10. On page 14983, in the first column, the fourth line of the introductory text of § 177.1330 should read: "calcium, magnesium, sodium, and/or calcium potassium citrate".

§ 181.22 [Amended]

11. On page 14639, § 181.22 is corrected editorially to reflect the recodification of former § 121.2005 to form an entire new subpart B, to read as follows:

§ 181.22 Certain substances employed in the manufacture of food-packaging materials.

Prior to the enactment of the food additives amendment to the Federal Food, Drug, and Cosmetic Act, sanctions were granted for the usage of the substances listed in §§ 181.223, 181.224, 181.225, 181.226, 181.227, 181.228, 181.229, and 181.30 in the manufacture of packaging materials. So used, these substances are not considered "food additives" within the meaning of section 201(e) of the act, provided that they are of good commercial grade, are suitable for association with food, and are used in accordance with good manufacturing practices. For the purpose of this subpart, good manufacturing practice for food-packaging materials includes the restriction that the quantity of any of these substances which becomes a component of food as a result of use in food-packaging materials shall not be intended to accomplish any physical or technical effect in the food itself, shall be reduced to the least amount reasonably possible, and shall not exceed any limit specified in this subpart.

§§ 181.23, 181.24, 181.25, 181.26, 181.27, 181.28, 181.29 [Amended]

12. On page 14639, in § 181.23 Antimycotics, § 181.24 Antioxidants, § 181.25 Driers, § 181.26 Drying oils as components of finished resins, § 181.27 Plastizers, § 181.28 Release agents, and § 181.29 Stabilizers, in the introductory text the phrase, "when added to food", is corrected for editorial clarity and technical accuracy to read, "when migrating from food-packaging material".


13. On pages 14650, 14651, and 1803, the following sections, inadvertently included in the human food regulations, are deleted: § 182.5017 Aspartic acid, § 182.5049 Antimonio acid (glycine),
SUMMARY: This document amends the animal drug regulations to reflect approval of a supplemental new animal drug application filed by Merck Sharp and Dohme Research Labs., proposing dosages of nicarbazin premix in the manufacture of a chicken feed used as an aid in the prevention of certain forms of coccidiosis, and to provide for a tolerance for residues of nicarbazin in the edible tissues of chickens.

Effective date: This regulation shall be effective October 28, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(c)(1))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 556 and 558 as amended as follows:

1. Part 556 is amended by adding new § 556.445 as follows:

§ 556.445 Nicarbazin.

A tolerance of 4 parts per million is established for residues of nicarbazin in uncooked chicken muscle, liver, skin, and kidney.

2. Part 558 is amended by adding new § 558.365 as follows:

§ 558.365 * * * Nicarbazin.

(a) Approvals. Premix level of 25 percent of nicarbazin granted to No. 000006 in § 510.600(c) of this chapter.

(b) Assay limits. Complete feed 80 to 120 percent of labeled amount.

(c) Related tolerances. See § 556.445 of this chapter.

(d) [Reserved]

(e) Conditions of use. It is used in chicken feed as follows:

(1) * * *

(2) * * *

(3) * * *

Effective date: This regulation shall be effective October 28, 1977.

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 290—DISPOSITION OF HUD-OWNED MULTIFAMILY PROJECTS

Waivers

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

Federal Register, Vol. 42, No. 208—Friday, October 28, 1977
SUMMARY: The Interim Rule now in effect governing disposition of HUD-owned multifamily projects does not provide for waiver of its provisions. This Interim Amendment remedies that omission by setting forth the Assistant Secretary-Commissioner's authority to waive any of the rule's provisions under appropriate circumstances.


SUPPLEMENTARY INFORMATION: The Interim Rule published January 27, 1977 (42 FR 7430) and the notice of opening of the public hearing (42 FR 7431) invited interested persons to submit comments on or before February 28, 1977. A number of comments have been submitted and they are being considered before adoption of a final rule. Pending issuance of the rule in its final form, however, HUD has determined that waiver of individual provisions not required by statute should be permitted in the interest of program flexibility. Various handbooks applicable to multifamily property disposition expressly allow waivers, but a corresponding provision was inadvertently omitted from the rule. That omission is now being remedied.

HUD finds that this amendment, designed to correct an inconsistency between the rule and current handbooks, represents no change in program practices or policies. Hence, comment and public procedure with respect to the amendment are unnecessary and it should be effective upon publication. However, since a final rule has not yet been adopted in this proceeding, interested persons are invited to comment upon inclusion of the waiver provisions set forth below and the validity expressed will be considered before the final rule is issued. All comments, suggestions, or materials regarding this amendment should be filed with the Rules Docket Clerk at the above address. Copies of all comments received will be available at the Office of the Rules Docket Clerk for inspection and copying by the public.

A finding of inapplicability with respect to environmental impact was made in connection with the basic amendments and that statement is applicable with respect to the clarification accomplished by this amendment. A copy of the statement of inapplicability is available in the Office of the Rules Docket Clerk, Room 2318, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of this Interim rule have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, 24 CFR Part 290 is amended as follows:

1. The table of contents to Subchapter I, Part 290, 24 CFR is amended with the addition of a new section as follows:

Sec. 290.11 Waivers.

2. A new § 290.11 is inserted in Subpart A as follows:

§ 290.11 Waivers.

Upon completion of a determination and finding of good cause, the Assistant Secretary for Housing—Federal Housing Commissioner or his designee may, subject to statutory limitations, waive any provision of this Subchapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

(7c), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

LAWRENCE B. SIMONS, Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 77-31244 Filed 10-27-77; 8:45 am]

[ 4410-01 ]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 753-771].

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Z—Assigning Responsibility Concerning Applications for Orders Compelling Testimony or Production of Evidence by Witnesses

ORDERS TO COMPEL TESTIMONY IN RESPONSE TO ANTITRUST CIVIL INVESTIGATIVE DEMANDS

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) authorizes the Department to issue civil investigative demands requiring persons believed to have information relevant to a civil antitrust investigation to produce documentary material, answer written interrogatories or give oral testimony. The 1976 amendments to the Act provide that a recipient of a civil investigative demand for oral testimony may refuse to respond to any question on the basis of the privilege against self-incrimination (15 U.S.C. 1313(b)(1) (A) and (B)). However, the testimony may then be compelled pursuant to statutory provisions for granting to witnesses immunity from criminal prosecution (18 U.S.C. 6002, 6004). This order expressly assigns to the Assistant Attorney General in charge of the Antitrust Division the authority to issue orders compelling testimony of witnesses who have refused to respond to questions in connection with antitrust civil investigations on the basis of the privilege against self-incrimination, under the immunity statute. All Departmental actions with respect to orders to compel testimony under the immunity of witnesses statutes are subject to the concurrence of the Assistant Attorney General in charge of the Criminal Division.

EFFECTIVE DATE: October 18, 1977.

FOR FURTHER INFORMATION CONTACT: John H. Shenefield, Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530. 202-739-2401.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subpart Z of Part 0 of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.177a Immediately after § 0.177.

§ 0.177a Antitrust Civil Investigative Demands.

The Assistant Attorney General in charge of the Antitrust Division is authorized to issue orders pursuant to section 6004 of title 15, United States Code, to compel testimony in response to antitrust civil investigative demands for oral testimony. Issuance of such orders shall be subject to the concurrence of the Assistant Attorney General in charge of the Criminal Division.

Dated: October 18, 1977.

GraFFIN B. Bell,
Attorney General.

[FR Doc. 77-31265 Filed 10-27-77; 8:45 am]

[ 3410-11 ]

Title 36—Parks, Forests and Public Properties

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 222—RANGE MANAGEMENT

PART 231—GRAZING

Grazing and Livestock Use on National Forest System

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment makes possible the implementation of the Federal Land Policy and Management Act (Pub. L. 94-579) as it relates to grazing and livestock use of the National Forest System. The rule makes substantive changes in the regulations covering the grazing permit system and grazing advisory Boards. In addition, the rule includes new sections on compensation for permits' interest in authorized permanent improvements and on the range betterment fund.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT: Don D. Seaman, Assistant Director, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013. Telephone 703-235-8139.

private land and on and off permits from
been incorporated in the final rule.

manage permitted livestock and needed
regulations provide for authority to
for range betterment be expanded to in-

Many of these
iplaining, to those interested, the content

word "continuing" be taken out of the

"exclusive benefit of the permittee" in
which suggested removal

grazing permits, to cancel association
has been added

itatiom is removed in the final rule.

the

1976.

Secretary of Agriculture in the Federal
System to implement direction given the

amending regulations covering grazing

Published proposed regulations covering
the- agency administers. The Bu-
meetings were conducted jointly
western States for the purpose of ex-

Several comments were received

1. It was suggested that "land manage-
ment planning" be defined. This term
will be defined in § 231.1.

2. It was suggested that "sound land
management" be defined. This is not
necessary, as it is a well understood
principle and is to be determined for
each management situation.

3. There was suggestion that allotment
management plans should have permit-
te involvement and consent. There is
suggestion and encouragement for in-
volvement; however, to require consent
is deleration of authority, which is not
desirable.

4. It was suggested that the regulations
include provision for Forest officers
control the kind of animals grazing on
the allotment to avoid mixing breeds
or ages of animals. This is considered
permittee responsibility; however,
through grazing associations § 222.7
"special rules," can be made a part of
term permits.

5. It was suggested more than one year
be given to reestablish qualifications.
This has been considered but is not
deemed advisable. The traditional sys-
tem which has limited the period to one
year has proven satisfactory.

6. Comments were received on upper
limits, both as to the need and the sug-
gestion that the measure be animal unit
months rather than numbers of livestock.
Both suggestions were considered, but
it is determined upper limits are helpful in
preventing monopoly-type operations
and are better expressed as numbers of
animals rather than animal months.

7. Several letters received comment
on the terms of permits. Some thought
10-year permits were excessively long
years. It would be more proper. Tradition-
ally, the Forest Service has issued 10-
year term permits. The law directs that
10-year term permits will be issued on
National Forest System lands in the 11 western States
unlessexcepted by one of three conditions.
These conditions cover shorter
than 10-year term permits when needed
to meet specific circumstances.

8. It was suggested the provision per-
mitting, free, up to 10 head of livestock
to persons who reside within or contigu-
ous to National Forest System lands for
domestic use be removed. This provision
has traditionally been part of the regu-
lations. Very few individuals qualify but,
if they do, the provision is available and
is intended to aid those who have a dis-
tinct need for National Forest System
funds.

9. It was suggested the provision for
free permits to campers and travelers for
livestock actually used be removed. This
is not in keeping with the policy of mak-
ing the National Forest System avail-
able to all people for occasional use by
livestock.

10. It was suggested the regulations
state no one but citizens of the United
States be entitled to hold a grazing per-
mit. The regulations are not being
changed to incorporate this provision. The
question will be handled as Chief's policy
and will be outlined as Forest Service Man-
ual direction.

11. It was suggested there be provision
for transfer of grazing privileges. Tradi-
tionally, this has been by permission
nder procedure in the grazing permit sys-
tem of the Forest Service. Permits are
privileges and are not transferable. The
procedure for recognizing new applic-
ants who have purchased ranch prop-
erty or permitted livestock owned by an
existing permittee has proven satisfac-
tory.

12. It was suggested the regulations
spell out how Indian tribal grazing per-
mits will be handled. Grazing permits to
Indians are issued in accordance with
tribes with Indian tribes. The Forest
Service Manual gives direction for ad-
ministration of permits to Indians. Regu-
lation is not needed.

13. It was suggested that § 222.4
"Changes in permits" be removed from
the regulations. It was also suggested
that amendments be made to make no
changes during a suggested 25-year term
permit. No cancellation during periods of
physical or economic suffering, or when
the Government failed to install
improvements it agreed to. On the other
side, there was comment that, for willful
violations, immediate suspension or
immediate removal from the permit sy-
stem should be made. These suggestions
were all considered. The section is needed to insure compli-
ance of permits stipulations and to make
needed changes; immediate suspensions
will not be authorized to assure the par-
ty involved are accorded due process.

14. It was suggested that 5 years' na-
tice be given prior to cancellation action.
The Federal Land Policy and Manage-
ment Act directs that 2 years' notice be
given for cancellation. The final regula-
tion provides for 2 years' notice. Several
suggest that fair market value be the
minimum basis for compensation. As
written, fair market value can be the
compensation.

15. Two parties commented that perm-
mittees should not be allowed to invest
funds in improvements constructed or
installed on National Forest System
lands. Fisher is not to be used. It has
resulted in a desirable co-
operative team effort in managing the
range resources of the National Forest
System.

16. Several comments were received
about the range betterment fund. Some
suggested specific amounts, up to 50 per-
cent, be earmarked for wildlife habitat
lands. Such authority has long been uti-
ilized. It has resulted in a desirable co-
operative team effort in managing the
range resources of the National Forest
System.

17. It was suggested the funds be al-
located to the allotment from which the
grazing fees were derived. This was con-
sidered; however, it was determined
more flexibility and better utilization of the fund would result if one-half were to go to the National Forest where derived, and the other half allocated where the Regional Forester desired to make the best utilization.

18. There were several suggestions having to do with the number of grazing advisory boards established for each National Forest headquarters office. The law specifically authorizes at least one. The Secretary of Agriculture is to determine how many after being properly petitioned by a simple majority of the permittees.

19. It was suggested the nomination and election process was cumbersome. The Federal Land Policy and Management Act directs that board members shall be chosen through an election presided over by the Secretary. Board membership is limited to permittees in the area administered by the headquarters office. Board members will be elected by grazing permittees in the area in which the board is established. The process outlined in the final rule fulfills these requirements.

20. There was suggestion that the regulations should limit the size of boards to not exceed 15 advisors. The law limits board size to this number. The Secretary of Agriculture’s Manual will suggest 7 to 11 members but make provision for up to 15 members on approval of the Secretary of Agriculture.

SUGGESTED CHANGES EXCEEDING EXISTING AUTHORITY

1. Several comments were received which suggested grazing permits were a "rigid." The legislation clearly states the issuance of grazing permits does not create a right, title, interest or estate in or to the National Forests.

2. It was suggested that permits should be compensated when the permit is canceled in whole or in part. There is no authority for the United States to make such compensation.

3. It was suggested provisions for compensating permittees, for their interest in permanent improvements where the permit is canceled is absurd. The Federal Land Policy and Management Act directs that compensation be made.

4. It was suggested compensation be made to the permittees for those permanent improvements installed by his predecessor when the permit is canceled in whole or in part. The Federal Land Policy and Management Act limits compensation to the permittee who installed the improvement.

5. There were suggestions that wildlife representatives or others be members of grazing advisory boards. Section 403(c) of the Federal Land Policy and Management Act limits board membership to permittees or lessees.

6. It was suggested grazing advisory boards be established routinely rather than by Department of the Interior. The Secretary of Agriculture specifically authorized the Secretary to establish grazing-advisory boards upon petition. Without petition, no authority is given.

7. It was suggested the function of grazing advisory boards should be broader, that they should have responsibility, and that they should be authorized to hear all permittee grievances. The Federal Land Policy and Management Act specifically limits the function of grazing advisory boards to "offer advice and make recommendations concerning the development of allotment management plans and the utilization of range-betterment funds." Boards will be authorized to hear permittee grievances concerning development of allotment management plans and utilization of range betterment funds.

8. It was suggested authority for grazing advisory boards be extended beyond 1985. This is not possible as the Federal Land Policy and Management Act limits the time to 1985.

9. Several parties suggested that a person be eligible to serve on more than one USDA advisory committee. Department policy limits each person to service on no more than one USDA advisory committee.

10. It was suggested grazing advisory boards be authorized on all National Forest System units. This suggestion could not be considered because the law specifically limits boards to "National Forest System Units". However, as a part of this effort to implement provisions of the Federal Land Policy and Management Act of 1976, a study is underway to determine if additional grazing permits can be charged for livestock grazing on the National Forest System. This study may result in consideration of revised rules in which there has been 36 CFR Part 231.5, Fees, payments, and refunds or credit. This section of the grazing regulation will remain in 36 CFR Part 231.5 for the new fee schedule is proposed in the rulemaking process.

Note.—The Department of Agriculture has determined that the publication of this rule is not a major Federal action significantly affecting the quality of the human environment as that a determination pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2) (C)) is not required.

In light of the foregoing, 36 CFR Chapter 1 is revised as follows:

With the exception of §231.5 Fees, payments, refunds or credit, Part 231 is deleted and its provisions are redesignated and transferred to Part 222.

A new §222.45 consisting in part of the former provisions of Part 231, except as explained above, §231.5 Fees, payments, and refunds or credit, is added as follows:

Subpart A—Grazing and Livestock Use on the National Forest System

§222.1 Authority and definitions.

(a) Authority. The Chief, Forest Service, shall develop, administer, and protect the range resources and permit and regulate the grazing use of all kinds and species of livestock on all National Forest System lands and on other lands under Forest Service control. He may redeploy this authority.

(b) Definitions. (1) An "allotment" is a designated part of land available for livestock grazing.

(2) An "allotment management plan" is a document that specifies the program of action designated to reach a given set of objectives. It is prepared in consultation with the permittees involved and:

(i) Prescribes the manner in and extent to which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives as determined for the lands involved; and

(ii) Describes the type, location, ownership, and general specifications for the range improvements in place or to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and

(iii) Contains other provisions relating to livestock grazing and other objectives as may be prescribed by the Chief, Forest Service, consistent with applicable law.

(3) "Base property" is land and improvements owned and used by the permittee for a farm or ranch operation and specifically designated by him to qualify for a term grazing permit.

(4) "Cancel" means action taken to permanently invalidate a term grazing permit in whole or in part.

(5) A "grazing permit" is any document authorizing livestock use of National Forest System or other lands under Forest Service control for the purpose of livestock production including:

(i) "Temporary grazing permits" for grazing livestock temporarily and without priority for resuance.
(ii) "Term permits" for up to 10 years with priority for renewal at the end of the term.

(6) "Land subject to commercial livestock grazing" means National Forest System lands within established allotments.

(7) "Lands within National Forests in the 11 contiguous western States" means lands designated as National Forest within the boundaries of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (National Grasslands are excluded).

"Livestock" means animals of any kind kept or raised for use or pleasure.

"Livestock use permit" means a permit issued for not to exceed one year where the primary use is for other than grazing.

"Modify" means to revise the terms and conditions of an issued permit.

"National Forest System lands," are the National Forests, National Grasslands, Land Utilization Projects, and other Federal lands for which the Forest Service has administrative jurisdiction.

"On-and-off grazing permits" are permits limited in terms and range only part of which is National Forest System lands or other lands under Forest Service control.

"Private land grazing permits" are permits issued to persons who control grazing lands adjacent to National Forest System lands and who waive exclusive grazing use of these lands to the United States for the full period the permit is to be issued.

"Permittee" means any person who has been issued a grazing permit.

"Person" means any individual, partnership, corporation, association, organization, or other private entity, but does not include Government Agencies.

"Range betterment" means rehabilitation, protection and improvement of National Forest System lands to arrest range deterioration and improve forage conditions, fish and wildlife habitat, watershed protection, and livestock production.

"Range improvement" means any facility or treatment constructed or installed for the purpose of improving the range resource or the management of livestock and includes the following types:

(i) "Non-structural" which are practices and treatments undertaken to improve range not involving construction of improvements.

(ii) "Structural" which are improvements requiring construction or installation undertaken to improve the range or to facilitate management or to control distribution and movement of livestock.

(A) "Permanent" which are range improvements installed or constructed and become a part of the land such as: dams, ponds, pipelines, wells, fences, trails, seeds, etc.

(B) "Temporary" which are short-lived or portable improvements that can be removed such as: troughs, pumps and electric fences, including improvements at authorized places of habitation such as line camps.

(C) "Structural" which are improvements on and off grazing permitted land that are required to improve the forage base required for the permittee to graze and include the following:

(i) The Chief, Forest Service, shall make National Forest System lands and improvements available to the association for grazing purposes. The association may allocate and administer the available grazing in accordance with provisions of the grazing agreement and Forest Service policies.

Term permits authorized in this paragraph may be in the form of private land or on-and-off grazing permits where the person is qualified to hold such permits under provisions the Chief may require. Permits issued under this paragraph are subject to the following:

(i) "Term permits" are issued to persons who own the livestock to be grazed and such base ranch property as may be required, provided the land is determined to be available for grazing purposes by the Chief, and he finds that capacity exists to graze specified numbers of animals.

(ii) A term permit holder has first priority for receipt of a new permit at the end of the term period provided he has fully complied with the terms and conditions of the expiring permit.

(iii) In order to update terms and conditions, term permits may be cancelled at the end of the calendar year of the midyear of the decade (1985, 1995, etc.), provided they are reassigned to the existing permit holder for a new term of 10 years.

(iv) New term permits may be issued to the purchaser of a permittee's permitted livestock and/or base property, provided the permittee holds a permit to the United States and provided the purchaser is otherwise eligible and qualified.

(v) If the permittee chooses to dispose of all or part of his base property or permitted livestock (not under approved nonuse) but does not choose to waive his term permit, the Forest Supervisor will give written notice that he no longer is qualified to hold a permit, provided he is given up to one year to reestablish his qualifications before canceling the permit.

(vi) The Chief, Forest Service, shall prescribe provisions and requirements under which term permits will be issued, renewed, and administered, including:

(A) The amount and character of base property and livestock the permit holder shall be required to own.

(B) Specifying the period of the year the base property shall be capable of supporting permitted livestock.

(C) Acquisition of base property and/or permitted livestock.
§ 222.4 Changes in grazing permits.
(a) The Chief, Forest Service, is authorized to cancel, modify, or suspend grazing and livestock use permits in whole or in part as follows:
(1) Cancel permits if lands grazed under the permit are to be devoted to another public purpose including disposal. In these cases, except in an emergency, no permit shall be cancelled without two years' prior notice from the United States.
(2) Cancel the permit in the event the permittee:
(i) Refuses to accept modifications of the terms and conditions of an existing permit.
(ii) Refuses or fails to comply with eligibility or qualification requirements.
(iii) Waives his permit to the United States.
(iv) Fails to restock the allotted range after full extent of approved personal convenience non-use has been exhausted.
(v) Fails to pay grazing fees within established time limits.
(b) Cancel or suspend the permit if the permittee does not comply with provisions and requirements of the grazing permit or the regulations of the Secretary of Agriculture on which the permit is based.
(c) Cancel or suspend the permit if the permittee knowingly and willfully makes a false statement or representation in the grazing application or amendments thereto.
(d) Cancel or suspend the permit if the holder is convicted for failing to comply with, Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.
(e) Modify the terms and conditions of a permit to conform to current situations brought about by changes in law, regulation, executive order, development or revision of an allotment management plan, or other management needs.
(f) Modify the seasons of use, numbers, kinds, and class of livestock allowed or the allotment to be used under the permit, because of resource condition, or permits request. One year's notice will be given of such modification, except in cases of emergency.

§ 222.7 Cooperation in management.
(a) Cooperation with local livestock associations. (1) Authority. The Chief, Forest Service, is authorized to recognize, cooperate with, and assist local livestock associations in the management of the livestock and range resources on a single range allotment, associated groups of allotments, or other association-controlled lands on which the members' livestock are permitted to graze.
(2) Purposes. These associations will provide the means for the members to:
(i) Manage their permitted livestock and the range resources.
(ii) Meet jointly with Forest officers to discuss and formulate programs for management of their livestock and the range resources.
(3) Requirements for recognition. The requirements for receiving recognition by the Forest Supervisor are:
(a) The members of the association must constitute a majority of the grazing permittees on the range allotment or allotments involved.
(b) The officers of the association must be elected by a majority of the association members or of a quorum as specified by the association's constitution and bylaws.
(c) The officers other than the Secretary and Treasurer must be grazing permittees on the range allotment or allotments involved.
(d) The association's activities must be governed by a constitution and bylaws acceptable to the Forest Supervisor and approved by him.
(4) Withdrawing recognition. The Forest Supervisor may withdraw his recognition of the association whenever:
(i) The majority of the grazing permittees request that the association be dissolved.
(ii) The association becomes inactive, and does not meet in annual or special meetings during a consecutive 2-year period.

§ 222.6 Compensation for permittees' interest in authorized permanent improvements.
(a) Whenever a term permit for grazing livestock on National Forest lands in the 11 contiguous Western States is canceled in whole or in part to devote the lands covered by the permit to another public purpose, including disposal, the permittee is entitled to compensation from the United States reasonable compensation for the adjusted value of his interest in authorized permanent improvements placed or constructed by him on the lands covered by the canceled permit. The adjusted value is to be determined by the Chief, Forest Service. Compensation received shall not exceed the market value of the terminated portion of the permittee's interest therein.
(b) In the event a permittee waives his grazing permit in connection with sale of his homestead livestock, he is not entitled to compensation.

§ 222.8 Changes in livestock associations.
(a) Changes in livestock associations.
(b) Activities of the association.
(c) Authority and powers of association.
(d) Powers of the membership.
(e) Changes in the association.
(f) Voting privileges of association members.
(g) Annual meetings.
(h) Amendments to the constitution and bylaws.
(i) Actions of the association.
(j) Powers of the association.
(k) Dissolution of the association.
(l) Withdrawal from an association.

§ 222.9 Cooperation with State, and county livestock organizations.
(a) Cooperation with State, and county livestock organizations.
(b) Cooperation with State, and county livestock organizations.
(c) Cooperation with State, and county livestock organizations.
(d) Cooperation with State, and county livestock organizations.
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§ 222.10 Cooperation with other livestock organizations.
(a) Cooperation with other livestock organizations.
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(z) Cooperation with other livestock organizations.
to the betterment of range management on both public and private lands. The Chief, Forest Service, will endeavor to establish and maintain close working relationships with National livestock organizations who have an interest in the administration of National Forest System lands, and direct Forest officers to work cooperatively with State and county livestock organizations having similar interests.

(c) Interagency cooperation. The Chief, Forest Service, will cooperate with other Federal agencies which have interest in improving range management on public and private lands.

(d) Cooperation with others. The Chief, Forest Service, will cooperate with other agencies, institutions, organizations, and individuals who have interest in improvement of range management on public and private lands.

§ 222.8 Cooperation in control of stray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.

(a) Insofar as it involves National Forest System lands and other lands under Forest Service control or the live- stock which graze thereupon, the Chief, Forest Service, will cooperate with:

(1) State and Federal agencies in the application and enforcement of all laws and regulations relating to livestock diseases, sanitation and noxious farm weeds.

(2) The Animal and Plant Health Inspection Service and other Federal or State agencies and institutions in surveillance of pesticide spray programs; and

(3) State cattle and sheep sanitary or brand boards in control of stray and unbranded livestock to the extent it does not conflict with the Wild Free-Roaming Horses and Burros Act of December 15, 1971.

(b) The Chief, Forest Service, will cooperate with county or other local weed control districts in analyzing noxious farm weeds and developing control programs in areas of which the National Forests and National Grasslands are a part.

§ 222.9 Range improvements.

(a) The Chief, Forest Service, is authorized to install and maintain structural and nonstructural range improvements needed to manage the range resource on National Forest System lands and other lands controlled by the Forest Service.

(b) Such improvements may be constructed or installed and maintained, or work performed by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by cooperative agreement or memorandum of understanding, the provisions of which become a part of the grazing permit.

(2) Title to permanent structural range improvements shall rest in the United States.

(3) Title to temporary structural range improvements may be retained by the Cooperators where no part of the cost for the improvement is borne by the United States.

(4) Title to nonstructural range improvements shall vest in the United States.

(5) Range improvement work performed by a cooperator or permittee on National Forest System lands shall not confer the exclusive right to use the improvement or the land influenced.

(e) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain improvements to specified standards.

(g) Grazing fees or the number of animal months charged shall not be adjusted to compensate permittees for range improvement work performed on National Forest System lands: Provided, That, in accordance with section 32(c), Title III, Bankhead-Johnson Act, the cost to grazing users in complying with requirements of a grazing permit or agreement may be considered in determining the annual grazing fee on National Grasslands or land utilization projects if it has not been used in establishing the grazing base value.

§ 222.10 Range betterment fund.

In addition to range development which is accomplished through funds from the rangeland management budget line item and the Grazing-Tube Act, and deposited and nondeposited cooperative funds, range development may also be accomplished through use of the range betterment fund as follows:

(a) On National Forest land within the 11 contiguous western States, the Chief, Forest Service, shall implement range improvement programs where necessary to arrest range deterioration and improve forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. One-half of the available funds will be expended on the National Grasslands, the remaining one-half of the fund will be allocated for range rehabilitation, protection and improvements on National Forest lands within the Forest Service Region, counties where they were derived. During the planning process there will be consultation with grazing permittees who will be affected by the range rehabilitation, protection and improvements, and other interested persons or organizations.

(b) Range betterment funds shall be utilized only for on-the-ground expenditures for range land betterment, including, but not limited to, seeding and reseeding, fence construction, water development, weed and other plant control, and fish and wildlife habitat enhancement within allotments.

§ 222.11 Grazing advisory boards.

(a) Establishment. Persons holding permits to graze livestock on National Forest System lands and other lands under Forest Service jurisdiction over more than 800 acres of land subject to commercial livestock grazing may petition the Forest Supervisor for establishment of a statutory grazing advisory board in accordance with provisions of the Federal Land Policy and Management Act of 1976.

(1) Upon being properly petitioned by a simple majority (more than 50 percent) of grazing permittees under the jurisdiction of such headquarters office, the Secretary shall establish and maintain at least one grazing advisory board.

(2) The Chief, Forest Service, shall determine the number of such boards, the area to be covered, and the number of advisers on each board.

(3) Processing Petitions. Upon receiving a proper petition from the grazing permittees, the Forest Supervisor will request the Chief, Forest Service, through the Regional Forester, to initiate action to establish grazing advisory boards in accordance with regulations of the Secretary of Agriculture. Grazing advisory boards will comply with the provisions of the Federal Advisory Committee Act.

(b) Membership. Grazing advisory boards established under this authority shall consist of members who are National Forest System permittees under the jurisdiction of a National Forest headquarters office in the contiguous Western States, provided board members shall be elected by grazing permittees in the area covered by the board.

(c) Elections. The Forest Supervisor of the headquarters office shall provide and oversee the manner in which permittees are nominated and board members are elected. Nominations will be made by petition with all permittees under the jurisdiction of such headquarters office being eligible for membership on the board. All members of the board will be elected by secret ballot with each permittee in the area covered by the board being qualified to vote. No person shall be denied the opportunity to serve as a grazing advisory board member because of race, color, sex, religion, or national origin. No board member shall concurrently serve on another USDA advisory committee. The Forest Supervisor shall determine and announce the results of the election of the board and shall recognize the duly elected board as representing National Forest System grazing permittees in the areas for which it is established. Board members will be elected to terms not to exceed 2 years.

(d) Charter and bylaws. (1) The Forest Supervisor will prepare a charter to file with the Congress as required by Section 9(c) of the Federal Advisory Committee Act.

(2) A duly recognized grazing advisory board may, with the concurrence of a majority of its members and the Forest Supervisor, adopt bylaws to govern its proceedings.

(e) Function. The function of grazing advisory boards will be to offer advice and make recommendations concerning the development of allotment manage-
RULES AND REGULATIONS

DOUGLAS M. COSTEL, Administrator.


[5650-01] Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY [FRL 796-2]
PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES CERTIFICATION AND TEST PROCEDURES
Technical Amendments; Corrections
AGENCY: Environmental Protection Agency.
ACTION: Final rule.
SUMMARY: This action is a publication of several technical amendments to Subparts E and F of the motor vehicle certification regulations. The amendments correct errors made in the initial publication of these subparts and make minor, non-substantive changes to the regulations. The amendments are described in the table below.
DATES: The amendments are effective November 28, 1977.
FOR FURTHER INFORMATION CONTACT:
SUPPLEMENTARY INFORMATION: The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking and public rulemaking procedures to the issuance of these amendments in that (1) the amendments primarily clarify the regulations, (2) they make non-substantive corrections, and (3) they impose no additional burden on the regulated industry in complying with the regulations.

Norm.—The EPA has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11831, as amended by Executive Order 11910, and under OMB Circular A-107.
Dated: October 20, 1977.
RICHARD L. DUENESBAUR, Acting Deputy, Conservation, Research, and Education.
[FR Doc.77-1275 Filed 10-27-77; 8:45 am]

Part 86

New subparts and amendments correct errors made in the November 28, 1977, initial publication of these subparts and amendments for the Federal- U.S. Environmental Protection Agency.

Subparts

<table>
<thead>
<tr>
<th>Section</th>
<th>Change</th>
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<tbody>
<tr>
<td>1. 86.492-78</td>
<td>Insert definition for “total test distance.”</td>
</tr>
<tr>
<td>2. 86.412-78(b)(9)</td>
<td>Modify language describing the requirements for vehicle emission testing.</td>
</tr>
<tr>
<td>3. 86.416-78(b)(9)(I)</td>
<td>Remove requirement for manufacturers to report in 1979 and 1980 any errors that will result in the adjustment ranges for fuel and ignition systems. Calibration ranges will be reported.</td>
</tr>
<tr>
<td>4. 86.416-80</td>
<td>Insert a new section into the regulations identical to 86.416-78, except that manufacturers will report in their applications for certification the adjustment ranges for fuel and ignition systems.</td>
</tr>
<tr>
<td>5. 86.416-80</td>
<td>After the mass at which vehicles must accumulate service distance during certification, add instructions for alleviating vehicles.</td>
</tr>
<tr>
<td>6. 86.416-78(b)</td>
<td>Provide a more complete reference to another section of the regulations, and correct a typographical error.</td>
</tr>
<tr>
<td>7. 86.416-78(b)</td>
<td>Modify language describing what test data shall be used in the calculation of deterioration factors and changes the procedures to those which should be used.</td>
</tr>
<tr>
<td>8. 86.416-78(b)</td>
<td>Clarifies which test data will be used for deterioration lines.</td>
</tr>
<tr>
<td>9. 86.416-78(b)</td>
<td>Clarifies section reference used in manufacturer statements of conformance and the certificate of conformance, and makes plain that the certificate covers only motorcycles.</td>
</tr>
<tr>
<td>10. 86.416-78(a)(1)(I)</td>
<td>Correct typographical error.</td>
</tr>
<tr>
<td>11. 86.442-78(a)(1)</td>
<td>Do.</td>
</tr>
<tr>
<td>12. 86.442-78(a)(1)</td>
<td>Correct typographical error and drop footnotes for lyphrens.</td>
</tr>
<tr>
<td>13. 86.513-78(b)</td>
<td>Correct typographical error.</td>
</tr>
<tr>
<td>14. 86.513-78(b)</td>
<td>Give correct measures for the symmetrical X and Y.</td>
</tr>
<tr>
<td>15. 86.513-78(b)</td>
<td>Add requirement to evacuate exhaust sample collection bags prior to the start of the emission test, and clarify when during the test readings are taken and when sample bags should be used.</td>
</tr>
<tr>
<td>16. 86.513-78(b)</td>
<td>Require that flow rates and pressures be checked more frequently than specified in the test procedures for exhaust sample analysis.</td>
</tr>
<tr>
<td>17. 86.513-78(b)</td>
<td>Clarify what the vehicle data should be and that information should be used in the calculation of deterioration lines.</td>
</tr>
<tr>
<td>18. 86.513-78(b)</td>
<td>Correct typographical errors and provide correct references to other parts of the regulations.</td>
</tr>
<tr>
<td>19. 86.513-78(b)</td>
<td>Do.</td>
</tr>
<tr>
<td>20. 86.513-78(b)</td>
<td>Do.</td>
</tr>
</tbody>
</table>

Total test distance is a term referred to at several places in the regulations. Two errors are made in the current regulations. Changes will allow manufacturers more flexibility in choosing what should be measured to be used to make emission labels on vehicles. The regulations do not call for the testing of vehicles at calibrations more than within the physically available range for calibration. After 1980 the administrator will specify emission system and test system calibrations to be used during testing so long as they are within the physically available range for the adjustments. Manufacturers must state what this adjustment range is in their application for certification of the model year and for which vehicles the adjustments are applicable. Changes are made to classify weight at which vehicles should accumulate service distance on a dynamometer. Instructions on what shift procedures should be used during service accumulation are intended to ensure that vehicle operation during testing is typical of normal operation. The typographical error cured was when the regulation was initially published (42 FR 1122); the section reference is clarified to simplify use of the regulations.

Change is needed to make this section conform to changes made in sections 86.416-78, 86.416-78, deterioration factor, and “this chapter” do not adequately describe the portions of the regulations which must be entered in order to receive a certificate of conformity; current certificate of conformity language is misleading in that it implies that the certificate covers only by 86.416 in addition to motorcycles.

Error was made in initial publication of regulations (42 FR 1122), Do.

Error was made in initial publication of regulations (42 FR 1122), Do.

Error was made in initial publication of regulations (42 FR 1122), Do.

Indicators that cannot be on current dynamometers. Error was made in initial publication of regulations (42 FR 1122), Do.

Change is made to make this paragraph consistent with provisions of 86.18 which specified use of a single roll dynamometer for testing. Changes will reduce the potential for testing being done with contaminate sample bags, and the possibility of sample bags after too long a period.

Change is made to assure the accuracy of the emission test results. Initial publication of the regulation omitted when on test information on which to be recored, distance covered during the test is required to be measured to change results. Typographical errors were made in the initial publication of the regulation.
RULES AND REGULATIONS

40 CFR Part 86 is amended as follows:

1. In Section 86.402-78, the definition for "total test distance" is added to read as follows:

§ 86.402-78 Definitions.

"Total test distance" is defined for each class of motorcycles in § 86.427-78.

2. Section 86.413-78(a) (2) is revised to read as follows:

§ 86.413-78 Labeling.

(a) (1) * * *

(2) A permanent, legible label shall be affixed in a readily accessible position. Multi-part labels may be used.

3. Section 86.418-78, paragraph (a) (2)

(ii) is added to read as follows:

§ 86.418-78 Application for certification.

(a) * * *

(2) * * *

(ii) The range of available fuel and ignition system calibrations.

4. A new section, § 86.418-80, is added as follows:

§ 86.418-80 Application for certification.

(a) New motorcycles produced by a manufacturer whose projected sales in the United States is 10,000 or more units (for the model year in which certification is sought) are covered by the following:

(1) An application for a certificate of conformity to the regulations in the English language applicable to new motorcycles shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment. Where possible, a manufacturer should include in a single application for certification, a description of all vehicles in each class for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

(2) The application shall be in writing signed by an authorized representative of the manufacturer, and shall include the following:

(i) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device. Transmission gear ratios, overall drive ratios and vehicle mass (or range of mass) shall also be included. The label and its location shall be specified, § 86.413. Available optional equipment shall be described.

(ii) The range of available fuel and ignition system adjustments.

(iii) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested. If reduced testing based on low sales volume is requested the method of predicting sales shall be described.

(iv) A description of the test equipment (if applicable) and fuel and engine lubricant proposed to be used.

(v) A description of the proposed service accumulation procedure and a description of the proposed scheduled maintenance.

(vi) A statement of recommended periodic and anticipated maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, listings of the fuels and lubricants to be recommended to the ultimate purchaser and a description of the program for training of personnel for such maintenance, and the equipment required to perform this maintenance.

(vii) A description of normal assembly line operations and adjustments if such procedures exceed 10 km (6.2 miles) or one hour of engine operation.

(3) Completed copies of any application and of any amendments thereto, and all notifications under §§ 86.438 and 86.439 shall be submitted in such multiple copies as the Administrator may require.

(4) For purposes of this section, "auxiliary emission control device" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear shift, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(b) New motorcycles produced by a manufacturer whose projected sales in the United States is less than 10,000 units (for the model year in which certification is sought) are covered by the following:

(1) All the information that would otherwise be required to be submitted to EPA under paragraph (a) (2) of this section must be made a part of the manufacturer's records. There is no requirement to submit the information to the Administrator or receive approval from the Administrator.

(2) Section 86.418 details the statements that these manufacturers are required to provide to the Administrator.

(c) For the purpose of determining applicability of paragraphs (a) or (b) of this section, where there is more than one importer or distributor of vehicles manufactured by the same person, the projected sales shall be the aggregate of the projected sales of those vehicles by such importers or distributors.

5. Section 86.428-78, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 86.426-78 Service accumulation.

(a) The procedure for service accumulation will be the Durability Driving Schedule as specified in Appendix IV to this Part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate distance at a measured curb mass which is within 5 kg (11.0 lb) of the loaded vehicle mass specified by the Administrator.

(c) The manufacturer's recommended shifting procedure will be used for laps 1 through 10. Lap 11 shifts (W.O.T. accelerations) must be conducted at the manufacturer's recommended maximum safe engine speed.

6. Section 86.428-78(f) is revised to read as follows:

§ 86.428-78 Maintenance, scheduled:

(f) Requests for authorization of periodic maintenance of related components not specifically authorized to be maintained by this section, and for anticipated maintenance (see § 86.428-78(g)), must be made prior to the beginning of distance accumulation. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use and that the maintenance is reasonable and necessary.

7. In Section 86.432-78, paragraphs (a) and (c) are revised to read as follows:

§ 86.432-78 Deterioration factor.

(a) Deterioration factors shall be developed for each test vehicle from the emission test results. A separate factor shall be developed for each pollutant.

(e) Deterioration factors computed to be less than 1.000 shall be 1.000.

In Section 86.436-78, paragraphs (b) and (c) are revised to read as follows:

§ 86.436-78 Additional service accumulation.

(b) New deterioration lines will be generated using all applicable test points (except the first official EPA test) up to the useful life. The same procedures for determining the original deterioration line will be used.

(c) 1

(2) A new deterioration line calculated using the procedure described in § 86.
and shall be kept in a designated location.

11. Section 86.442-78(a)(1) is revised to read as follows:

§ 86.442-78 Denial, revocation, or suspension of certification.

(a) * * *

(1) The manufacturer submits false or incomplete information in his application for certification thereof; or

12. Section 86.508-78(a) is revised to read as follows:

§ 86.508-78 Dynamometer.

(c) Flywheels or other means shall be used to simulate the inertia specified in § 86.529.

13. Section 86.513-78(b) is revised to read as follows:

§ 86.513-78 Fuel and engine lubricant specification.

(b) Gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline, the minimum lead content shall be 0.370 gram per litre (1.4 grams per U.S. gallon), except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. This octane rating of the gasoline used shall be no higher than 4.0 Research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season which the vehicle is tested. If the manufacturer specifies several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

14. Section 86.519-78(a)(9) is revised to read as follows:

§ 86.519-78 Constant volume sampler calibration.

(a) * * *

(9) If the calibration has been performed carefully, the calculated values from the equation will be within ±0.50 percent of the measured value of Vv. Values of M will vary from one pump to another, but values of Dv for pumps of the same make, model, and range should agree within ±3 percent of each other. Particular influence of pump use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at pump startup and after major maintenance to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

15. Section 86.535-78(c) is revised to read as follows:

§ 86.535-78 Dynamometer procedures.

(c) The vehicle speed, as measured from the dynamometer roll, shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

16. In Section 86.557-78(b), a new paragraph (b)(6) is added, paragraphs (b)(5), (b)(11), (b)(19), and (b)(18) are redesignated, as follows:

§ 86.557-78 Dynamometer test runs.

(b) * * *

(6) With the sample selector valves in the "standby" position, connect sample collection bags to the dilute exhaust and dilution air sample collection systems.

(d) Start the Constant Volume Sampler (if not already on), the sample pumps, and the temperature recorder. (The heat exchanger of the constant volume sampler, if used, should be preheated to operating temperature before the test begins.)

(5) Adjust the sample flow rate to the desired flow rate (minimum of 80 cc/ (10.3 ft³/hr) for PDP-CVS) and set the gas flow measuring device to zero.

(6) Evacuate sample collection bags.

Now—CF-CVS sample flow rate is fixed by the ventilator design.

(7) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(b) Start the gas flow measuring device. Position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag and start cranking the engine.

(9) Fifteen seconds after the engine starts, place the transmission selector to the "park" position.

(10) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(11) Operate the vehicle according to the dynamometer driving schedule (§ 86.515).

(12) At the end of the deceleration which is scheduled to occur at 4.60 seconds, simultaneously switch the sample flows from the "transient" bag to the "stabilized" bag, switch off gas flow measuring device No. 1 and start gas flow measuring device No. 2. Before the acceleration which begins at 4.60 seconds, record the roll revolutions. As soon as possible, transfer the "transient" exhaust and dilution samples to the analytical system and process the samples according to §86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the cold transient phase of the test. Record the engine off 2 seconds after the end of the last deceleration (at 4.369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 and
position the sample selector valves to the "standby" position. Record the measured roll revolutions. As soon as possible, transfer the "stabilized" exhaust and dilution air samples to the sample system and process the samples according to §86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the cold stabilized phase of the test. (15) Immediately after the end of the sample period turn off the vehicle cooling fan system. (16) Turn off the CVS or disconnect the exhaust tube from the tailpipe of the vehicle. (17) Repeat the steps in paragraphs (b) through (10) of this section for the hot start test, except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b) (7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test. (18) At the end of the deceleration which is scheduled to occur at 506 seconds, simultaneously turn off gas flow measuring device No. 1 and position the sample selector valve to the "standby" position. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll revolutions. (19) As soon as possible, transfer the hot start "transient" exhaust and dilution air samples to the analytical system and process the samples according to §86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the hot transient phase of the test. (20) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer. (21) The constant volume sampler may be turned off, if desired. (22) Continuous monitoring of exhaust emissions will not normally be allowed. Specific written approval must be obtained from the Administrator for continuous monitoring of exhaust emissions. (17) In Section 86.544-78, a new paragraph (a) is added, and existing paragraphs (a) through (h) are redesignated as follows: §86.544-78 Exhaust sample analysis. (a) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a) through (g) of this section. (b) Vehicle: Make, Vehicle Identification number, Model year, Transmission type, odometer reading at initiation of preconditioning. Engine displacement, Engine family, Emission control system, Recommended idle RPM, Nominal fuel tank capacity, Inertial loading, Actual curb mass recorded at 6 kilometers, and Drive wheel tire pressure. (c) Check flow rates and pressures. Adjust as required. (d) Zero the analyzers and obtain a stable zero reading. Recheck after tests. (e) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart. (f) Check zero; repeat the procedure in paragraphs (a) through (c) of this section if required. (g) Check flow rates and pressures. (h) Measure HC, CO, CO2, and optionally, NOx concentrations of samples. (g) [Reserved] RULES AND REGULATIONS 56739 SUMMARY: The purposes of this interim final rule are to delete those sections of 40 CFR 120 that relate only to State water quality standards and approvals and not to Federal promulgations of water quality standards or to other rulemaking activities relating to water quality standards and to delete those Federal promulgations that have been superseded by State law or that have been superseded because of subsequent action. State water quality standards are not Federal regulations and, hence, should not be a part of the Code of Federal Regulations. The State adoption and Federal approval of water quality standards will, hereinafter, appear as a Notice in the Federal Register soon after Federal approval of the State standard occurs. This action is procedural and is without legal impact, thus, it is adopted as interim final. EFFECTIVE DATE: Effective October 28, 1977. Comments must be submitted on or before November 23, 1977. FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenbach, Director, Criteria and Standards Division (WHA-987), Office of Water Quality Materials, U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-786-0100. SUPPLEMENTARY INFORMATION: 40 CFR 120.5 is being withdrawn because the States have adopted salinity standards as required. State water quality standards approvals are being withdrawn (§120.10), and will henceforth not appear in the Code of Federal Regulations because such standards are not a part of a Federal regulation but, instead, are State-adopted water quality standards that have been approved by the Administrator pursuant to section 303 of the Federal Water Pollution Control Act. State-adopted, Federally approved water quality standards will appear as Notices in the Federal Register. The Alabama standards promulgated by the Environmental Protection Agency (§120.11) is being withdrawn because the United States District Court has so ordered (Associated Industries of Alabama v. Train, 9 ERC 1561). The first paragraph of §120.21 is being withdrawn because it is an approval action and not a Federal regulation; §120.22, paragraphs (a) and (b) of §120.104, and §120.11b are being withdrawn because the respective States have adopted appropriate standards as required. Existing Federal promulgations of water quality standards for States have been renumbered, redacted and approved by the Office of Management and Budget for the preparation of such statements. In consideration of the foregoing, 40 CFR 120 is hereby amended as set forth.


[6560-01] [FRL 701-5]
RULES AND REGULATIONS

below. All comments on this action should be submitted to Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division, Office of Water and Hazardous Materials, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before November 28, 1977 will be considered in developing final rulemaking. 


BARBARA BLUM, Acting Administrator.

Part 120 is amended as follows:
1. Delete § 120.5 in its entirety.
2. Delete § 120.10 in its entirety.
3. Delete § 120.11 in its entirety.
4. Redesignate § 120.21 as § 120.27. 
5. Delete § 120.23 in its entirety.
6. Redesignate § 120.104 as § 120.12. 
7. Delete § 120.115 in its entirety.

[FR Doc. 77-31259 Filed 10-27-77; 8:45 am]

SUPPLEMENTARY INFORMATION:

Subpart 1-18.1—General Provisions
Section 1-18.106 is revised as follows: § 1-18.106 Minimum standards for responsible prospective contractors. In evaluating the responsibility of a prospective contractor, the contracting officer shall consider whether a bid bond has been furnished and performance and payment bonds are to be furnished. Prior to understanding bid, performance, and payment bonds, it is normal practice for each surety company to conduct a prequalification survey which examines, verifies, and evaluates the contractor's financial resources, technical expertise for the type of work involved, management and organization ability, current workload, and capability to complete the contract in the required time. Normally, the contracting officer is not expected to duplicate this effort in conducting the preaward survey, but should emphasize in addition thereto the evaluation of information which is uniquely available to the Government, such as the Joint Consolidated List of Debanned, Ineligible, and Suspended Contractors (see § 1-1602 et seq.), contractor experience lists, and performance evaluations on present or previous contracts with the Government. More extensive preaward surveys should be conducted when the project requires unique or unusual construction expertise or when information available to the contracting officer indicates that the contractor may not be responsible (see § 1-11203, Minimum standards for responsible prospective contractors, for other pertinent factors). The responsibility for determining the extent to which a preaward survey is appropriate to the circumstances rests with the contracting officer. Where the prospective contractor is a joint venture, the sum of its financial resources and the individual capacities of all its members will be used in determining the responsibility of the joint venture.

Subpart 1-18.8—Termination of Construction Contracts
Section 1-18.803-9 is revised as follows:
§ 1-18.803-9 Liquidation of liability. In accordance with the provisions of the contract, the contractor and his surety are liable to the Government for resulting damages except those administrative costs which are necessary for, and directly assignable to, completing the work following such termination and which would have been required had termination not been necessary. All retained percentages of progress payments previously made to the contractor and any progress payments due for work completed prior to the termination of the right to proceed shall be used for the purpose of liquidating the liability of the contractor and his surety to the Government for such damages. Where the retained and unpaid amounts are insufficient to liquidate such liability, step-

shall be taken to recover the additional sum from the contractor and his surety.

Note.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Environmental Impact Statement under Executive Order 11004 and OMB Circular A-107.

DATED: October 18, 1977.

JAY SOLOMON, Administrator of General Services.

[FR Doc.77-31259 Filed 10-27-77; 8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS
SUBCHAPTER E—SUPPLY AND PROCUREMENT
[FPFR Amdt. E-310]
PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Computer Security

AGENCY: Automated Data and Telecommunications Service, GSA.

ACTION: Final Rule.

SUMMARY: This final rule provides standard terminology to be used when Federal agencies need to acquire ADP equipment and services that incorporate the standard encryption algorithm for cryptographic protection of computer data. The algorithm will help safeguard computer data and is intended to reduce the opportunity for unauthorized disclosure, to protect computer data during transmission or while in storage, and to maintain the integrity of the information represented by the data. The encryption capability must be validated by the National Bureau of Standards (NBS).


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:
The encryption algorithm is prescribed in the Federal Information Processing Standards Publication (FIPS PUB) 46, "Data Encryption Standard." The NBS Issues FIPS PUBS under the provisions of Public Law 89-306 and under Part 6 of Title 15, Code of Federal Regulations. GSA's responsibility is to ensure that standard terminology relating to FIPS PUBS is included in solicitation documents for use by Federal agencies. The table of contents for Parts 101-32 is amended by adding the following entry:

Sec. 101-32.1304-19 FIPS PUB 46, Data Encryption Standard (DES).

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977

Section 101-32.1304-19 is added as follows:

§ 101-32.1304-19 FIPS PUB 46, Data Encryption Standard (DES).

(a) FIPS PUB 46 specifies an algorithm to be implemented in computer or related data communication devices using hardware (not software) technology. This algorithm must be used by Federal agencies for the cryptographic protection of computer data when:

(1) A department or agency decides that cryptographic protection is required; and

(2) The data are not classified according to the National Security Act of 1947, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Federal agencies using cryptographic devices for protecting data classified according to either the National Security Act or the Atomic Energy Act can develop devices for protecting unclassified data in lieu of the standard.

(c) Technical specifications are included with FIPS PUB 46.

(d) The standard terminology for use in solicitation documents is:

In the event that a data encryption requirement is specified elsewhere in this solicitation, such encryption will be accomplished in accordance with FIPS PUB 46. Implementations of the standard embodied in products or services offered as a result of solicitation documents is:

(1) Determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11121 and OMB Circular A-107.

Dated: October 18, 1977.

JAY SOLOMON,
Administrator.

[FR Doc. 77-31267 Filed 10-27-77; 8:45 am]

RULES AND REGULATIONS

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21020; RM-2741; FCC 77-708]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Unattended Operation of FM Translator Stations

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action amends § 74.1266 of Part 74, Relates to a change in the applicable rulemaking proceeding to authorize FM translator stations, as requested by the National Translator Association. Unattended operation is already permitted for television translators, and the Communications Commission was recently amended to remove the operator requirements for FM translators.

EFFECTIVE DATE: November 28, 1977.


FOR FURTHER INFORMATION CONTACT:
James J. Gross, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED


In the matter of amendment to 47 CFR 74.1265, Unattended Operation of FM Translator Stations, Docket No. 21020, RM-2741.

1. The Commission now considers the comments and replies on its Notice of Proposed Rule Making, which was issued in response to a petition of the National Translator Association ("NCTA"). In that petition, NCTA requested the Commission to amend the FM translator rules to permit the unattended operation of FM translator stations. FM translator stations are low-powered broadcasting facilities which receive and amplify the incoming signals of an FM radio station, then convert the signals to a different frequency, and retransmit them to small, sparsely populated communities. Comments were received from petitioner, the National Cable Television Association, Inc. ("NCTA"), the American Broadcasting Companies, Inc. ("ABC"), and the General Electric Broadcasting Company ("GEBCO").

2. The Notice proposed implementation in the Commission's rules of a Congressional amendment to the Communications Act; Pub. L. 94-335, which was enacted in 1976, amended the Communications Act to permit FM translators to be operated without having an attended operator. Until the law was amended, only television translators were exempted from the statutory requirement in Section 318 that all broadcast stations shall be operated only with a licensed operator in attendance. The House Report on the legislation contained the following conclusions:

Translators were conceived as simple, inexpensive devices designed to provide broadcast signals to the residents of sparsely populated, rural, remote, or mountainous areas. Technological advances through the past decade have made FM translator stations possible and, in 1970, the Federal Communications Commission authorized such stations. In order to make the FM translator stations more economically feasible, the Committee recommends that section 318, be amended as proposed, to authorize FM translators to operate unattended in the same manner as is now permitted for television translator stations • • • . The Committee finds that FM translator service is a valuable communications service for underserved and sparsely populated areas of the country. Given the existing exception for unattended television translator operation, the Committee believes it is appropriate to remove the operator requirement for FM translators.

In light of this Congressional enactment and at the request of NCTA, the Commission adopted a Notice in this proceeding proposing to adopt rule provisions in § 74.1266 for FM translator stations paralleling those which govern operator requirements for television translators in § 74.106.

3. Opposition has been raised by NCTA which asserts that this matter should be consolidated with other rulemaking petitions before the Commission for a broad rulemaking proceeding aimed at developing a consistent translator policy. Cited by NCTA are:

(a) Docket No. 20539, a proposal to allow translators to receive their input signals via FM microwave or any other suitable service;

(b) RM-2739, a proposal by NCTA to allow FM translator stations to receive calls from local announcers soliciting or acknowledging public financial support;

(c) RM-2740, a proposal by NCTA to allow origination of emergency messages on FM, HF, and VHF translators; and

(d) RM-2751, a proposal filed August 23, 1976, by Cablecom-General, Inc., calling for the consolidation of all pending translator proposals to allow the Commission to examine the interrelationship of translators with other aspects of the national communications scheme.

NCTA points out that 27 different parties have filed comments in support of consolidation in RM-2751, including broadcasters, common carriers, cable operators, and translator licensees.

4. NCTA also challenges the statement in the Notice of this proceeding that consolidation is inappropriate because the "subject matter differs entirely, and the petitions deal with such a question regarding overall communications policy." Rather, states NCTA, the policy considerations in allowing unattended FM translators are of serious consequence and deserve careful scrutiny. NCTA states that translator interference problems are increasing and have not been remedied by the Commission; that no study has been made by the Commission on the impact of translator interference; that technical problems in translators can go unremedied; and that interference could result to all navigation and marine emergency radio services.

When the FM translator rules were first developed, they were adapted from the rules already in force governing television translators. At that time, through inadvertence, a rule (§ 13.1224) was included which permitted unattended FM operation. However, since the Communications Act did not then allow unattended operation, the rule was not given effect, and § 14.1256, which required attended operation, governed instead.

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5. Support for the proposal to permit unattended FM translators is contained in comments and reply comments from petitioner, ABC and GEBCO. ABC and GEBCO say that the promotion and development of translator facilities would benefit the public and that there is no rational basis for the FCC's view that unattended translators differently. They also state that NCTA has failed in comments to support its allegations of interference due to frequency drift from unattended FM translators, as was also pointed out in the Notice. NTA argues that NCTA has filed no engineering statement or support for its allegations of interference. ABC, in its reply comments, opposes consolidation on the theory that the instant rulemaking deals with a discrete aspect of FM translator operation which may be handled separately. ABC also notes that NCTA has made no mention of progress on its study of translator interference problems which was stated to be underway prior to the Notice, and that such a study could shed light on the question whether there are significant differences between attended and unattended FM translators.

CONCLUSIONS

6. It is within the Commission's discretion to consolidate rule making proposals or treat them separately. We have considered the arguments of the parties regarding consolidation of this proceeding with other translator proceedings. It is still our finding that the question of permitting unattended FM translator operation is sufficiently separable from the translator issues in other proceedings to be dealt with directly in this proceeding. This in no way precludes re-examination of this matter if changed circumstances should show that to be inappropriate.

7. NCTA has offered no evidence that FM translators have caused, or are likely to cause, interference. Upon review of the arguments of all parties herein, it is our conclusion that the potential for significant interference from unattended FM translators has not been established and, based on the record, and our experience in the area, could be expected, if such interference ever were to occur, to be minimal. Thus, there is no reason to distinguish between television and FM translators in the matter of unattended operation, and therefore we shall follow the expressed intent of Congress and conform our FM translator rules to the television translator rules.

8. Accordingly, it is ordered, that effective November 28, 1977, § 74.1266 of the Commission's rules and regulations, is amended to read as follows:

§ 74.1266 Operator requirements.

(a) An FM broadcast translator station may be operated only by a person designated by and under the control of the licensee and shall not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules and regulations.

(b) A licensed operator employed or operating an FM translator may, at the discretion of the licensee, be employed for other duties or for the operation of another class of station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such duties shall not interfere with the operation of the FM translator station.

9. Authority for the action taken herein is contained in Sections 4(d), 303 (g), (1) and (r) of the Communications Act of 1934, as amended.

10. It is further ordered, that this proceeding is terminated.

[Secs. 4, 303, 46 Stat., as amended, 1068, 1082; (47 U.S.C. 164, 303.)]

11. [Title 49—Transportation]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. R38-2, Notice No. 1]

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This document creates a new Part 209 in Title 49, Code of Federal Regulations, which sets forth certain of the procedures utilized by FRA in carrying out its safety enforcement mission. Specifically, the new part prescribes procedures for the assessment of civil penalties under section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) for violations of the Department of Transportation Hazardous Materials Regulations related to the shipment and transportation of hazardous materials by rail. The new part also prescribes procedures for issuance of orders directing compliance with the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431–441) (Safety Act) and the Hazardous Materials Transportation Act (49 U.S.C. 1801–1812) (HMTA) and with regulations and orders issued under the respective statutes. Finally, the new procedures provide guidance concerning requests for confidential treatment of materials provided to FRA in connection with enforcement of all railroad safety statutes and regulations within FRA's jurisdiction. The procedures are responsive to provisions of Pub. L. 93–833, the Transportation Safety Act of 1974. That statute contains civil penalty authority and compliance order authority with respect to the regulation of hazardous materials. The same public law is the Safety Act to provide for compliance order authority. Since the Department of Transportation has revised its regulations under the HMTA, effective January 3, 1977 (see 41 FR 38175–38183 (1967)), and since the enforcement of those regulations in

*Chairman Wiley not participating.

the rail mode has been delegated to FRA (49 CFR 1.49(15)), it has become necessary for FRA to issue these implementing procedures. The procedures are intended to assure the prompt and efficient resolution of specified enforcement actions under the Safety Act and the HMTA and to provide administrative due process to those against whom proceedings are instituted.

EFFECTIVE DATE: These procedures are effective on October 28, 1977.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

FRA has not previously issued written procedures for its enforcement of railroad safety statutes and regulations. However, it is clear that both the collection of civil penalties under the Safety Act and the older railroad safety statutes is handled through informal settlement procedures and, where necessary, suits in the district court. Title 49 U.S.C., Sections 951–953; 4 CFR Parts 101–105. Those informal procedures are not affected by the current rulemaking. However, in 1974 a new authority was conferred on the Secretary of Transportation to issue compliance orders under the HMTA and the Safety Act and to assess civil penalties under the HMTA.

The HMTA requires that the Secretary exercise specific powers "after notice and opportunity for a hearing" (49 U.S.C. 1808(a), 1809). The Safety Act also contains a provision for oral presentations (45 U.S.C. 431). Neither statute requires full-blown "on-the-record" hearings falling within the purview of sections 5, 7 and 8 of the Administrative Procedure Act (5 U.S.C. 554, 556, 557). However, it is clear that both the Safety Act (with respect to compliance orders) and the HMTA (with respect to compliance orders and hazardous materials civil penalties) contemplate that fact finding and discretion shall be vested in the administrative agency. Therefore, FRA believes it is essential to issue procedures which provide respondents with an opportunity to present their case, which will lead to the creation of a record in each individual proceeding which can form the basis for judicial review without a new trial of all the facts and issues in the district court. The Department's Materials Transportation Bureau and the Federal Highway Administration have already issued procedures which will provide administrative due process to those against whom enforcement roles under the HMTA are effective on October 28, 1977.

Although neither due process nor any statute requires that administrative law judges preside over any proceeding instituted under the new rules, FRA believes that the skills and recognized impartiality of administrative law judges will contribute materially to the quality of hearing processes. Therefore, the FRA will request administrative law judges to preside in those compliance order

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hazardous materials penalty proceedings in which a request for an oral hearing is made.

**DISCUSSION OF INDIVIDUAL RULES**

**SUBPART A—GENERAL**

Section 209.1 recites the responsibility of the Administrator for the enforcement of the railroad safety statutes, including the HMTA, and states that the purpose of the Administrator is to achieve the objectives of the procedures employed by FRA in its enforcement of those statutes.

Section 209.3 consists of definitions for certain terms as they are used in Part 209.

Section 209.5 prescribes procedures for the service of documents other than subpoenas in compliance order and hazardous materials penalty proceedings.

Section 209.7 prescribes procedures for the issuance of subpoenas and the payment of witness fees. The rules stress getting actual notice to the person whose testimony is sought. Fees and mileage for witnesses are to be paid at the same rates which prevail in the U.S. District Courts. Expenses of subpoenaed witnesses are borne by the party at whose request the subpoena is issued. FRA employees who have been involved in the field investigation of the particular matter are available as witnesses concerning issues of fact in the formal proceedings of which they have been directed by FRA or on timely request of a respondent. But see 49 CFR 9.5.

Section 210.9 provides for centralized filing of all papers and evidence submitted under Subpart D or C, other than documents produced under a subpoena.

Section 209.11 governs requests for confidential treatment of documents filed with or otherwise provided to FRA in connection with the enforcement of all the statutes referred to in 209.1. As used in this section “enforcement” includes all investigative and compliance activities under the railroad safety statutes. Therefore, by way of example, material submitted to FRA in connection with an accident investigation under the Accident Reports Act (45 U.S.C. 38-41) or a violation investigation under the HMTA (49 CFR 209.6a) would all be subject to this section to the extent that any claim of confidentiality might be made. The section must be read in light of the Department of Transportation regulations on public availability of information (49 CFR Part 7), which will govern all decisions concerning whether a claim of confidentiality will be honored.

Section 209.13 provides that the Chief Counsel may consolidate proceedings arising under the same subpart for purposes of the oral hearing. FRA believes that, wherever there are significant common issues in several actions against a single respondent or multiple respondents, the just and speedy resolution of these matters will be facilitated by consolidation. An example of the type of actions which are likely to be consolidated would be those arising out of the shipment and carriage of a hazardous material involving successive allegations of the Hazardous Materials Regulations by a shipper and one or more railroads. Another example would be the case of a carrier which is alleged to have committed several violations of the same regulation on the same division of the railroad. If the Administrator determines that a consolidated proceeding is unmanageable, the Chief Counsel will modify or rescind the consolidation. The concept of “manageability” is intended to be both a measure of the fairness, economy of effort by all parties, and the clear presentation of individual allegations and defenses.

Section 209.15 states that the Federal Rules of Evidence shall be used as general guidelines in proceedings under Subparts C and D, but states the policy of the agency that all relevant and probative evidence should be received into the record. FRA believes that questions of reliability and prejudice should be considered by the hearing officer as matters going to the weight accorded the evidence, not its admissibility.

**SUBPART B—HAZARDOUS MATERIALS**

Sections 209.101-209.121 govern the assessment of civil penalties under the HMTA. Sections 209.131 and 209.133 relate to criminal sanctions under the HMTA.

Sections 209.101 and 209.103 explain the purpose of the provisions on civil penalties and the maximum penalty liability under the HMTA.

Section 209.105 describes the notice of probable violation served on the respondent in a civil penalty proceeding. It is contemplated that, in many instances, notices will incorporate by reference significant portions of field investigatory reports.

Section 209.107 explains the options available to a respondent on receipt of the notice of probable violation and requires the respondent to pursue one of the options within 30 days, a time period which may be extended for good cause. Failure to reply within 30 days constitutes a waiver of any hearing and authorizes the Chief Counsel to find the facts to be as alleged and to assess an appropriate penalty. It should be noted that, once the Chief Counsel assesses the penalty based on a waiver of administrative process, a legal debt exists which is not subject to collateral attack.

Section 209.109 sets forth the method of payment of penalty liabilities and notes that contested penalty liability may be compromised through discussions with the Chief Counsel or his delegate prior to referral for collection in the courts.

Section 209.111 describes procedures for informal written and oral responses to a notice of pre-hearing action. After review of any materials submitted and after an informal conference, if requested, the Chief Counsel takes administratively final action to assess a penalty or dismiss the notice. Unless the respondent has elected not to avail himself of a hearing with its opportunities for the development of an administrative record, any judicial review of an assessment order issued after an informal response should be based on a standard of gross abuse of discretion.

Section 209.113 provides general rules for requesting and scheduling hearings.

Section 209.116 governs the conduct of hearings. FRA recognizes that administrative law judges shall have full authority to accomplish justice in the framework of the administrative proceeding. However, §209.116 requires that the hearing request be verified with respect to each allegation whether it is admitted or denied and “state with particularity the issues to be raised by respondent at the hearing.” That is, having been confronted in the notice of probable violation with the specific allegations, a respondent is entitled to an oral hearing only on those matters which, in the respondent’s view, raise an issue as to stress a full resolution of the merits of each proceeding, rather than rigid adherence to agency procedures.

Section 209.119 sets forth the conditions of the decision of the presiding officer. A respondent against whom an adverse order is entered has 20 days within which to appeal to the Administrator (§209.121) of the civil penalty.

Section 209.119 recites the statutory criteria for determining the amount of penalty assessed. See 49 U.S.C. 1809(a) (1).

Section 209.121 provides for appeal to the Administrator by any party within 20 days.

Sections 209.131 and 209.133 recite the criteria and limits for willful violations of the Hazardous Materials Regulations and describe the process of referral for prosecution.

**SUBPART C—COMPLIANCE ORDERS**

Section 209.201 explains the application of the subpart and states that a compliance order proceeding is instituted by FRA when the agency has reason to believe that the respondent is engaging in continuing conduct or a pattern of conduct which involves one or more violations of the HMTA, the Safety Act, and/or any regulation, order, or conditional waiver issued under either Act.

Section 209.203 describes the procedures for issuance of a notice of investigation and certain elements, including the proposed form of compliance order. The notice of investigation may be amended as new facts are developed, but the respondent is given an opportunity to reply to any significant amendment.

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Section 209.205 requires that a respondent reply in writing to the notice of investigation within thirty days, a period which may be extended for good cause. The section also contains the heart of a modified summary judgment procedure, in that it requires the respondent actively to oppose each material allegation set forth in the notice of investigation. Failure actively to challenge the agency's notice constitutes an admission with respect to each particular element or allegation which is not opposed. Failure to reply authorizes the Administrator to issue a compliance order.

Section 209.207 outlines the purpose and form of consent orders. FRA will cooperate with respondents in appropriate circumstances to avoid unnecessary costs by negotiating the terms of proposed consent orders.

Section 209.208 governs the conduct of consent order hearings. It should be noted that the Chief Counsel may discharge all or part of his burden of providing the facts alleged in the notice of investigation by relying on the fact that the respondent to dispute or contest the specific allegations of the notice. (See discussion of § 209.205, above.)

Section 209.211 concerns the decision of the hearing officer. It provides that a compliance order shall become effective twenty (20) days after service, unless the order provides otherwise. Depending on the severity of the hazard to the public and the existing state of compliance at the time the order is issued, the order may be made effective immediately.

The compliance order itself is the administrative equivalent of a mandamus injunction. As such, it may contain and normally will contain such ancillary provisions as may be necessary to assure compliance with the regulation or other agency order in question. If the administrative findings warrant, provisions may be included requiring such steps as making a specified minimum number of repairs or undertaking additional training or testing.

Section 209.213 provides that any party may appeal the presiding officer’s decision within twenty (20) days.

Section 209.215 provides that compliance order proceedings undertaken under the authority of the Safety Act shall be completed within twelve (12) months after issuance of the notice of investigation. See 45 U.S.C. 431(d).

Since this rulemaking does not affect any substantive right or duty and pertains solely to procedures and practices before FRA, notice and public procedure thereon are unnecessary. As stated above, the revision is effective on October 28, 1977.

The principal draftsman of this document was Grady Cothen, Jr., of the Office of Chief Counsel.

In consideration of the foregoing, Chapter II of Title 49 of the Code of Federal Regulations is amended by adding a new Part 209, Railroad Safety Enforcement Procedures, to read as set forth below.

**Issued in Washington, D.C. on October 20, 1977.**

**JOHN M. SULLIVAN, Administrator.**

**Subpart A—General**

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**Authority:** Secs. 6 and 9, Pub. L. No. 89-670, 80 Stat. 937 and 954 (49 U.S.C. 1655 and 1657); sec. 1.49 of Title 49, Code of Federal Regulations.

**Subpart B also issued under secs. 103, 105, 109 and 110, Pub. L. No. 93-333, 88 Stat. 2166, 2167, 2159, and 2160 (49 U.S.C. 1802, 1804, 1808, and 1809).**


**Subpart A—General**

§ 209.1 Purpose

This part describes certain procedures employed by the Federal Railroad Administration in its enforcement of statutes and regulations related to railroad safety. By delegation from the Secretary of Transportation, the Administrator has responsibility for:

(a) Enforcement of Subchapters B and C of Chapter I, Subtitle B, Title 49, Code of Federal Regulations, with respect to the transportation or shipment of hazardous materials by railroad (49 CFR 1.49(t));

(b) Exercise of the authority vested in the Secretary by the Federal Railroad Safety Act of 1970, 49 U.S.C. 421, 431-441 (49 CFR 1.49(n)); and

(c) Exercise of the authority vested in the Secretary pertaining to railroad safety as set forth in the statutes transferred to the Secretary by section 6(c)

of the Department of Transportation Act, 45 U.S.C. 1655(e) (49 CFR 1.49(g), (d), (g), 45 U.S.C. 1655(f) (3)(a)).

§ 209.3 Definitions

As used in this part—

(a) "FRA" means Federal Railroad Administration, Department of Transportation.

(b) "Administrator" means the Federal Railroad Administrator, the Deputy Administrator of the FRA for the delegate of either.

(c) "Chief Counsel" means the Chief Counsel, FRA, or his or her delegate.

(d) "Person" includes a corporation, company, association, firm, partnership, society, joint stock company, joint venture, or sole proprietorship, as well as any officer, director, owner or duly authorized representative of any such unit or an individual.

(e) "Respondent" means a person upon whom the FRA has served a notice of probable violation or a notice of investigation.

§ 209.5 Service

(a) Each order, notice, or other document required to be served under this part shall be served personally or by registered or certified mail, except as otherwise provided herein.

(b) Service upon a person’s duly authorized representative constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

§ 209.7 Subpoenas; witness fees

(a) The Chief Counsel or a hearing officer appointed under this part may sign and issue subpoena either on his or her own initiative, or upon an adequate showing that the information sought will materially advance the proceeding, upon the written request of any party to the proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than eighteen (18) years of age, or by certified or registered mail.

(d) Service of a subpoena shall be made by delivering a copy of the subpoena in the appropriate manner, as set forth below. Service of a subpoena requiring attendance of a person is not complete unless delivery is accompanied by tender of fees for one day’s attendance and mileage as specified by paragraph (1) of this section. However, when a subpoena is issued upon the request of any officer or agency of the United States, fees and mileage need not be tendered at the time of service but will be paid for by FRA at the place and time specified in the subpoena for attendance.
Delivery of a copy of the subpoena may be made:
(i) To a natural person by:
   (i) Handing it to the person;
   (ii) Leaving it at his or her office with
        the person in charge thereof;
   (iii) Leaving it at his or her dwelling
        place or usual place of abode with some
        person of suitable age and discretion
        then residing therein;
   (iv) Mailing it to a registered or certi-
        fied mail to him or her at his or her last
        known address; or
   (v) Any method whereby actual notice
        of the issuance and content is given (and
        the fees are made available) prior to the
        return date.
(ii) To an entity other than a natural
     person by:
   (i) Handing a copy of the subpoena
       to a registered agent for service or to
       any officer, director, or agent in charge
       of any office of the person;
   (ii) Mailing it by registered or certi-
       fied mail to any representative listed in
       subdivision (i) of this subparagraph at
       his or her last known address; or
   (iii) Any method whereby actual no-
        tice is given to such representative (and
        the fees are made available) prior to the
        return date.
(iii) The original subpoena bearing a
     certificate of service shall be filed in
     accordance with § 209.9.
   (f) A witness subpoenaed by the FRA
     shall be entitled to the same fees and
     mileage as would be paid to a witness in
     a proceeding in the district courts of the
     United States. See 28 U.S.C. 1821. The
     witness fees and mileage shall be paid by
     the person requesting that the sub-
     poena be issued. In an appropriate case,
     the Chief Counsel or the hearing officer
     may direct the person requesting issu-
     ance of a subpoena for the production
     of documentary or other tangible evi-
     dence to reimburse the responding
     person for actual costs of producing and/or
     transporting such evidence.
   (g) Notwithstanding the provisions of
       paragraph (f) of this section, and upon
       request, witness fees and mileage or the
       costs of producing other evidence might
       be paid by the FRA if the official who
       issued the subpoena determines on the
       basis of good cause shown that:
       "(1) The presence of the subpoenaed
           witness or evidence will materially ad-
           vance the proceeding; and
       (2) The party at whose instance the
           subpoena was issued would suffer a seri-
           ous financial hardship if required to pay
           the witness fees and mileage.
   (h) Any person to whom a subpoena
       directed may, prior to the time specified
       therein for compliance, but in no event
       more than ten (10) days after the date
       of service of the subpoena, apply in
       writing to the official who issued the sub-
       poena, or if that person is unavailable,
       to the Chief Counsel, to quash or modify
       the subpoena. The application shall con-
       tain a brief statement of the reasons re-
       lied upon in support of the action sought
       therein. The issuing official or the Chief
       Counsel, as the case may be, may:
       (1) Deny the application;
       (2) Quash or modify the subpoena; or
       (3) In the case of subpoena to produce
documentary or other tangible evidence,
condition denial of the application upon
the advancement by the party in whose
behalf the subpoena is issued of the rea-
sable costs of producing such evidence
may
   (i) If there is a refusal to obey a sub-
       poena served upon any person under the
       provisions of this section, the FRA may
       request the Attorney General to seek the
       issuance of an order in any district court of
       the United States District Court for any
       district in which the person is
       found to compel that person, after no-
       tice, to appear and give testimony, or
       to appear and produce the subpoenaed
       documents before the FRA, or both.
   (j) Attendance of any FRA employee
       engaged in an investigation which gav
       e rise to a proceeding under Subpart B or
       C of this part for the purpose of eliciting
       factual testimony may be assured by
       filing a request with the Chief Counsel
       at least fifteen (15) days before the date
       of the hearing. The request must indicate
       the present intent of the requesting per-
       son to call the employee as a witness and
       state generally why the witness will be
       required.
   § 210.9 Filing.
   All materials filed with FRA or any
   FRA officer in connection with a pro-
   ceeding under Subpart B or C of this part
   shall be submitted in triplicate to
   the Docket Clerk, Office of Chief Counsel,
   Federal Railroad Administration, Wash-
   ington, D.C. 20590, except that docu-
   ments produced in accordance with a
   subpoena shall be presented at the place
   and time specified by the subpoena.
   § 209.11 Request for confidential treat-
   ment.
   (a) This section governs the proce-
   dures for requesting confidential treat-
   ment of any document filed with or
   otherwise provided to FRA in connection
   with its enforcement of statutes related
   to railroad safety. For purposes of this
   section, "enforcement" shall include all
   investigative and compliance activities,
   in addition to the development of viola-
   tion reports and recommendations for
   prosecution.
   (b) A request for confidential treat-
   ment with respect to a document or por-
   tion thereof may be made on the basis
   that the information is:
       (1) Exempt from the mandatory dis-
           closure requirements of the Freedom of
           Information Act (5 U.S.C. 552);
       (2) Required to be held in confidence
           by 18 U.S.C. 1905; or
       (3) Otherwise exempt by law from
           public disclosure.
   (c) Any document containing infor-
   mation for which confidential treat-
   ment is requested shall be accompanied at
   the time of filing by a statement justifying
   non disclosure and identifying the spe-
   cific legal authority claimed.
   (d) Any document containing any in-
   formation for which confidential treat-
   ment is requested shall be marked "CON-
   FIDENTIAL" or "CONTAINS CONFI-
   DENTIAL INFORMATION" in bold let-
   ters. If confidentiality is requested as to
   the entire document, or if it is claimed
   that nonconfidential information in the
   document is not reasonably segregable from
   confidential information, the ac-
   companying statement of justification
   shall so indicate. If confidentiality is re-
   quested as to a portion of the document,
   then the person filing the document shall
   file together with the document a second
   copy of the document from which the in-
   formation for which confidential treat-
   ment is requested has been deleted. If the
   person filing a document of which only a
   portion is requested to be held in confi-
   dence does not submit a second copy of
   the document with the confidential in-
   formation deleted, FRA may assume that
   there is no objection to public disclosure
   of the document in its entirety.
   (e) FRA retains the right to make its
   own determination with regard to any
   claim of confidentiality. Notice of a de-
   cision by the FRA to deny a claim, in
   whole or in part, and an opportunity to
   respond shall be given to a person claim-
   ing confidentiality of information no less
   than five days prior to its public disclo-
   sure.
   § 209.13 Consolidation.
   At the time a matter is set for hearing
   under Subpart B or Subpart C of this
   part, the Chief Counsel may consolidate
   the matter with any similar matter(s) pend-
   ing against the same respondent or
   with any related matter(s) pending
   against another (other) respondent(s)
   under the same subpart. However, on cer-
   tification by the hearing officer that a
   consolidated proceeding is unmanage-
   able, the Chief Counsel will rescind
   or modify the consolidation.
   § 209.15 Rules of Evidence.
   The Federal Rules of Evidence for
   United States Courts and Magistrates
   shall be employed as general guidelines
   for proceedings under Subparts C and
   D of this part. However, it is intended that
   all relevant and probative evidence be
   received into the record.
   Subpart B—Hazardous Materials
   Penalties
   § 209.101 Civil penalties generally.
   (a) Sections 209.101–209.121 prescribe
   rules of procedure for the assessment
   of civil penalties pursuant to section 110
   of the Hazardous Materials Transpor-
   tation Act (49 U.S.C. 1809).
   (b) When the FRA has reason to be-
   lieve that a person has knowingly com-
   mitted an act which is a violation of any
   requirement of Subchapter B or C of
   Chapter I, Subtitle B of this title for which
   the FRA exercises enforcement responsi-
   bility for any waiver or order issued thereunder, it
   may conduct a proceeding to assess a
   civil penalty.
   § 209.103 Maximum penalties.
   A person who knowingly violates a re-
   quirement of Subchapters B or C of
   Chapter I, Subtitle B of this title is liable
   for a civil penalty of not more than
   $10,000 for each violation. When the vi-
   olation is a continuing one, each day of
   the violation constitutes a separate of-
§ 209.105 Notice of probable violation.
(a) FRA, through the Chief Counsel, begins a civil penalty proceeding by serving a notice of probable violation on a person charged with having violated one or more provisions of Subchapter B or C of Chapter I, Subtitle B of this title.
(b) A notice of probable violation issued under this section includes:
(1) A statement of the provision(s) which the respondent is believed to have violated;
(2) A statement of the factual allegations upon which the proposed civil penalty is being sought;
(3) Notice of the maximum amount of civil penalty for which the respondent may be liable;
(4) Notice of the amount of the civil penalty proposed to be assessed;
(5) A description of the manner in which the respondent should make payment of any money to the United States;
(6) A statement of the respondent's right to present written explanations, information, or any materials in answer to the charges or in mitigation of the penalty; and
(7) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.
(c) The FRA may amend the notice of probable violation at any time prior to the entry of an order assessing a civil penalty. If the amendment contains any new material allegation of fact, the respondent is given an opportunity to respond.

§ 209.107 Reply.
(a) Within thirty (30) days of the service of a notice of probable violation issued under § 209.105, the respondent may—
(1) Pay as provided in § 209.109(a) and thereby close the case;
(2) Make an informal response as provided in § 209.111; or
(3) Request a hearing as provided in § 209.113.
(b) The Chief Counsel may extend the thirty (30) day period for good cause shown.
(c) Failure of the respondent to reply by taking one of the three actions described in paragraph (a) of this section within the period provided constitutes a waiver of his or her right to appear and contest the allegations and authorizes the Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and to assess an appropriate civil penalty.

§ 209.109 Payment of penalty; compromise.
(a) Payment of a civil penalty should be made by certified check or money order payable to the Federal Railroad Administration and sent to the Accounting Division, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20590.
(b) At any time before an order assessing a penalty is referred to the Attorney General for collection, the respondent may offer to compromise for a specific amount by contacting the Chief Counsel.

§ 209.111 Informal response and assessment.
(a) If a respondent elects to make an informal response to a notice of probable violation, respondent shall submit to the Chief Counsel such written explanations, information or other materials as respondent may desire in answer to the charges or in mitigation of the proposed penalty.
(b) The respondent may include in his or her informal written response a request for a conference. Upon receipt of such a request, the Chief Counsel arranges for a conference as soon as practicable at a time and place of mutual convenience.
(c) Written explanations, information or materials submitted by the respondent and relevant information presented during any conference held under this section are considered in defense of the allegations.

§ 209.113 Request for hearing.
(a) If a respondent elects to request a hearing, he or she must submit a written request to the Chief Counsel referring to the case number which appeared on the notice of the probable violation.

§ 209.115 Hearing.
(a) When a hearing is requested and scheduled under § 209.113, a hearing officer designated by the Chief Counsel convenes and presides over the hearing. If requested by respondent and if practicable, the hearing is held in the general vicinity of the place where the alleged violation occurred, or at a place convenient to the respondent. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.
(b) The presiding official may:
(1) Administer oaths and affirmations;
(2) Issue subpoenas as provided by § 209.7;
(3) Adopt procedures for the submission of evidence in written form;
(4) Take or cause depositions to be taken;
(5) Rule on offers of proof and receive relevant evidence;
(6) Examine witnesses at the hearing;
(7) Convene, recess, reconvene, and adjourn and otherwise regulate the course of the hearing;
(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and
(9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to civil penalties and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.
(c) The Chief Counsel has the burden of proving the facts alleged in the notice of proposed violation and may offer relevant information as may be necessary fully to inform the presiding officer as to the matter concerned.
(d) The respondent may appear and be heard on his or her own behalf or through counsel of his or her choice. The respondent or his or her counsel may offer relevant information including testimony which he or she believes should be considered in defense of the allegations or which may bear on the penalty proposed to be assessed and conduct such cross-examination as may be required for a full disclosure of the material facts.
(e) At the conclusion of the hearings or as soon thereafter as the hearing officer shall provide, the parties may file proposed findings and conclusions, together with supporting reasons.

§ 209.117 Presiding officer's decision.
(a) After consideration of the evidence of record, the presiding officer may dismiss the notice of probable violation in whole or in part. If the presiding officer does not dismiss it in whole, he or she may issue and serve on the respondent an order assessing a civil penalty. The decision of the presiding officer will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law, and discretion.
(b) If, within twenty (20) days after service of an order assessing a civil penalty, the respondent does not pay the civil penalty or file an appeal as provided in § 209.121, the case may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court.

§ 209.119 Assessment considerations.
The assessment of a civil penalty under § 209.111 or § 209.117 is made only after considering:
§ 209.121 Appeal.

(a) Any party aggrieved by a presiding officer's decision or order issued under § 209.117 assessing a civil penalty may file an appeal with the Administrator. The appeal must be filed within twenty (20) days of service of the presiding officer's order.

(b) Prior to rendering a final determination on an appeal, the Administrator may remand the case for further proceedings before the hearing officer.

(c) In the case of an appeal by a respondent, if the Administrator affirms the assessment and the respondent does not pay the civil penalty within twenty (20) days after service of the Administrator's decision on appeal, the matter may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court.

CRIMINAL PENALTIES

§ 209.131 Criminal penalties generally.

Section 110(b) of the Hazardous Materials Transportation Act (49 U.S.C. 1890(b)) provides a criminal penalty of a fine of not more than $50,000 and imprisonment for not more than five years, or both, for any person who willfully violates a provision of the Act or a regulation issued under the Act.

§ 209.133 Referral for prosecution.

If an inspector or other employee of FRA becomes aware of a possible willful violation of the Act or a regulation issued under the Act for which FRA exercises enforcement responsibility, he or she shall report it to the Chief Counsel. If evidence exists tending to establish a prima facie case, and if it appears that prosecution of a civil penalty would not be an adequate deterrent to future violations, the Chief Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

Subpart C—Compliance Orders

§ 209.201 Compliance orders generally.


(b) The FRA may commence a proceeding under this subpart when FRA has reason to believe that:

1. A railroad is engaging in continuing conduct or a pattern of conduct which involves one or more violations of the Federal Railroad Safety Act of 1970 or any rule, regulation, order or standard issued under the Act;

2. A person is engaging in continuing conduct or a pattern of conduct which involves one or more violations of the Hazardous Materials Transportation Act or any regulation, waiver or order issued under the Act for which FRA exercises enforcement responsibility.

§ 209.203 Notice of investigation.

(a) FRA begins a compliance order proceeding by serving a notice of investigation on the respondent.

(b) The notice of investigation contains:

1. A statement of the legal authority for the proceeding;

2. A statement of the factual allegations upon which the remedial action is being sought; and

3. A statement of the remedial action being sought in the form of a proposed compliance order.

(c) The FRA may amend the notice of investigation prior to the entry of a final compliance order. If an amendment includes any new material allegation of fact or seeks new or additional remedial action, the respondent is given an opportunity to respond.

§ 209.205 Reply.

(a) Within thirty (30) days of service of a notice of investigation, the respondent may file a reply with the FRA. The Chief Counsel may extend the time for filing for good cause shown.

(b) The reply must be in writing.

§ 209.207 Consent order.

(a) At any time before the issuance of an order under § 209.211, the Chief Counsel and the respondent may execute an agreement proposing the entry by consent of an order directing compliance. The Administrator may accept the proposed order by signing it. If the Administrator rejects the proposed order, he or she directs that the proceeding continue.

(b) An agreement submitted to the Administrator under this section must include:

1. A proposed compliance order suitable for the Administrator's signature;

2. An admission of all jurisdictional facts;

3. An express waiver of further procedures and the right to seek judicial review or otherwise challenge or contest the validity of the order; and

4. An acknowledgment that the notice of investigation may be used to construe the terms of the order.

§ 209.209 Hearing.

(a) When a respondent files a reply contesting allegations in a notice of investigation issued under § 209.203 or when the FRA and the respondent fail to agree upon an acceptable consent order, the presiding hearing officer designated by the Chief Counsel convenes and presides over a hearing on the proposed compliance order.

(b) The presiding hearing officer:

1. Administers oaths and affirmations;

2. Issues subpoenas as provided by § 209.7;

3. Adopts procedures for the submission of evidence;

4. Takes or causes depositions to be taken;

5. Rules on offers of proof and receive relevant evidence;

6. Examines witnesses at the hearing;

7. Convenes, recesses, reconvenes, adjourns and otherwise regulates the course of the hearing;

8. Holds conferences for settlement, simplification of the issues or any other purpose; and

9. Takes any other action authorized by or consistent with the provisions of this subpart pertaining to compliance orders and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.
SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Arizona, California, New Mexico, Oklahoma, and Texas, is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. The name of each refuge and the special regulations for each refuge are set forth below.

**EFFECTIVE DATES:** See the dates listed for each refuge under Supplementary Information below.

**FOR FURTHER INFORMATION CONTACT:**

Refuge Managers, as listed for each refuge under Supplementary Information below.

**SUPPLEMENTARY INFORMATION:**

**CIBOLA NATIONAL WILDLIFE REFUGE**

**DATES:** October 1, 1977 through January 31, 1978.

**FOR FURTHER INFORMATION CONTACT:**

George M. Constantino, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, Calif. 92225, telephone: 714-622-4433.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail, cottontail rabbits and jackrabbits on the Cibola National Wildlife Refuge is permitted, but only on the areas designated by signs as open to hunting. These open areas, comprising 29,150 acres, are delineated on maps available at refuge headquarters, 1406 Bailey Avenue, Needles, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail; cottontail rabbits and jackrabbits from October 1, 1977 through January 31, 1978; quail, from October 1, 1977 through January 31, 1978, California—cottontail rabbits and jackrabbits, from September 1, 1977 through January 29, 1978; quail, from October 1, 1977 through January 29, 1978. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

1. Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.
2. Weapons—shotguns only, not larger than 10 gauge and incapable of holding more than 2 shells.
3. Shooting hours—one-half hour before sunrise to sunset.
4. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.
5. Hunters must enter the Topock Marsh hunting areas by way of parking lots only.
6. The portion of Topock Marsh known as the Pintail Slough Management Unit will be open to hunting only on Saturdays, Sundays, and Wednesdays. This unit comprises all refuge land north of the north ride.

**IMPERIAL NATIONAL WILDLIFE REFUGE**

**DATES:** October 1, 1977 through January 31, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2617, Needles, Calif. 92363, telephone: 714-625-3400.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and cottontail rabbits on the Imperial National Wildlife Refuge is permitted, but only on the areas designated by signs as open to hunting. These open areas, comprising 16,500 acres, are delineated on maps available at refuge head-
quarters, near Moen Point, Ariz., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail and cottontail rabbits, from October 1, 1977 through January 31, 1978. California—cottontail rabbits, from October 1, 1977 through January 29, 1978; quail, from October 10 through January 29, 1978. Hunting shall be in accordance with all applicable State regulations covering the hunting of rabbits and quail subject to the following special conditions:

1. Quail and rabbits may be taken with shotguns only. Possession of rim-fire firearms is prohibited.
2. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

**KOF  A GAME RANGE**

**DATES:** October 1, 1977 through January 31, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Monte M. Dodson, Refuge Manager, Kofa Game Range, P.O. Box 1032, Yuma, Ariz. 85346, telephone: 602-261-2619.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail, cottontail rabbits, coyotes, gray fox, and bobcat on the Kofa Game Range is permitted except in those areas designated by signs as closed to hunting. These open areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting is permitted as follows: Pheasants, quail and rabbits subject to the following special conditions:

1. Steel (iron) shot shotgun ammunition only may be used for the taking of pheasants, quail and rabbits on the North Refuge Unit (Area C) during the duck season, which is from November 1, 1977 through January 22, 1978. Steel (iron) shot shotgun ammunition is available from two commercial outlets in Roswell, N. Mex.

**BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE**

**DATES:** November 24, 1977 through January 22, 1978.

**FOR FURTHER INFORMATION CONTACT:**


§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and rabbit on the Bosque del Apache National Wildlife Refuge is permitted from November 24, 1977 through January 22, 1978, on the Refuge Unit (Area A), but only on the areas designated by signs as open to hunting. These open areas consist of 44,200 acres, include all refuge lands northeast of Roswell, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

1. Access is from State Highway 1 and through the refuge main entrance at headquarters.
2. Vehicles are restricted to established roads.
3. Shotguns and falcons are the only local weapons allowed; however, rim-fire weapons may be used for hunting rabbits, but only in the designated refuge wildlife units.
4. Up to 2 dogs per hunter may be used for the purpose of hunting.

**TISHOMINGO NATIONAL WILDLIFE REFUGE**

**DATES:** November 20, 1977 through February 1, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Ernest S. Jemison, Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 246, Tishomingo, Okla. 74560, telephone: 405-371-2402.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail on the Tishomingo National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. These open areas consist of 3,170 acres, are delineated on maps available at refuge headquarters, 6 miles southeast of Tishomingo, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail subject to the following special conditions:

1. The open season for hunting quail on the Management Unit (Zones 1 and 2) extends from sunrise to 11:45 a.m. from November 20, 1977 through January 2, 1978, on Tuesdays, Thursdays, Saturdays, and Sundays, and from sunrise to sunset, Sundays through Saturdays, from January 3 through February 27, 1978. Walk-in hunting only is permitted.
2. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.
3. A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulations of the hunting activity and shall furnish information pertaining to their hunting, as requested.

**WASHITA NATIONAL WILDLIFE REFUGE**

**DATES:** November 20, 1977 through February 1, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Evan V. Klett, Refuge Manager, Washita National Wildlife Refuge, Route 2, Box 100, Butler, Okla. 73025, telephone: 405-672-2263.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and cottontail rabbits on the Washita National Wildlife

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977

RULES AND REGULATIONS
Refuge is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,655 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and cottontail rabbits subject to the following special conditions:

1. The open season for the hunting of quail and cottontail rabbits on the refuge extends from November 20, 1977 through February 1, 1978.

2. Hunting of either quail or cottontail rabbits is permitted only on Mondays, Tuesdays, Thursdays, Saturdays and national holidays.

3. Rifles and handguns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or longbows and arrows are legal weapons for the taking of cottontail rabbits.

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

DATES: Closed to upland game bird hunting for the 1977-78 hunting season.

FOR FURTHER INFORMATION CONTACT:

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

Public hunting of upland game birds on the Laguna Atascosa National Wildlife Refuge is suspended for the 1977-78 hunting season. It has been determined that a huntable population of upland game birds is not available on the refuge this year.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

W. O. Nelson, Jr.,
Regional Director,
Albuquerque, N. Mex.

OCTOBER 17, 1977.

[FR Doc.77-31268 Filed 10-27-77; 8:45 am]
DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
[23 CFR Part 625]
[FHWA Docket No. 77-4, Notice 5]
DESIGN STANDARDS FOR HIGHWAYS
Extension of Comment Period
AGENCY: Federal Highway Administration, DOT.
ACTION: Extension of comment period.
SUMMARY: This Notice extends the comment period until November 22, 1977, for the advance notice of proposed rulemaking published August 25, 1977 (42 FR 42876), requesting views of the public and of interested parties concerning the geometric design standards for the resurfacing, restoration, and rehabilitation of U.S. highways. Comments are due by November 22, 1977.
DATE: Comments due November 22, 1977.
ADDRESS: Requests for additional information or requests to make public comments should be directed to Hearing Clerk, Room 1077, South Agricultural Building, U.S. Department of Agriculture, Washington, D.C. 20259. Two copies of all written materials should be submitted. Comments will be available for public inspection at the office of the Hearing Clerk during regular business hours.
FOR FURTHER INFORMATION CONTACT:

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
[7 CFR Part 180]
PLANT VARIETY PROTECTION
Limits of Reciprocity
AGENCY: Agricultural Marketing Service, USDA.
ACTION: Proposed rule.
SUMMARY: This proposed rule under the Plant Variety Protection Act (7 CFR Part 180) would set forth the limits of reciprocity for Israeli nationals applying for plant variety protection on sexually-reproduced plants in the United States.
DATE: Comments due November 28, 1977.
ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077, South Agricultural Building, U.S. Department of Agriculture, Washington, D.C. 20259. Two copies of all written materials should be submitted. Comments will be available for public inspection at the office of the Hearing Clerk during regular business hours.
FOR FURTHER INFORMATION CONTACT:
Stanley F. Rollin, Commissioner, Plant Variety Protection Office, Livestock, Poultry, Grain and Seed Division, AMS, National Agricultural Library Building, Beltsville, Md. 20705, 301-344-2518.

SUPPLEMENTARY INFORMATION:
Section 43 of the Plant Variety Protection Act (7 U.S.C. 2327) and § 180.5 of the regulations and rules of practice (7 CFR 180.5(a)) under the Act provide that the Secretary has discretionary authority concerning the inclusion of barley and oats, and national weighted average farm program payment yield are:

<table>
<thead>
<tr>
<th>Crop</th>
<th>National Program Acreage</th>
<th>Diversion Payments</th>
<th>Base (26, 1977)</th>
<th>Program Payment Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corn</td>
<td>5,870,520</td>
<td>2,183,675</td>
<td>114</td>
<td>2.56</td>
</tr>
<tr>
<td>Sorghum</td>
<td>1,396,110</td>
<td>1,396,110</td>
<td>178</td>
<td>2.56</td>
</tr>
<tr>
<td>Barley</td>
<td>1,822,260</td>
<td>1,822,260</td>
<td>350</td>
<td>2.56</td>
</tr>
<tr>
<td>Oats</td>
<td>1,588,200</td>
<td>1,588,200</td>
<td>306</td>
<td>2.56</td>
</tr>
</tbody>
</table>

The purpose of this document is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.
National program acreages shall be estimated domestic and export demand less imports, divided by payment yield. The Secretary may adjust the national program acreages by an amount he determines is needed to accomplish a desired level of carryover stocks. The above estimates are subject to revision as more information becomes available on expected utilization, and establishment of farm program payment yields.

(c) Program allocation factor. This decision cannot be made until after the 1978-crop plantings have been determined.

(d) Whether there should be a set-aside requirement and if so, the extent of such requirement. The Department is considering several options ranging from no set-aside to various levels of set-aside. USDA press release 2444—77 issued August 29, discussed estimated program results under a 10 percent set-aside for feed grains. Terms and conditions affecting set-aside acreage are contained in a proposed rulemaking published in the Federal Register dated October 14 (42 FR 52444).

(e) Whether there should be provisions for land diversion payments and if so, the extent of such diversion and payment therefor. The Secretary may make land diversion payments, whether or not a set-aside is in effect, if he determines they are needed to assist in adjusting the total national acreage of feed grains to desirable goals.

(f) Whether there should be a limitation on planted acreages and if so, the extent of such limitation. The Secretary may limit the acreage planted to feed grains.

The above determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended.

DATES: This notice invites written comments on the proposed determinations. Comments must be received on or before November 10, 1977.

ADDRESSES: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20230.

Comments will be made available for public inspection at the Office of the Acting Director during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR FURTHER INFORMATION CONTACT:

Bruce R. Weber, (ASCS), 202-447-4331.

DESCRIPTION OF SUBJECTS AND ISSUES INVOLVED

The following determinations with respect to the 1978 crops of corn, soybeans, barley and oats are to be made pursuant to the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977 (Pub. L. 95-113).

Section 105A(d) (1) requires the Secretary to provide for each of the 1978 crops of corn, soybeans, barley and oats to be made pursuant to the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977.

The Economic Impact Statement is being given to any data, views, and recommendations relative to the national average farm program payment yield, estimated domestic utilization of feed grains, estimated exports, estimated carryover, estimated harvested acreage, and other data pertinent to the above determinations. The Environmental Impact Statement has been filed and is available for public review and comment. The Economic Impact Statement is being prepared and will be available for public review and comment shortly.


RAY FITZGERALD, Administrator, Agricultural Stabilization and Conservation Service.
PROPOSED RULES

[4410-01]

DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

[8 CFR Part 242]

REINSTATEMENT OF STUDENTS IN LAWFUL STATUS BY IMMIGRATION JUDGE IN DEPORTATION PROCEEDINGS

Proposed Rulemaking

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a proposal to amend the regulations of the Immigration and Naturalization Service to authorize the immigration judge to reinstate nonimmigrant alien students in lawful status. The proposed amendment is necessary because there are cases where fairness requires that the student be authorized to apply for and immigration judge be authorized to grant such relief, under appropriate conditions. The intent of this proposed amendment is to broaden the discretionary authority of the immigration judge to reinstate nonimmigrant alien students in lawful status when that course of action appears to be the fair, humanitarian and equitable solution in the case.

DATES: Representations must be received on or before November 23, 1977.

ADDRESSES: Please submit written representations in duplicate to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: This is a notice of proposed rule making issued under section 353 of Title 5 of the United States Code (50 Stat. 353), as which it is intended to amend 8 CFR Part 242.17 by redesignating existing paragraph (d) as (e), and by adding a new paragraph (d) which will authorize a nonimmigrant student to apply for and an immigration judge to grant, reinstatement in lawful status where the student's violation of status appears to be unintentional or minor.

Many deportation hearings involve students who have violated their status by failing to obtain an extension of stay, failing to obtain permission to transfer to another school, or by working without permission. However, in many such cases there are sympathetic factors which would suggest that the humanitarian thing to do would be to reinstate the student to lawful status. Under existing regulations, the immigration judge lacks authority to do this.

Therefore, it is proposed to amend 8 CFR 242.17 by adding a new paragraph (d) which will provide that a student may apply to the immigration judge for reinstatement in lawful status, in deportation proceedings. If the immigration judge finds that the student's violation of status was unintentional or minor, that it has not meaningfully interrupted his studies, and that the respondent is otherwise in compliance with all requirements of the Act and regulations pertaining to students, the immigration judge may, in his discretion, enter an order which terminates the proceeding and reinstates the student in lawful status for a period of up to one year. Or, the immigration judge may enter a conditional order of reinstatement and refer the case to the district director for investigation and verification of the respondent's present compliance with the Act and regulations pertaining to students. The conditional order of reinstatement may become final if the district director indicates that the respondent is enrolled in an authorized school, is taking a full course of study and has ceased any unauthorized employment. If the district director indicates otherwise or if new adverse information is developed, the record will be referred to the trial attorney for further action. A decision which is adverse to the alien may be appealed to the Board.

(a) General. An application under this section shall be made only during the hearing and shall not be held to constitute a concession of alienage or deportability in any case in which the respondent does not admit his alienage or deportability. The respondent shall have the burden of establishing that he is eligible for any requested benefit or privilege and that it should be granted in the exercise of discretion. The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section. Provided, That the minimum fee imposed when more than one application is made shall be determined by the cost of the application with the highest fee being levied for any benefit or privilege which he believes himself eligible to receive in proceedings under this part.

(b) Reinstatement in student status. A respondent whose last lawful immigration status was that of student may apply to the immigration judge in deportation proceedings for reinstatement in that status. To be eligible for such reinstatement, the respondent must be enrolled in an authorized school, taking a full course of study and must be able, and in good faith intend, to maintain student status for the period of reinstatement. If the reason for the respondent's violation of status is that he has accepted unauthorized employment, he must have terminated that employment at the time he applies for reinstatement before the immigration judge. If the respondent meets the above eligibility requirements and the immigration judge is satisfied that the respondent's violation of status was unintentional or minor, and has not meaningfully interrupted his course of studies, the immigration judge, in his discretion, may enter an order terminating the deportation proceedings and reinstating the respondent in lawful status as a student for a period not to exceed one year. Otherwise, the immigration judge may enter a conditional order of reinstatement and refer the record to the district director for investigation and verification of the respondent's compliance with the Act and regulations pertaining to students. The conditional order of reinstatement shall become final if the district director indicates that the respondent is enrolled in an authorized school, is taking a full course of study and has ceased any unauthorized employment. If the district director indicates otherwise or if new adverse information is developed, the record will be referred to the trial attorney for further action. A decision which is adverse to the alien may be appealed to the Board.

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[3410-34]

DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service

[9 CFR Part 76]

hog cholera and other communicable swine diseases

Interstate Movement of Swine Fed Raw Garbage for Immediate Slaughter

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposal

SUMMARY: This notice withdraws a proposal to provide for the interstate movement of swine fed raw garbage for immediate slaughter.
movement of swine fed raw garbage for immediate slaughter without special processing. This action results from the many negative comments received and the inconclusive benefits of the proposed action to the Hog Cholera Eradication Program.

**EFFECTIVE DATE:** October 28, 1977.

**FOR FURTHER INFORMATION CONTACT:**
Dr. John W. Walker, Senior Staff Veterinarian, Swine and Poultry Diseases Staff, USDA, APHIS, VS, Federal Building, Room 714, Hyattsville, Md. 20792, 301-420-8446.

**SUPPLEMENTARY INFORMATION:**
Regulations in 9 CFR 76.15 presently provide for the interstate movement of swine fed raw garbage only in accordance with Schedule A of § 76.15, to a specifically approved slaughtering establishment for the purpose of immediate slaughter and special processing. Because of the special processing requirements and the limited number of slaughtering establishments which can specifically process swine products, owners have experienced great difficulty in disposing of their swine. To overcome this problem, it was proposed to amend the regulations to provide for the interstate movement of garbage fed swine under specified conditions for immediate slaughter without special processing.

Notice of this proposal was published in the Federal Register on April 22, 1977 (42 FR 20925-20926), with a period for submission of comments through June 20, 1977. Forty-three comments and six congressional inquiries were received, with forty-one comments against and two in favor of the proposal. Comments against the proposal were in three general categories:

Those who wish to retain present restrictions, strengthen or completely prohibit the feeding of garbage to swine with increased penalties for violators.

Those who oppose the lessening of restrictions on the basis that hog cholera and swine fever might be spread by this action to the Hog Cholera Eradication Program.

The two comments received which were in favor of the proposal were based on the absence of markets for garbage fed swine in specific areas and the difficulty encountered by owners in disposing of garbage fed swine in such areas.

In the absence of the comments received and the inconclusive benefits of the proposed action to the Hog Cholera Eradication Program, no further action will be taken on the proposal.

Done at Washington, D.C., this 26th day of October, 1977.

Norm.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Impact Statement under Executive Order 11563 and OMB Circular A-102.

**AGENCY:** Securities and Exchange Commission.

**SUMMARY:** This notice solicits public comments on proposed rules which would have the effect, provided certain conditions are met, of treating common trust funds for several banks in the same affiliated group ("multi-bank common trust funds") in the same manner as traditional single bank common trust funds which are ordinarily exempt from regulation as investment companies, and from the registration and reporting requirements normally applicable to publicly held companies and other issuers of securities. Some State laws permit multi-bank common trust funds, which under recent amendments to the Federal tax laws may operate as non-taxable entities. In the absence of the rules now being proposed, multi-bank common trust funds might be treated differently under the Federal securities laws from single bank common trust funds.

**DATES:** Comments must be received on or before December 28, 1977.

**ADDRESSES:** Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW, Washington, D.C. 20549 and should refer to File No. S7-723.

**FOR FURTHER INFORMATION CONTACT:**

**SUPPLEMENTARY INFORMATION:**
Bank holding companies and representatives of the banking industry have recently indicated an interest in using "multi-bank common trust funds," i.e., common trust funds maintained by only one constituent bank of a bank holding company for assets contributed thereto by the bank or by other constituent banks in the same holding company in their capacity as trustee, executor, administrator or guardian. Some State laws allow such common trust funds, and recent Federal legislation permits such funds to be operated as non-taxable entities.

At present, common trust funds maintained by a bank exclusively for the collective investment of its assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian, and interests or participations therein, are exempted or excluded from provisions of the Federal securities laws by section 3(a)(2) of 15 U.S.C. 78c.
(15 U.S.C. 77c(a) (2)) of the Securities Act of 1933 (15 U.S.C. 77a et seq.) ("Securities Act"), section 3(a) (12) (15 U.S.C. 78a(a) (12)) and rule 12g-3 (17 CFR 240.12g-3) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) ("Exchange Act"), and section 3(c) (3) (15 U.S.C. 80a-3 (c) (3)) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Investment Company Act"). Because the present definition of "common trust fund" in the federal securities laws refers to a fund maintained by "a bank" for assets contributed to the fund by "such bank," it appears that, as presently drafted, the exclusionary provisions in the federal securities laws would not be available if one bank in a bank holding company maintained a common trust fund which included assets contributed by other bank members of the same holding company. Provided certain conditions are met, the rules proposed herein would define the term "common trust fund" so as to include such multi-bank common trust funds, and thus have the effect of exempting them from the registration requirements in section 8(g) of the Federal securities laws for bank common trust funds, or to establish different fund structures and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian. The proposed rules would apply only to common trust funds containing assets contributed by banks which were members of the same affiliated group, within the meaning of section 1504(a) (15 U.S.C. 1504(a)) of the Investment Company Act, as well as the registration requirements in section 12(g) (1) of the Exchange Act (15 U.S.C. 78l(g)). Also, interests or participations therein would be excluded from the provisions of the Investment Company Act, as well as the registration requirements in section 5 of the Securities Act (15 U.S.C. 77e), and be "exempted securities" under section 3(a) (12) (15 U.S.C. 78a(a) (12)) of the Exchange Act.

The proposed rules would apply only to common trust funds containing assets contributed by banks which were members of the same affiliated group, within the meaning of section 1504(a) (15 U.S.C. 1504(a)) of the Internal Revenue Code (26 U.S.C. 1504(a)), as the bank maintaining the fund.4 It would appear appropriate to view banks in such an affiliated group as a single economic unit, since section 1504 (a) requires, among other things, that eighty percent of the voting stock and eighty percent of each class of non-voting stock (except for non-voting preferred) of each subsidiary in the affiliated group be held by another member of the affiliated group.

The proposed rules would be applicable only to common trust funds used for the investment and reinvestment of assets contributed by a bank in its capacity as trustee, executor, administrator, or guardian. Traditional interpretations regarding the availability of exceptions from the Federal securities laws for bank common trust funds would of course continue to be applicable.

The proposed rules would also specifically exempt that such a multi-bank common trust fund be operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining the fund and any other contributing banks were the same entity, and that the rights of persons for whose benefit the contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group. Provided the bank maintaining the fund and any other contributing banks were the same entity, and that the rights of persons for whose benefit the contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group.

II. It is proposed to amend Part C of Chapter II of Title 17 of the Code of Federal Regulations, General Rules and Regulations, Securities Exchange Act of 1934, by revising paragraph (b) of §240.12g-3 to read as follows:

§240.12g-3 Exemptions from registration requirements under section 12(g) of the Act.

(b) Any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian. For purposes of this paragraph (b), the term "common trust fund" shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1954 (26 U.S.C. 1504(a)), and which is maintained exclusively for the investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian.

(1) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and

(2) The rights of persons for whose benefit a contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group.

III. It is proposed to amend Part C of Chapter II of Title 17 of the Code of Federal Regulations, General Rules and Regulations, Securities Exchange Act of 1934, by adding a new §240.3(a) to read as follows:

§240.3(a) Definition of "common trust fund" as used in section 3(c) (2) of the Act.

The term "common trust fund" as used in section 3(c) (2) of the Act (15 U.S.C. 77c(a) (2)) shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1954 (26 U.S.C. 1504(a)), and which is maintained exclusively for the collective investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian.

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§ 240.3a-12-6 Definition of "common trust fund" as used in section 3(a) (12) of the Act.

The term "common trust fund" as used in section 3(a) (12) of the Act (15 U.S.C. 78c(a) (12)) shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1986 (26 U.S.C. 1504(a)), and which is maintained exclusively for the collective investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian, Provided, That:

(a) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and
(b) The common trust funds for whose benefit a contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group.

(15 U.S.C. 78c(b))

IV. It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations, Rules and Regulations, Investment Company Act of 1940, by adding a new § 270.3c-4 to read as follows:

§ 270.3c-4 Definition of "common trust fund" as used in section 3(c)(3) of the Act.

The term "common trust fund" as used in section 3(c)(3) of the Act (15 U.S.C. 80a-3(c)(3)) shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1986 (26 U.S.C. 1504(a)), and which is maintained exclusively for the collective investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian, Provided, That:

(a) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and
(b) The common trust funds for whose benefit a contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group.

(15 U.S.C. 78c(b))

§ 6740-02

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 141]

[DOCKET No. RM77-3]

DATA ON COST AND QUALITY OF FUELS FOR ELECTRIC PLANTS

Change In Public Availability of Form No. 422: Extension of Comment Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Further Extension of Time.

SUMMARY: The Commission is granting a further extension of time to and including October 28, 1977, within which to file comments in the proposed rule-making proceeding docketed as RM77-3. This extension is granted to ensure that all parties have adequate time in which to comment on the Commission's proposed change in public availability of Form No. 422.

DATE: Comments must be received on or before October 28, 1977.

ADDRESS: Send comments to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plum, Secretary, 202-775-4166.

SUPPLEMENTARY INFORMATION:


KENNETH F. PLUMB, Secretary.

[FR Doc.77-31470 Filed 10-27-77; 8:45 am]

PROPOSED RULES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 341]

[DOCKET No. 76F-0002]

OVER-THE-COUNTER DRUGS

Proposed Monograph for OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products: Amendment

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration is issuing a clarification of the dosage statements for phenylpropa- nonamine and eliminating an inconsistency regarding combination products containing an oral bronchodilator and an antihistamine. This action is taken at the recommendation of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products.

DATE: Comments by December 27, 1977.

ADDRESS: Written comments (preferably in quadruplicate and identified with the Docket Number found in the heading of this document) may be sent to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5000 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5000 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION:

In the Federal Register of September 9, 1976 (41 FR 38312), the Commissioner of Food and Drugs issued the recommenda- tion for the proposed monograph for orally administered phenylpropanolamine. This action was taken at the recommendation of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products. On the basis of comments received, members of the Panel have requested that in the panel's published recommendations and proposed monograph be amended to clarify the dosage statement for phenylpropanolamine administered orally as a nasal decongestant.

During the Panel's deliberations, the basic adult dosage recommendation for orally administered phenylpropanolamine was 25 mg every 4 hours, not to exceed 150 mg in 24 hours. This was extended to also include a 50-mg dosage recommendation every 8 hours to provide for timed-release dosage forms. However, the Panel was informed that all timed-release formulations are subject to the new drug procedures because such dosage formulations are so complex that the state of the art does not allow for standardization to the point of inclusion in an OTC drug monograph as a Category 1 condition. Therefore, dosage recommendations in the proposed monograph should apply only to conventional formulations, and reference to "50 mg every 8 hours" and equivalent children's dosages should be deleted from the Panel's published recommendations and proposed monograph.

The corrected statement in the proposed monograph for orally administered phenylpropanolamine preparations consistent with the Panel's basic recommendation for adults is: "25 mg every 4 hours not to exceed 150 mg in 24 hours." For children 6 to 12, it is: "12.5 mg every 4 hours not to exceed 75 mg in 24 hours." For children 2 to 6, it is: "6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours."

In addition, the Commissioner is aware of an inconsistency in the Panel's recommendations and proposed monograph regarding the combination of an oral bron-
choler and an antihistamine. In para-
geraph III.G.6.e.(3) of the September 9, 1976 preamble (41 FR 33323), the Panel identified such combinations as irrational and classified them as Category II when labeled for cough associated with asthma. The provision for such a combination was inadvertently included in the proposed monograph and should be deleted because the proposed monograph containing such combinations was presented. Accordingly, for clarification and to resolve the inconsistency, the Commissioner is amending both the preamble and the proposed monograph of September 9, 1976.

In the preamble to the proposal, the Commissioner stated that he has reviewed the potential environmental impact and also considered the inflation impact of the Panel's recommendations and proposed monograph and that copies of the environmental and inflation impact assessments are on file with the Hearing Clerk. He concludes that this amendment would in no way alter those assessments. Accordingly the preamble is amended on page 33341 by revising paragraph III.G.6.e.(3) to read as follows:

(3) Dosage. Dosages are based on the phenylpropanolamine hydrochloride equivalent. Adult oral dosage is 25 mg every 4 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 201, 505, 701(a), 82 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055 (21 U.S.C. 321, 358, 538, 571(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner is amending the proposed monograph published in the Federal Register of September 9, 1976, as follows:

1. In proposed §341.20, by revising paragraph (e) to read as follows:

§ 341.20 [Amended]

(f) Nasal decongestants.

Phenylephrine preparations (phenylephrine hydrochloride, phenylpropanolamine hydrochloride, phenylephrine bitartrate) (oral). Dosages are based on the phenylpropanolamine hydrochloride equivalent. Adult oral dosage is 25 mg every 4 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

§ 341.40 [Amended]

2. In proposed §341.40 Permitted combinations of active ingredients, by deleting and reserving paragraph (b).

§ 341.40 [Amended]

(b) In proposed §341.40 Labeling of combinations of active ingredients, by deleting and reserving paragraph (b).
the second set of page proofs (Ref. 9) are fully documented in the referenced administrative file, they are not reviewed in depth. However, the Commissioner concludes that revision of the monographs in accordance with information submitted to the agency on January 13, 1977 (Ref. 10) and discussed in this proceeding, will remedy current shortcomings in the chemical description of the respective ingredients. Continued adoption of these names, however, is predicated on expeditious revision of the monographs to the satisfaction of the Commissioner and publication of revised monographs in supplements to the new dictionary edition within a period of 6 months from the date of its recognition by final rule.

The chemical compositions of “Pigment Green 7” and “Chlorofluorocarbon 115” were disclosed by the suppliers in correspondence with the CTPA (Ref. 10), and the identity of “Disperse Red 17” is shown in the Colour Index. In regard to “Acid Black 2,” attachment B to CTPA’s letter of January 13, 1977 (Ref. 10) discloses the composition as it relates to the proprietary ingredient “Nigosine Jet L Conc.” supplied by Sandow Color & Chemical Division, E. Hanover, NJ 07936. The other proprietary ingredient listed in the Colour Index under “Acid Black 2,” i.e., “Nigosine WSN Conc.” supplied by Stauffer-Calgon Corp., Ardsley, NY 10502, has not been disclosed. Accordingly, the name “Acid Black 2” is only being proposed for Nigosine Jet L Conc., and the Commissioner requests that the name “Nigosine WSN” be deleted from a revised monograph.

The name of the ingredient “Dimethicone Copolyol” is adopted for the seven silicone ingredients disclosed by Union Carbide Corporation, New York, NY 10017. They are identified by the trade name “Silicone L” and the additional numerical designations 7, 77, 520, 522, 530, 531 or 5700. The chemical compositions of the other proprietary silicone ingredients listed in the current monograph for “Dimethicone Copolyol” have not been disclosed. The Commissioner requests that the monograph for “Dimethicone Copolyol” be revised to describe the chemical compositions of the ingredients.

The Commissioner proposes to delete the drug ingredients from the proposed regulation recognizing the new edition of the CTFA Dictionary. In one instance, the Commissioner concludes that review of the respective ingredients was not fully disclosed. The monographs disclosed neither the chemical configurations nor, where appropriate, the substances of origin. Four of the ingredients are not listed in the second set of dictionary page proofs submitted on January 13, 1977 (Ref. 9). Of the remaining 48 ingredients in question, the Commissioner proposes that 13 names remain adopted and 34 names and monographs be deleted from the proposed regulation recognizing the new edition of the CTFA Dictionary. In one instance, the Commissioner proposes that the name of an ingredient be changed.

In regard to the 13 names for which continued adoption is proposed with recognition in the new dictionary edition, the Commissioner concludes that revision of the monographs in accordance with information submitted to the agency on January 13, 1977 (Ref. 10) and discussed in this proceeding, will remedy current shortcomings in the chemical description of the respective ingredients. Continued adoption of these names, however, is predicated on expeditious revision of the monographs to the satisfaction of the Commissioner and publication of revised monographs in supplements to the new dictionary edition within a period of 6 months from the date of its recognition by final rule.

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The name of the ingredient “Dimethicone Copolyol” is adopted for the seven silicone ingredients disclosed by Union Carbide Corporation, New York, NY 10017. They are identified by the trade name “Silicone L” and the additional numerical designations 7, 77, 520, 522, 530, 531 or 5700. The chemical compositions of the other proprietary silicone ingredients listed in the current monograph for “Dimethicone Copolyol” have not been disclosed. The Commissioner requests that the monograph for “Dimethicone Copolyol” be revised to describe the chemical compositions of the ingredients.

The Commissioner proposes to delete the drug ingredients from the proposed regulation recognizing the new edition of the CTFA Dictionary. In one instance, the Commissioner concludes that review of the respective ingredients was not fully disclosed. The monographs disclosed neither the chemical configurations nor, where appropriate, the substances of origin. Four of the ingredients are not listed in the second set of dictionary page proofs submitted on January 13, 1977 (Ref. 9). Of the remaining 48 ingredients in question, the Commissioner proposes that 13 names remain adopted and 34 names and monographs be deleted from the proposed regulation recognizing the new edition of the CTFA Dictionary. In one instance, the Commissioner proposes that the name of an ingredient be changed.

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The Commissioner proposes to delete the drug ingredients from the proposed regulation recognizing the new edition of the CTFA Dictionary. In one instance, the Commissioner concludes that review of the respective ingredients was not fully disclosed. The monographs disclosed neither the chemical configurations nor, where appropriate, the substances of origin. Four of the ingredients are not listed in the second set of dictionary page proofs submitted on January 13, 1977 (Ref. 9) and discussed in this proceeding, will remedy current shortcomings in the chemical description of the respective ingredients. Continued adoption of these names, however, is predicated on expeditious revision of the monographs to the satisfaction of the Commissioner and publication of revised monographs in supplements to the new dictionary edition within a period of 6 months from the date of its recognition by final rule.
ingredient labeling. However, if these names are not adopted by USAN, the Commissioner may reconsider his decision and adopt the appropriate name changes in the future.

3. *Ingredients prohibited or not permitted by regulation.* The first set of page proofs of the new CTFA Dictionary listed names for 21 long used substances whose use as ingredients in cosmetics is prohibited or not permitted by regulation:

- Carbon Black
- Chloroform
- D&C Red No. 2
- Aluminum Lake
- Dibromosalan
- FD&C Red No. 2
- FD&C Red No. 2
- Aluminum Lake
- Metabromosalan
- Tribromslan
- Vinyl Chloride
- Apo-Carotenol
- Best Root Juice Powder
- Carrot Juice Powder
- Canthaxanthin
- Lamp Black
- Natural Red 20
- Natural Red 25
- Natural Yellow 3

The CTFA agreed to remove these names from the new CTFA Dictionary and they are no longer listed in the second set of page proofs.

4. *Ingredients with questionable nomenclature and other issues requiring remedial action.* The Commissioner noted in the first set of page proofs of the new ingredient dictionary (Ref. 2) brought to light several deficiencies in nomenclature and ingredient descriptions. The CTFA subsequently deleted the names of four color additives: "Food Green 3," "Food Red 1," "Food Red 17," and "Food Yellow 3." Six ingredients named "U.V. Absorber," and five ingredients named "Fluorescent Brightener." The names of six vitamin ingredients were changed to new designations: retinol, retinyl palmitate, ergocalciferol, tocopherol, tocopheryl acetate and tocopheryl succinate. The second set of page proofs of the new ingredient dictionary reflects these changes.

In regard to the deficiencies in the nomenclature of 20 ingredients named "Amphoteric" and 49 ingredients named "Quaternium," FDA recommended that they be named in terms of their chemical class or structure rather than by a broadly used long array of numbers because a consumer may readily be misled by relating the characteristics of a known ingredient to other, unknown ingredients with the same name but having different numerical designations and having unrelated properties and uses.

The CTFA agreed to review for revision the respective names in forthcoming supplements to the new dictionary. Accordingly, the Commissioner proposes that adoption of the names of the 20 ingredients designated "Amphoteric" and 49 ingredients designated "Quaternium" be continued for a period of 12 months from the date of recognition of the new ingredient dictionary edition by final rule. This time period should be adequate for the CTFA to petition for the adoption of new names for these ingredients, if adoption of new names in the 1-year period or recognition of the current names is not extended by regulation, cosmetic labelers will be required thereafter to declare these ingredients by the new names instead of any other sources identified in paragraph (a) of § 701.3 or in accordance with paragraph (c) of § 701.3 or (d) of § 701.3.

The questions raised regarding the ingredient names "Synthetic Beeswax," "Polyamino Sugar Condensate," and the 27 denatured alcohols named "SD Alcohol" and being further identified by alphanumeric designations, e.g., "SD Alcohol 35C," are proposed to be resolved in the same manner as the earlier discussed issues requiring revision of monographs. The Commissioner proposes that these names also be adopted provided the respective monographs are revised and published in supplements to the new dictionary edition within a period of 6 months from the date of its recognition by final rule.

The required revisions of the monographs were outlined by FDA on September 17, 1976 and during subsequent meetings with representatives of the CTFA (Refs. 3, 4, 5). On November 2, 1976, CTFA agreed to publish revised monographs (Ref. 6). In the case of "Synthetic Beeswax" and "Polyamino Sugar Condensate," the Commissioner proposes that these ingredients suitable for cosmetic ingredient labeling where such names have not been established by the Commissioner or adopted in the currently recognized compendia as sources of names for use in cosmetic ingredient labeling:

- (2) National Formulary, 14th Ed., 1976;
- (3) Second Supplement to the USP XIX and NF XIV, 1976;
- (5) USAN and the USP dictionary of drug names (USAN 1975), 1961–1975 cumulative list. These editions and supplements to editions comprise updated and expanded compilations of names of ingredients suitable for cosmetic ingredient labeling where such names have not been established by the Commissioner or adopted in the currently recognized compendia as sources of names for use in cosmetic ingredient labeling.

In light of the many questions raised by FDA in the letter of September 17, 1976 and as discussed in the preamble above, the Commissioner concludes that a 30-day period would be insufficient for interested persons to respond to the regulatory record and other pertinent data, and comment on the proposal. The comment period, therefore, will be 60 days, as is ordinarily provided.

The CTFA petitioned that the regulations adopting the new dictionary edition provide for the same time intervals between publication of the final order in the Federal Register and the effective dates for ordering of labels and labeling of products; i.e., 12 months and 18 months, respectively, as were established for previously promulgated cosmetic ingredient labeling regulations. It was argued that the considerations involved in major cosmetic labeling changes were fully discussed at the time of such rule making proceedings and that the same circumstances were equally applicable in this case.

The Commissioner is not persuaded that recognition of the new CTFA Dictionary edition and other editions and supplements of compendia listed in § 701.3(c) (2) will have a major regula-

**PROPOSED RULES**

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tory impact and hence should be given the same consideration in regard to effectiveness as was given other ingredient labeling regulations. The purpose of this rule making proceeding differs significantly from others involving ingredients labeling in that no basic labeling rules are being established. The required label changes will be minor. They will involve occasional substitution of names of ingredient to some ingredient declarations; however, the space requirement for declaration of ingredients on the label will not be affected, and labels will not have to be redesigned.

The Commissioner proposes a schedule of effective dates which he believes is more responsive to the intent of this rule and should avoid any possibility of economic hardship. He proposes that the new sources of cosmetic ingredient names be recognized 30 days after the date of promulgation of the final regulation in the Federal Register, and that recognition of the current editions and supplements be terminated 6 months thereafter. These effective dates will give cosmetic labelers sufficient time to implement the required label changes without disruption of their manufacturing operations. The old labels may continue to be ordered for a period of 6 months, and no loss of inventory will be incurred because standard packages, containers, and products in stock may be used in subsequent manufacturing and distribution.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

REFERENCES

The following references cited above in the preamble of this proposal are available for public examination at the office of the Hearing Clerk, Food and Drug Administration:

3. Letter of September 17, 1976 from the Associate Commissioner for Compliance to the President of CTFA.
4. Memorandum in meeting of September 24, 1976 between representatives of FDA and CTFA.
5. Memorandum of meeting of October 16, 1976 between representatives of FDA and CTFA.
6. Letter of November 2, 1976 from the Vice President, Science of CTFA to the Associate Commissioner for Compliance.
7. Letter of January 18, 1977 from the Vice President, Science of CTFA to the Associate Commissioner for Compliance.
9. Second set of page proofs of the Second Edition (1976) of the CTFA Cosmetic Ingredient Dictionary submitted as Attachment C (15 USC 1454, 1455) and the Federal Food, Drug, and Cosmetic Act (Sec. 701(e)), 70 Stat. 919, as amended (21 U.S.C. 371(e)) and under authority to him (21 U.S.C. 5). It is proposed that Part 701 be amended as follows:
   (a) By revising §701.3(c)(2) to read as follows:

   §701.3 Designation of ingredients.
   (c) * * *
   (2) In the absence of the name specified in §701.30, the name adopted for that ingredient in the following editions and supplements of the following compendia, listed in order as the source to be utilized:
   (i) CTFA (Cosmetic, Toilettry, and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1976, as petitioned for recognition and filed with the Hearing Clerk on January 13, 1977, except for the following deletions and revisions:
   (a) The following names are not adopted for the purpose of cosmetic ingredient labeling:
   Acid Black 58, Acid Brown 48, Acid Black 107, Acid Brown 224, Acid Black 130, Acid Orange 80, Acid Blue 70, Acid Orange 85, Acid Blue 168, Acid Orange 88, Acid Blue 199, Acid Orange 88, Acid Black 224, Acid Orange 88, Acid Black 17, Acid Orange 116, Acid Black 30, Acid Red 181, Acid Black 46, Acid Red 218, Acid Brown 45, Acid Red 252, Acid Brown 46, Acid Red 259.

   (b) The following names are adopted for the purpose of cosmetic ingredient labeling provided the respective monographs are revised to describe their otherwise deleted chemical composition, or describe their chemical compositions more precisely, and such revised monographs are published in supplements to this dictionary edition within a period of 24 months from the date of its recognition by final rule:

   (c) The following names are adopted for the purpose of cosmetic ingredient labeling for a period of 12 months from the date of recognition of this dictionary edition by final rule:
   Amberlite IR 120, Kollidon 90, Kollidon SR.


2. By adding to §701.30 a new ingredient name to read as follows:

   §701.30 ingredient names established for cosmetic ingredient labeling.

3 Copies may be obtained from: United States Pharmacopela Convention, Inc., 12001 Twinbrook Parkway, Rockville, Md. 20857.
2 Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave, N.W., Washington, D.C. 20418.

Ethyl ester of hydrolyzed animal protein is the ester of ethyl alcohol and the hydrolyzate of collagen or other animal protein, derived by acid, enzyme or other form of hydrolysis.

* * * * *

Interested persons may, on or before December 27, 1977 submit to the Hearing Clerk (HFC-201), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

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


JOSHDJ P. HILL,
Associate Commissioner
for Compliance.

[FR Doc.77-31095 Filed 10-27-77;8:45 am]

[4110-87 ]

DEPARTMENT OF THE INTERIOR
Mining Enforcement and Safety Administration
[30 CFR Part 11]

RESPIRATOR TESTING AND APPROVAL
Public Meeting

CROSS REFERENCE: For a document relating to a public meeting on respirator testing and approval published by the Department of Health, Education, and Welfare, Public Health Service, see FR Doc. 77-31425 appearing in the Notices section of this issue. For the page number of this document, see the table of contents under the Public Health Service.

[6820-26 ]

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service
[41 CFR Part 105-61]

[ADM 7900.2]

PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Restrictions on the Use of Records

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

ACTION: Proposed rule.

SUMMARY: In view of the passage of time and the substantial interest in access to the records of the 1900 census for historical and genealogical purposes, the National Archives and Records Service has determined that the current restrictions on access to and copies of the records of the 1900 census can be lifted. The records will be made available in accordance with the general provisions of 41 CFR Part 105-61. This action is taken pursuant to the authority of 44 U.S.C. 2104.

DATES: Comments must be received on or before November 28, 1977.

ADDRESSES: Comments should be addressed to the General Services Administration (NAA), Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT:

James Megranigle, Director, Planning and Analysis Division, General Services Administration (NAA), Washington, D.C. 20408. 202-523-3214.

It is proposed to amend Subpart 105-61.53 as follows:

1. The table of contents for Part 105-61 is amended by deleting the following entry:


2. Section 105-61.5303-29a is revised as follows:

§ 103-61.5303-29 Records of the Bureau of the Census.

(a) Records. Post-1900 census schedules more than 50 years old. Restrictions.

(1) No one other than the Secretary of Commerce or his authorized representatives may examine these records.

(2) Copies of these records may be provided only to the Secretary of Commerce or his authorized representatives. Imposed by, Archivist of the United States.

(b) Records. Census schedules less than 50 years old. Restrictions. These records may not be examined by or copies of or information from them provided to any person other than sworn employees of the Department of Commerce having proper authorization from the Secretary of Commerce or his designee. Specified by, Secretary of Commerce.

§ 105-61.5303-29a [Removed]

3. Section 105-61.5303-29a is deleted.

(Sec. 205(c), 63 Stat. 300; 40 U.S.C. 486(c); 41 CFR 105-61.000-2.)

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


JOHN J. LANDERS,
Acting Archivist
of the United States.

[FR Doc.77-31233 Filed 10-27-77;8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
[3410-05]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1978 WHEAT AND FEED GRAIN SET-ASIDE PROGRAM

Availability of Supplemental Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a supplemental environmental statement on the 1978 Wheat and Feed Grain Set-Aside Program.

This statement is issued as a supplement to a supplemental environmental statement on the 1973 set-aside program which was filed with the Council on Environmental Quality on September 12, 1972. The proposed program on which the statement is issued will result in more favorable environmental impacts than would be the case if no program was instituted. The program will reduce the acreage of land used for the production of crops as well as require that vegetative cover be established on the land removed from crop production. The land removed from crop production will likely be the least productive and that most subject to wind and water erosion.

This program was authorized by the Food and Agriculture Act of 1977, which was signed by the President on September 29, 1977, and became effective on October 1, 1977. The program provides for the set-aside of cropland acreage if the total supply of wheat (and/or feed grains) will be in the absence of such set-aside, likely be excessive taking into account the need of an adequate carryover to maintain reasonable and stable supplies and prices to meet national emergencies.

A final decision on the percentage of set-aside of acreage for feed grains, if any, has not been determined at this time. However, a 20 percent set-aside of acreage for wheat has been made. In the discussion of set-aside rates the draft EIS assumes that higher set-aside rates will lead to more environmental effects and lesser adverse environmental effects that cannot be avoided.

Technical agencies within USDA were consulted in the development of the Set-Aside Program, including a task group to consider eligibility of land, conservation and farm organizations, plus representatives of the Fish and Wildlife Service, Environmental Protection Agency and the Council on Environmental Quality. In addition, the Department has received several hundred letters in recent weeks from various organizations and private citizens on various aspects of the program, including the level of set-aside, land eligibility, conservation use requirements, land use and water quality concerns, multi-year agreements, wildlife habitat potential, etc.

These views and recommendations were considered in developing the proposed program and in the preparation of this EIS.

The impact of this program on the environment will generally be beneficial. No major adverse environmental effects are anticipated in implementing this program. Some minor impacts may occur, principally during the establishment of the vegetative cover required on set-aside acreage such as noise, dust, and fumes from machinery operation and soil open for potential erosion. Overall, such adverse environmental effects would likely be less severe on set-aside land than if such land continued in crop production.

This draft statement was filed with the Council on Environmental Quality on October 17, 1977. Copies of the statement have been forwarded to all State clearinghouses, various conservation and environmental organizations and Federal agencies as outlined in the CEQ guidelines. To assist in implementing this program, we need to receive any comments on this supplemental statement by November 16, 1977.

Copies of the statement are available for inspection during regular working hours at USDA, Agricultural Stabilization and Conservation Service, Room 2500 South Building, 14th and Independence Avenue SW., Washington, D.C. 20013, and at all State offices for the Agricultural Stabilization and Conservation Service. A limited number of single copies are available upon request at the Washington, D.C. office.

Comments concerning the supplemental statement should be addressed to the Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, Room 2500 South Building, 14th and Independence Avenue SW., Washington, D.C. 20013.

Signed at Washington, D.C., on October 21, 1977.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-31222 Filed 11-27-77; 8:45 am]
committees, the National Agricultural Research Planning Committee (NPC) have been extended until December 31, 1977. This extension was granted by the Office of Management and Budget to allow the Department of Agriculture an opportunity to determine to what extent the functions of these committees will correlate to the functions of the various advisory committees mandated by Title XXV of the Food and Agriculture Act of 1977.

ARPAC and NPC function under the terms of a Memorandum of Understanding between USDA and the National Association of State Universities and Land Grant Colleges (NASULGC). USDA research agencies and the State Agricultural Experiment Stations and other organizations associated with NASULGC conduct about 85 percent of the Nation's publicly supported agricultural research. It is through ARPAC and NPC that the two major parts of the agricultural research system come together to exchange views, plan, coordinate and otherwise develop ways to work together most effectively to meet the Nation's needs.

Accordingly, pursuant to authority duly delegated by the Board in its regulations, 14 CFR 383.3 and 383.18, it is found that Agreement 26937 is not adverse to the public interest or otherwise violative of the Act and, therefore, should be approved subject to conditions set forth herein.

Accordingly, it is ordered that:

1. Agreement CAB 26937 among members of the Airport Security Council and other air carriers and foreign air carriers providing air transportation to the three New York airports be approved for the period of not more than 15 days after the termination of the dock strike.

2. Any amendments to Agreement 26937 are to be filed with the Board for prior approval under section 412 of the Act.

3. The approval of Agreement 26937 is not adverse to the public interest or otherwise violative of the Act prohibiting unjust discrimination and unfair or deceptive practices, respectively.

4. All parties to Agreement 26937 conducting operations pursuant to the amendments set forth in such agreement shall continue strict adherence to those provisions of sections 404 and 411 of the Act prohibiting unjust discrimination and unfair or deceptive practices, respectively.

5. The approval of the Agreement shall expire 15 days after the date of termination of the dock strike; in addition this order may be extended or amended at any time by the discretion of the Board.

*The conditions set forth herein require specific adherence by the parties to the agreement to those provisions of the Act which prohibit discrimination and unfair or deceptive practices.
NOTICES

6. Jurisdiction shall be retained over the Agreement to permit further action at any time without a hearing if deemed appropriate; and

7. A copy of this order shall be served upon the Airport Security Council; each certificated air carrier; each foreign air carrier holding a foreign air carrier permit; the Departments of the Treasury, Transportation and Justice; the Bureau of Customs; the Federal Aviation Administration; the Port of New York Authority; and the American Importers Association.

This order shall be published the Federal Register.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

PHYLLIS T. KAYLO, Secretary.

APPENDIX

MEMORANDUM SENDING FORTH OPTIONAL GUIDELINES ON ACTION TO BE TAKEN IN CASE OF EVENT OF A NEW YORK WATERPORT STRIKE

I

AGREEMENT TO PROSPECTIVE CRISIS

The attendees agreed that, in the event of a waterport strike upon the expiration of the current collective bargaining agreement on September 30, 1977, ocean cargo diverted to the airlines would create a cargo crisis at metropolitan New York airports. This type of crisis could develop before, at any time during, or even immediately following a strike by the labor organization operating in the waterport.

II

COUSE OF ACTION RECOMMENDED

The conferences concluded that a state of emergency will have arrived when the cargo flow volume through the facilities of an airline exceeds its capacity to store and process this cargo. The emergency should be declared before a positive cargo glut has occurred, to avoid a breakdown in cargo flow and handling procedures.

It was agreed that there is an urgent need for guidelines on action to be taken by the airlines at metropolitan New York airports in case of an emergency of this nature.

On the basis of the findings at this meeting, we are setting forth the following guidelines, setting the Civil Aeronautics Board for approval of Points III through IX hereof, when a state of emergency arises:

III

ACCEPTANCE OF CARGO

Articles of Extraordinary Value and Restricted Items

A system of controlled acceptance and/or re-routing will be applied without discrimination to articles of extraordinary value and restricted items, when emergency is imminent. Controlled acceptance will include action up to designating a specific reservation of airplane space and designation of a specific period prior to flight departure, when cargo will be accepted for air carriage. When a shipment cannot be accepted immediately, a time of acceptance will be assigned.

Perishables

During the emergency period, perishable shipments may be accepted only where confirmed booking to point of destination is established and preferably only on direct flights.

General Cargo

A system of controlled acceptance and/or re-routing of general cargo will be applied without discrimination to general cargo, before the terminal becomes incapable of coping with the emergency. Controlled acceptance will include action up to designating a specific reservation of airplane space and designation of a specific period prior to flight departure when cargo will be accepted for air carriage. When a shipment cannot be accepted immediately, a time of acceptance will be assigned.

In fulfillment of these policies, only such airlines should be allowed on available capacity for a particular day will be accepted.

Only freight which has been booked in advance will be accepted.

Only freight which is ready, as far as documentation is concerned, to be placed on-board an aircraft, or accompanied by the necessary Shipper's Letter of Instructions and shipper's export declarations and/or export licenses will be accepted.

IV

CONTROL OF CARGO FLOW

Categories of traffic affected by security considerations will include export, import and domestic cargo. Capability of acceptance and interchange of cargo between international and national carriers will affect all categories of cargo.

Airlines will notify their district offices, sales representatives and customers that, during the dock strike, once cargo flow has begun to tax airline facilities to the point where security hazards are imminent, international shipments must have international space reserved before acceptance at origin. The procedure will enable domestic carriers to accept international shipments with the assurance that, upon arrival at the gateway, international carriers will accept the cargo.

Domestic carriers will consider problems with domestic shipments from freight forwarders, consigned to a freight forwarder at a gateway care of an international airline, unless international space is already reserved.

When such freight is offered at an inland point, domestic carrier should check with its office at the gateway destination, to determine whether the international carrier will accept the freight, where no reservation is indicated.

V

LIABILITY BETWEEN GATEWAY AND OTHER STATIONS

When domestic cargo transiting the New York airports accumulates in proportions sufficient to constitute a security problem, domestic carriers should coordinate closely with other stations, to assure that such stations avoid directing cargo into New York which New York is unable to handle.

VI

EXCHANGE OF INFORMATION CONCERNING CARGO AVAILABLE

In order to assure that maximum use is made of available aircraft space, international carriers should work out a system whereby they notify each other of excess capacity, if any, so that carriers backlogged can divert excess freight to carriers having available capacity.

VII

AVOIDANCE OF USE OF U.S. AIRPORTS FOR TRANS-SHIPPING TO OTHER COUNTRIES

All carriers should instruct overseas offices not to use U.S. airports for trans-shipping to foreign countries, and to consider, in order to relieve congestion at U.S. airports.

VIII

IMPORTS FOR INLAND POINTS

Imports for inland points in the U.S. should, preferably, be routed on direct flights to interior points, rather than the gateway points on the Eastern and Western seaboard and Gulf Coasts, in order to avoid unnecessary congestion at these gateway points.

IX

REMOVAL OF MERCHANDISE FROM TERMINAL FACILITIES FOR STORAGE UPON EXPIRATION OF FREE STORAGE TIME

Import merchandise released by Customs, but not removed from carriers' premises by the expiration of free time defined by Customs regulations and IATA rules, as applied in ordinary business practices, may, at the carrier's option be removed to a public warehouse or other secure storage, at the expense of the owner of the merchandise, or his agent.

Import merchandise for which a Customs entry has not been filed at the expiration of the lay order period stated in Customs regulations will be removed to the designated general order warehouse at the expense of the owner of the merchandise, or his agent.

September 27, 1977.

LIST OF AIRLINES VOTING ON ADOPTION OF OPTIONAL GUIDELINES ON ACTION TO BE TAKEN BY AIRLINES AT METROPOLITAN NEW YORK AIRPORTS IN EVENT OF DOCK STRIKE

The following airlines, in attendance at the meeting of September 27, 1977, voted in favor of adopting the optional guidelines:

AIR CARRIERS

American

Aerolineas Argentinas

AeroMexico

Air Canada

Air France

Air Inter

Allitalia

British Airways

El Al

Finnair

Iberia

IATA

KLM

Lufthansa

Pakistan

Sabena

Swissair

Varig

FOREIGN AIR CARRIERS

Allgeheby

Alitalia

American

Finnair

Aerolineas Argentinas

AeroMexico

Air Canada

Air France

Air Inter

Allitalia

British Airways

El Al

Finnair

Iberia

IATA

KLM

Lufthansa

Pakistan

Sabena

Swissair

Varig

The following airlines, not in attendance at the meeting, submitted no vote in favor of adopting the optional guidelines:

Japan Air Lines

National

Pan Am

Olympic

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Trans Mediterranean Airlines did not vote, because of urgent pending labor negotiations.

[FED Oa.77-31291 Filed 10-27-77; 8:45 am]

[6320--01 ]

[Docket Nos. 29565: 28112: 28163]

LOUISVILLE SERVICE CASE
Applications of Allegheny Airlines and Frontier Airlines

By Order 76-10--113 (October 26, 1976), the Board instituted the Louisville Service Case to consider the need for new or additional nonstop service in seven markets. Also in issue is the possible deletion of Eastern Air Lines' existing, but unused, nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets. Excluded, however, were issues of service in five other Louisville markets, including Louisville-St. Louis and Louisville-Kansas City.

The Board's original decision not to consider Louisville-Kansas City service was based on the belief that Trans World Airlines was providing one nonstop round trip a day, and, considering the size of the market (30,000 passengers in 1974), that this service was adequate. In fact, TWA had discontinued its nonstop service. Confronted with this fact, the Board, nevertheless, stated on reconsideration that this was insufficient reason to place Louisville-Kansas City service in issue (Order 77-1--64, January 13, 1977), resting that determination squarely on the "size of the market" (id. at 4).

We have decided to reexamine that determination; the reexamination convinces us that Louisville-Kansas City service should have been placed in issue in the Louisville Service Case. With the elimination of TWA's one nonstop round trip, the only single-queue service available in the market is a pair of circuitous multistop flights operated by Ozard Air Lines. This is inferior to service in other markets of the size of Louisville-Kansas City which were already receiving nonstop service and in which the need for new or improved service was put in issue in the case.1

We take this occasion to reexamine the Board's exclusion of Louisville-St. Louis service from the issues in this case, a determination from which two members of the Board dissented. We believe, as they did then, that inclusion of Louisville-St. Louis was warranted. Louisville-St. Louis is much larger than others included in the case for consideration of the need for competitive nonstop service. As the dissenters pointed out, it is "the largest market proposed for consideration in this case, except for the combined Louisville-Washington/ Boston markets. Moreover, and again as the dissenters observed, St. Louis is a significant gateway for Louisvillle travelers destined to points west of St. Louis.

In the light of these circumstances, we have determined that the Louisville-St. Louis and the Louisville-Kansas City markets should now be given priority hearing. In setting the two cases for hearing, we have also decided to include as issues the possible deletion of Eastern's dormant Louisville-St. Louis nonstop authority as well as TWA's new authority in a separate hearing.

While we express no opinion as to whether the markets could support an award of nonstop authority to additional carriers, it is self-evident that inclusion of the deletion issues would give the Board maximum flexibility in reaching a decision as to what additional service, if any, should be authorized.

There remains the question of how to proceed in setting the issues of the two markets for hearing. The most obvious would be to reopen the Louisville Service Case, even though that might delay final decision of the proceeding and thus delay implementation of any service improvements found needed in markets already considered. Another possibility would be to set the two markets for a separate hearing, but there is merit in the view that proceedings limited to one or two markets may be wasteful of the Board's limited hearing resources. There may be other possibilities—for example, consolidation with certain or procedurally scheduled for priority consideration.

Rather than attempt to resolve the procedural question at the moment, the Board has decided to call for the parties' comments on how to proceed. The comments should specifically address the questions whether, and if so, how and to what extent, reopening the Louisville Service Case would complicate and delay final decision of that case. All suggestions should, moreover, be made with twin objectives in mind—fairness to the parties and efficient utilization of the Board's hearing resources.

Accordingly, it is ordered that:
1. Not later than 25 days from the date of this order, the parties to the Dockets 28112, 28163, and 29968 and other interested persons may file comments addressing the manner in which the Board should proceed in hearing the needs for new or additional nonstop service in the Louisville-St. Louis and Louisville-Kansas City markets. Reply comments may be filed not later than 15 days after service of the opening comments; and
2. This order shall be subject to any approval deemed necessary by the United States Court of Appeals for the District of Columbia Circuit.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board:

All Members concurred.

Pheiliss T. Kaynor, Secretary.

[FR Doc.77-3122 Filed 10-27-77; 8:45 am]

[6325--01 ]

CIVIL SERVICE COMMISSION
ACTION
Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 2.20 of Civil Service Rule IX (5 CFR 2.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service a temporary additional position of Deputy Associate Director for Domestic and Anti-Poverty Operations, Office of the Associate Director, Office of Domestic and Anti-Poverty Operations.

United States Civil Service Commission,

Jabra C. Stress,
Executive Assistant to the Commissioners.

[FR Doc.79--3122 Filed 10-27-77; 8:45 am]

[6325--01 ]

DEPARTMENT OF AGRICULTURE
Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 2.20 of Civil Service Rule IX (5 CFR 2.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment the excepted service position of Associate Director, Office of the

1 The seven markets were Louisville-Washington/Baltimore/Memphis/Nashville/Los Angeles/Houston and Cincinnati-Houston.

2 One involves a trip of 612 miles, the other 695 miles. Nonstop mileage is 487 miles.

3 For example, Louisville-Nashville has less than half as many passengers as Louisville-Kansas City and was receiving nonstop service. It was nonetheless included because of "service deterioration" and the presence of applicants willing to upgrade service. The same considerations apply to the much larger Louisville-Kansas City market.

4 The combined Washington/Baltimore market had only 14 passengers a day, and the number of Louisville-St. Louis passengers was greater than the primary Louisville-Washington market in which the need for competitive nonstop service was to be considered.

5 Possible deletion of Eastern Air Lines' unused nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets is at issue in the Louisville Service Case.

6 Hearings have been completed and the administrative law judge's tentative decision date for initial decision is February.

7 See Order 76-10--113 (concurring and dissenting statement of Members Minetti and West).

* There is presently pending in that court a petition for review of Orders 76-10--113 and 77-1--64 insofar as those orders excluded the issue of Louisville-St. Louis/Kansas City service from the Louisville Service Case. Frontier Airlines v. C.A.B., No. 77--1263.
[6325–01]
COMMUNITY SERVICES ADMINISTRATION
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 Community Services Administration to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

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

[FR Doc.77–31032 Filed 10–27–77; 8:45 am]

[6325–01]
DEPARTMENT OF THE TREASURY
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 Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Legislative Affairs), Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary.

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

[FR Doc.77–31032 Filed 10–27–77; 8:45 am]

[6325–01]
DEPARTMENT OF THE TREASURY
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 Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Chief Counsel, Office of the Chief Counsel, Internal Revenue Service.

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

[FR Doc.77–31031 Filed 10–27–77; 8:45 am]

NOTICES

DEPARTMENT OF THE TREASURY
Title Change in Noncareer Executive Assignment

By notice of December 18, 1975, FR Doc. 75–34385 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant Secretary (Legislative Affairs) and Special Assistant to the Secretary, Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary (Legislative Affairs), Office of the Secretary.

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

[FR Doc.77–31032 Filed 10–27–77; 8:45 am]

PRIVACY ACT OF 1974
Amendment of Routine Uses

The purpose of this document is to give notice that routine use statements regarding disclosure of information to health benefits carriers and plans under the Federal Employees' Health Benefits (FEHB) Program are hereby amended.

The Civil Service Commission published in the Federal Register of September 23, 1977 (42 FR 48732) its annual notice of systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a). Two systems in that notice contain routine uses for disclosure of information to health insurance carriers participating in the Federal Employees' Health Benefits Program. Routine use "g" of the Civil Service Retirement and Insurance Records system (CSC–2) provides that records may be used:

a. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to verify enrollment in or support an individual's claim for health insurance benefits under the program.

Routine use "g" of the General Personnel Records system (CSC/GOVT–3) provides that information in those records may be:

a. Disclosed to health insurance carriers or plans participating in the Federal Employees' Health Benefits Program in support of a claim for health insurance benefits.

While these routine uses have adequately served to describe disclosures of record information to health benefits carriers generally, the Commission became concerned that personal information about enrollees provided to health carriers be afforded an appropriate degree of confidentiality and necessary protection from improper dissemination or potential misuse. Therefore, the Commis-
given that a meeting of the Computer Systems Technical Advisory Committee will be held on Friday, November 11, 1977, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved extensions of the Committee, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems including technical data or other information related thereto and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

**GENERAL SESSION**

1. Opening remarks by Rauer H. Meyer, Director, Office of Export Administration.
2. Election of Chairman.
3. Presentation of papers or comments by the public.
4. Report on the work programs of the Subcommittees: (a) Technology Transfer; (b) Foreign Availability; and (c) Hardware.
5. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Council, formally determined on January 27, 1977, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Thursday, October 27, 1977, at 9:30 a.m. in Room 5530, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. In view of the urgent need for the Committee to proceed with the chartering of the Joint Committee of the Technical Advisory Committees on November 10 and because the charter of the Committee was not signed until October 21, 1977, this notice is being published less than 15 days in advance of the meeting.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 28, 1977. On October 28, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee serves the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Council, formally determined on October 21, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 2012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4195.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer System Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on February 2, 1977 (42 FR 6374).


RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 77-31303 Filed 10-27-77; 8:45 a.m.]

**[3510–25]**

**ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE**

**Closed Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee, pursuant to the charter of the Committee, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4195.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof is hereby published.


LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, U.S. Department of Commerce.

**ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE**

**DETERMINATION**

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404(c)(1) (Supp. V, 1975), to advise the Department of Commerce with respect to questions involving (A) technical
NOTICES

matters, (B) worldwide availability, and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data and technical data subject to multilateral controls, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee, which currently has nine members representing industry and seven members representing government agencies, will terminate no later than August 29, 1979, unless extended by the Secretary of Commerce or her designee. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2494(c)(1), the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. V, 1975), and the Office of Management and Budget Circular A-19 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act as amended, 50 U.S.C. App. 252(c), as amended, provides that advisory committee meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

Section 502(b)(c)(1) provides that advisory committee meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order. Such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

The Executive Order dated October 31, 1977.

ELSA A. PORTER
Assistant Secretary for Administration

ALFRED MEININGER
Acting General Counsel

[FR Doc. 37-31561 Filed 10-27-77; 8:45 am]

3510-25]

JOINT MEETING—SIX TECHNICAL ADVISORY COMMITTEES

Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. V, 1975), notice is hereby given that a meeting of the six technical advisory committees listed below will be held on Thursday, November 10, 1977, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

1. Computer Systems Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

2. Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

3. Numerical Controlled Machine Tool Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

4. Semiconductor Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

5. Electronic Instrumentation Technical Advisory Committee. This Committee was initially established on October 25, 1973. On October 7, 1975 and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

6. Telecommunications Equipment Technical Advisory Committee. This Committee was initially established on April 6, 1973. On March 15, 1975 and March 16, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

These committees, where they have expertise in such matters, advise the Office of Export Administration, U.S. Department of Commerce, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committees will meet only in Executive Sessions to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, 50 U.S.C. App. Sec. 2404(c), that the recharter and extension of the Committees, herein mentioned, shall be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein. If the Committees desire to invite the public to attend any such meetings, they are requested to inform the Acting Assistant Secretary of Commerce for Administration.

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
NOTICES


Following are the dates of approval of the Notices of Determination to close meetings or portions thereof of the series of meetings of the Technical Advisory Committees involved in this Joint meeting, and of any subcommittees thereof, the dates the full texts of the Notices of Determination were published in the Federal Register, and the Federal Register citations:

<table>
<thead>
<tr>
<th>Date published</th>
<th>Date approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 22, 1977</td>
<td>May 17, 1977</td>
</tr>
</tbody>
</table>

This notice is being published in less than 15 days in advance of the meeting because the charter of the Electronic Instrumentation Technical Advisory Committee was not signed until October 21, 1977.

[3510–25] MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

-Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on November 17, 1977 at 11:30 a.m. in Room G-1302, Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

Limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 712, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning this Committee may be obtained from Arthur Gabel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

[3510–24] Economic Development Administration

DIRZIS PRODUCTS COMPANY, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Dirzis Products Company, Inc., 85-12 101st Street, Richmond Hill, New York 11419, a producer of upholstery for furniture, was accepted for filing on October 19, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-318), and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (19 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on the tenth calendar day following the publication of this notice.

[3510–12] National Oceanic and Atmospheric Administration

FISHERMAN MANAGEMENT PLAN FOR COMMERCIAL TROLL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Availability of Draft Environmental Impact Statement/Fishery Management Plan and Notice of Public Hearings

Pursuant to Title III of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) the Pacific Fishery Management Council prepared a fishery management plan for commercial troll and recreational salmon fisheries off the coasts of Washington, Oregon, and California which was approved by the Secretary of Commerce (42 FR 21415). The Pacific Marine Fishery Council and
NOAA have jointly prepared a draft environmental impact statement for the proposed revision of the fishery management plan in accordance with section 102(2) (C) of the National Environmental Policy Act of 1969.

The draft revised plan includes an extensive range of alternatives for public review as well as clearly identified preferred options, allowing the public to focus on the kind of ocean management regime that the Pacific Fishery Management Council is contemplating. The proposed regulatory pattern is largely the same as it was during 1977. The Council will not make its final decisions on the proposed revisions until the public review process is complete. Written comments may be submitted on or before December 12, 1977, to the Chairman, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, or to the Regional Director, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

Individuals or organizations wishing to comment on the draft environmental impact statement/fishery management plan may also do so at public hearings to be held at the times and locations listed below:

<table>
<thead>
<tr>
<th>City</th>
<th>Time and date, 1977</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monterey, Calif.</td>
<td>Nov. 19, 11 a.m.</td>
<td>Steinbeck Forum, Conference Center, 1 Forata Plaza, Monterey 93940.</td>
</tr>
<tr>
<td>Astoria, Ore.</td>
<td>Nov. 20, 1 p.m.</td>
<td>Auditorium, Astoria Middle School, 1100 Klatskin Ave., Astoria 97103.</td>
</tr>
<tr>
<td>Lewiston, Idaho</td>
<td>Nov. 21, 7 p.m.</td>
<td>Morgan's Alley Theater, 300 Main St., Lewiston 83504.</td>
</tr>
<tr>
<td>Coos Bay, Ore.</td>
<td>Nov. 22, 5:30 p.m.</td>
<td>Auditorium, Coos Bay Public Library, 653 West Anderson, Coos Bay 97420.</td>
</tr>
<tr>
<td>Eureka, Calif.</td>
<td>Nov. 22, 7:30 p.m.</td>
<td>Carson Building Auditorium, Haris and J Sts, Eureka 95501.</td>
</tr>
</tbody>
</table>

Copies of the draft environmental impact statement/fishery management plan are available for inspection at the following locations:

Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.
National Marine Fisheries Service, Lake Union Building, Room 210, 1700 Westlake Avenue North, Seattle, Washington 98109.
National Marine Fisheries Service, Room 483, Federal Building, 709 West Ninth Street, Juneau, Alaska 99801.
National Marine Fisheries Service, Room 2024, U.S. Customs Building, 330 South Ferry Street, Terminal Island, California 90731.
Environmental Science Information Center, Page Building 2, Room 193, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

This Notice of Availability is being published at the request of and in cooperation with the Pacific Fishery Management Council.


JACK W. GEBRINGER,
Deputy Director,
National Marine Fisheries Service.

[PR Doc.77-31259 Filed 10-27-77 7:45 am]

[3510-25] Office of the Secretary

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 50 U.S.C. App. I (Supp. V, 1976) and the Office of Management and Budget Circular A-63 of March 1974, and after consultation with members of the Committee, the Assistant Secretary for Administration has determined that the renewal of the Electronic Instrumentation Technical Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

The Committee was initially established by the Secretary of Commerce on October 25, 1968, pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, 50 U.S.C. Appendix, notice is hereby given of a meeting of the Committee on Tuesday, November 14, 1978, at 10:00 a.m. in the Board Room, 1215 'S.W. 4th St., Portland, Oregon 97201.

The meeting will be held Monday and Tuesday, November 14-15, 1977, at the Savoy Room, at 10:00 a.m. and adjourn about 5:00 p.m. on November 15, 1977. The meeting will be held Monday and Tuesday, November 14-15, 1977, at the Savoy Room, at 10:00 a.m. and adjourn about 5:00 p.m. on November 15, 1977.

PROPOSED AGENDA
1. Consideration of development of fishery management plans.
2. Organization of the Council, including fishery advisory panels and management development teams, and operational procedural matters.
3. Other committee business.

The Pacific Fishery Management Council will meet in the Savoy Room, at 1:00 p.m and adjourn about 5:00 p.m. on November 14, 1977, and reconvene at 1:00 p.m. and adjourn about 5:00 p.m. on November 15, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA
November 14
1. Organization of the Council, including its staff, advisory panels, and committees and operational and procedural matters.
2. Consideration of fishery management plans for salmon, groundfish, anchovy, squid, Dungeness crab, and/or pink shrimp.

November 15
1. Closed session to discuss classified material in connection with the renegotiation of the International North Pacific Fisheries Commission, and continuing negotiations with the Canadians.
2. Continuation of consideration of Fishery Management Plans.
3. Other management business.

The meeting is open to the public. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Larry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.E. Mill Street, Second Floor, Portland, Oregon 97201; Telephone: (503) 221-6601.

A closed session of the Council is planned for the early morning of the last day, November 16, from 8:00 a.m. to 10:00 a.m. to hear Department of State reports and other related Council business in connection with the renegotiation of the International North Pacific Fisheries Commission, and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on October 21, 1977, pursuant to Section 10(a) of the Federal Advisory Committee Act, that the agenda items covered in closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items are concerned with matters authorized to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5347, Department of Commerce.)


WINFIELD E. MENTZEL, Associate Director, National Marine Fisheries Service.

[FR Doc.77-31283 Filed 10-27-77 7:45 am]
The Task Force was established by an August 4, 1977 Presidential memorandum, to identify the discriminatory practices and conditions that confront women entrepreneurs or that discourage women who desire to become entrepreneurs. This memorandum made the Secretary of Commerce responsible for appointing a staff to carry out the Task Force instructions, and stated that the Commerce Department designate to the interagency group would chair the Task Force. The Task Force staff must report its findings and recommendations to the President by February 1978.

As authorized by 5 U.S.C. 301, 15 U.S.C. 1512 and 44 U.S.C. 3101, the Task Force and its staff will maintain records containing personal background and experience data on individuals communicating with or possessing knowledge or skills of relevance to the Task Force. They will use the resource to identify and assess existing data; identify discriminatory practices and conditions; assess current Federal programs and practices that maintain or mitigate discrimination; and propose changes in Federal law, regulation and practice, and assess their impact on the Federal budget.

As required by the Privacy Act, the Commerce Department submitted a New System Report dated October 12, 1977 to the Congress and to the Office of Management and Budget.

Although the Act requires the opportunity solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice.

Inasmuch as there is considerable technical input from industry, the information and recommendations could not be obtained as effectively from other sources within the Department, from other advisory committees of the Department, or from another Federal agency.

Pursuant to its charter, the Committee will consist of not more than 35 members from industry and government who are appointed by the Assistant Secretary for Domestic and International Business.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1617H, U.S. Department of Commerce, 14th & E Streets, NW., Washington, D.C. 20230, telephone, A/C 202-377-4195.

Date: October 21, 1977.

ELS A. PORTER,
Assistant Secretary for Administration.

[3510-17]

Office of the Secretary
PRIVACY ACT OF 1974

Proposed New System of Records

The purpose of this notice is to propose a Privacy Act System of Records for the Interagency Task Force on Women Business Owners entitled: Talent and Experience File of Women's Business Experts, COMMERCE/WBO-1.

The purpose of this new system is to develop an information and talent resource comprised of individuals having knowledge of women's business operations, problems and discriminations.
NOTICES

[6820–33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.


ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2005 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703–557–1145.

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a) (2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7530

Notebook, Stenographer’s, 7530–00–223–7039. Increase from 2,100,000 annually to 100% annually.

C. W. Fletcher, Executive Director.

[FR Doc.77–31274 Filed 10–27–77; 8:45 am]

[3125–01]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

The following is a list of environmental impact statements received by the Council on Environmental Quality from October 17th through October 21st, 1977.

The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this Federal Register notice of availability.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE


FOREST SERVICE

Draft

Almanor Unit Plan, Lassen N.F., Plumas, Tehama, and Lassen Counties, Calif., October 18: Proposed is a land use plan for a portion of the Almanor Ranger District, Lassen National Forest in Plumas, Tehama, and Lassen Counties, Calif. The plan applies to 148,003 acres of National Forest land within an area containing approximately 220,103 acres. The Unit contains the Butt Mountain Inventoried Roadless area. Four alternative plans are currently under consideration; the preferred alternative provides for a basic continuation of the management now being carried out under the District Multiple Use Plan, but places the written plan in a format and terminology consistent with present Forest Service direction.

(ELR Order No. 71258.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Geller, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–377–4336.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Atlantic Clam Fishery Management, October 17: The Mid-Atlantic Regional Fisheries Management Council has proposed the adoption of this management plan for surf clams and ocean quahogs caught off the Mid-Atlantic and Northeastern U.S. The objectives of the plan are to rebuild the declining Surf Clam stocks within a 10 year period; minimize the short term economic dislocation; prevent overfishing of the ocean quahog stocks. Few adverse effects are anticipated. Comments made by: DOG, USCG, EPA, and state agencies. (ELR Order No. 71252.)

Tanner Crab off Alaska, FMP, Alaska, October 21: Proposed is the adoption and implementation of a fishery management-plan for domestic and foreign commercial fisheries for Tanner Crab in the North Pacific Ocean off the coast of Alaska. The plan recommends restrictions of foreign harvest in the U.S. Conservation Zone to the area of the eastern Bering Sea north of 58 minutes and west of 164 minutes 00 minutes West longitude. This action would effectively protect the foreign harvest of “C. bairdii,” the larger of the two species primarily harvested and the one cur-
NOTICES

 Draft

Stationary Gas Turbines, Proposed Standards. Under Section 111 of the Clean Air Act, these standards shall be established to control oxides of nitrogen and sulfur dioxide from stationary gas turbines whose peak load is equal to or greater than 101 gigajoules per hour output. The number of sulfur dioxide emissions for NOx would be set at 200 parts per million (ppm), which would not exceed 15 percent of useful oxygen and 25 percent of ambient sulfur dioxide concentration. The proposed standard would also include an adjustment factor for gas turbine efficiency and a fuel-bound nitrogen allowance. (EPA Order No. 71251.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWP-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1600 Independence Avenue, S.W., Washington, D.C. 20314 (202-690-6705).

Draft

Sweetwater-Paradise Marshlands, Conservation and Recreation, San Diego County, Calif., October 17: The proposed plan involves construction of recreation facilities and acquisition of acres of the Sweetwater-Paradise Marsh complex for (a) mitigation of effects resulted from construction of the Sweetwater River Flood Control Channel, and (b) preservation of lands for endangered species. As a corollary element of the recommended plan, the San Diego Unified Port District will lease 50 acres of mudflats as a buffer area, and the California Department of Transportation will acquire 11 acres of degraded salt marsh and realign them as a high quality marsh habitat. There are few known adverse impacts. (Los Angeles District) (EPA Order No. 71290.)

Sweetwater River Flood Control Channel, S.B. 54, San Diego County, Calif., October 17: Proposed is a project combining 3.4 miles of earth-bottom trapezoidal channel to provide for flood protection with a state of California freeway project. About 1.9 miles of the channel will be located between the eastbound and westbound lanes of State Route 54. I-5 will be modified with the addition of a southbound lane in lengths of freeway-to-freeway interchange with S.R. 54. The project will include recreation facilities and acquisition of 168 acres of the Sweetwater-Paradise marsh complex. Adverse impacts include loss of 295 acres, 26 of which are salt marsh and mudflats, and increased pollution from saltwater. (Los Angeles District) (EPA Order No. 71291.)

Supplement

Covansene Lake, Nelson Recreation (S-1), Tioga County, Pa., October 17: This statement supplements a final EIS filed with COE in March of 1973. The proposed action is the relocation of the town of Nelson in northern Tioga County, Pa. The proposed action is different from the plan presented in the draft and final EISs on the Covansene Dam and Lake which anticipated displaced recreation of the residents of Nelson. Included in the plan are provisions for a town center comprised of a town hall and fire station, new town roads, sewer and water systems, and three housing areas with a total of 74 housing lots. (EPA Order No. 71285.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the Federal Register for the appropriate EPA contact.

Draft

Stationary Gas Turbines, Proposed Standards. Under Section 111 of the Clean Air Act, these standards shall be established to control oxides of nitrogen and sulfur dioxide from stationary gas turbines whose peak load is equal to or greater than 101 gigajoules per hour output. The number of sulfur dioxide emissions for NOx would be set at 200 parts per million (ppm), which would not exceed 15 percent of useful oxygen and 25 percent of ambient sulfur dioxide concentration. The proposed standard would also include an adjustment factor for gas turbine efficiency and a fuel-bound nitrogen allowance. (EPA Order No. 71251.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4220, Interior Bldgs., Department of the Interior, Washington, D.C. 20210 (202-353-3521).

BUREAU OF OUTDOOR RECREATION

Draft

Ghena State Park, Montgomery County, Md., October 18: Proposed is the acquisition of 49 inholds, and the development of plans, interpretive and recreational facilities within the Gheena State Park. The proposed recreation corridor along the Great Seneca Creek. Approximately 2,701 acres of land will be acquired on the recreation area established. The park has been under active acquisition and development since 1965. Acquisition will result in the dedication of 1,059 acres for parks and open space use and the relocation of 6 families. (EPA Order No. 71290.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202-653-6000).

Draft

Northglen Subdivision, Harris County, Tex., October 17: Proposed is the acceptance of the Northglen Subdivision in Harris County, Tex. for home mortgage insurance purposes. The proposed subdivision encompasses approximately 267 acres and is expected to contain approximately 2100 dwelling units. Adverse impacts include the increased demand of solid waste disposal sites, increased air pollution, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation. (EPA Order No. 71293.)

Final

Summern Subdivision, Texas, Harris County, Tex., October 20: Proposed is the development of 272 acres into a planned community composed of 1,116 single-family homes, with 80 acres for commercial use in Harris Co., Tex. The statement provides for the planning and controlling of a wide range of living accommodations for approximately 4000 people. Adverse effects could include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence upon the automobile for transportation. Comment: made by: EPA, COE, EPA, DOT, and state agencies. (EPA Order No. 71253.)

Woodland Trails West Subdivision, Harris County, Tex., October 21: The proposed action is the acceptance, for HUD/FHFA mortgage purposes, of the 330-acre Woodland Trails West Subdivision located in Harris County, Tex. When completed, the Woodland Trails West Subdivision consists of approximately 400 acres with approximately 0.5 acres located in the subject subdivision. (EPA Order No. 71293.)

DEPARTMENT OF TRANSPORTATION

Final

Jimmy Stewart Airport, Indiana County, Pa., October 18: The project involves the development of the airport in the City of Indiana, Indiana County, Pa. Project includes consists of extension of runway B and land acquisition for extension and approach zones, and stabilization of a windsock and runway debris. A total of 235 acres of land and farmland will be acquired. (EPA Order No. 71290.)

DOMESTIC HIGHWAY ADMINISTRATION

Draft

I-29, I-23 to I-29, Tarrant and Parker counties, Texas, October 10: Proposed project calls for the construction of I-23 from the proposed junction with I-39, 1.0 mile west of the Tarrant-Parker county line, southerly to a junction with I-287 in the vicinity of the Woodland Trail, adjacent to Ennis, Tex. The proposed project will be a four-lane freeway, eight miles in length with controlled access features. Adverse effects include the acquisition of 503 acres of land, disruption...
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DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

New Systems of Records

AGENCY: Department of the Air Force, Secretary of the Air Force, Assistant Secretary of the Air Force (Comptroller).

ACTION: Notification of new systems of records.

SUMMARY: The Department of the Air Force has created three new systems of records subject to the Privacy Act. These new systems are identified as follows: F06608 SAC A, ICBM Maintenance Standardization and Evaluation Program; F06711 AFSC A, Equipment Maintenance Management Program (EMMP); and FV1601 MAC A, Passenger Reservation and Movement Program. These systems are published in their entirety below.

DATES: These systems shall become effective as propose without further notice in 30 calendar days from the date of this publication (November 28, 1977) unless comments are received on or before November 28, 1977, which would result in a contrary determination.

ADDRESS: Send comments to the system manager identified in the particular system notice concerned.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

The Department of the Air Force systems of records notices as prescribed by the Privacy Act have been published in the FEDERAL REGISTER (FR Dec. 77-28656) on September 28, 1977 at 42 FR 50785. The Department of the Air Force submitted three proposed new systems of records on September 14, 1977, pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intentions to establish or alter systems of personal records as required by the Privacy Act of 1974, 5 U.S.C. 552a(a) (Pub. L. 93-579). This OMB Guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCKE,
Director, Correspondence and Directives OASD (Comptroller).

October 25, 1977.

F06608 SAC A

System name: ICBM Maintenance Standardization and Evaluation Program.

System location:

Headquarters Strategic Air Command (SAC), Eighth and Fifteenth Air Force; all SAC missile wings/divisions; 3001 Strategic Missile Evaluation Squadron.

Official mailing addresses are in the Department of Defense Directory in the Appendix to the Air Force's systems notice.

Category of individuals covered by the system:

Intercontinental Ballistic Missile maintenance personnel assigned to Missile Maintenance, Munitions, Communications, and Civil Engineering who have been designated by local maintenance management as being in the evaluation program.

Categories of records in the system:

Evaluation records on technical proficiency, including manual and automated summarized tasks of performance. Administrative records of Evaluation Review Panels, including comments on substandard taskPerformance, required corrective action or training, and follow-up actions.

Authority for maintenance of the system:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine use of records maintained in the system, including categories of users and purposes for the use.

To record individuals maintenance task performance results. This information is used by SAC to determine, rate, and evaluate individual maintenance performance as it contributes to the unit maintenance effort.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, card files, computer magnetic tapes, and computer paper print-outs.

Retrievability:

Filed and retrieved by name, team number, team type, date.

Safeguards:

Records are accessed by person(s) in performance of official duties. Records are stored in locked rooms or cabinets. Records are controlled by computer system software.

Retention and disposal:

Retained on file until superseded, obsolete, or no longer needed for reference. Destroyed when individual permanently leaves duties assigned or in evaluation process. Current records may be forwarded to gaining unit if assigned to another SAC unit. Computerized evaluation records are forwarded periodically to 3001 Strategic Missile Evaluation Squadron. Destroyed by tearing into pieces, shredding, pulping, burning or macerating.

System manager(s) and address:

Director of Missile Maintenance, Headquarters Strategic Air Command, Duluth, St. Louis County, Minnesota, 55218.
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Offutt Air Force Base, Nebraska 68113. Functional Area Managers in addition to Director of Missile Maintenance are: Director of Facilities, Director of Munitions and Director of Communications-Electronics. Field evaluations and statistical analysis of evaluation results are performed by 3901 Strategic Missile Evaluation Squadron, Vandenberg Air Force Base, California 93437. System Managers at installation level are: Chief of Maintenance in Missile Maintenance, Communications, Munitions and Civil Engineering Squadrons.

Notification procedures:
Requests from individuals should be addressed to the system manager of unit to which assigned. Request information by name, grade, and unit of assignment.

Record access procedures:
Individual can obtain access from the system manager of unit to which assigned.

Contesting record procedures:
The Air Force's rules for access to and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:
Information obtained from source documents (such as forms and reports) prepared by or on behalf of the Air Force by boards, committees, panels, auditors, instructors, inspectors, evaluators, and so forth.

Exemptions:

None.

F06711 AFSC A

System name:
Equipment Maintenance Management Program (EMMP).

System location:
Aeronautical Systems Division, Computer Center, Wright-Patterson AFB, OH.

Categories of individuals covered by the system:
Military and civilian personnel in Aeronautical Systems Division, Air Force Avionics Laboratory, Air Force Flight Dynamics Laboratory, Air Force Aero Propulsion Laboratory, Air Force Materials Laboratory, Air Force Human Resources Laboratory and Aerospace Medical Research Laboratory at Wright-Patterson AFB having custody of high value precision measurement equipment.

Categories of records in the system:
Equipment maintenance management data on equipment signed out to individuals by equipment item number, model number, date checked out, Office symbol, calibration due date, user security number and name.

Authority for maintenance of the system:
10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by and Executive order 9397, 22 November 1943, Number System for Accounts Relating to Individual Persons.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:
Maintain maintenance and management control of high value equipment including issuance, security and storage, and recalibration.

Policies and procedures for storing, retrieving, accessing, retaining, and disposing of records in the system:
Storage:
Maintained on computer magnetic tapes and computer paper printouts.

Retrievability:
Records may be retrieved by custodian name and social security number or by equipment ID number and manufacturer.

Safeguards:
Computer records are maintained under systems software with password control. Printouts are kept in locked cabinets and lockers. Offices and buildings are locked after duty hours.

Retention and disposal:
Printouts are kept up to a two weeks maximum and then destroyed by tearing into pieces.

Systems manager and address:
Air Force Wright Aeronautical Laboratory, Logistics Office, Assistant for Operations, Wright-Patterson AFB, OH 45433.

Notification procedure:
Requests from individuals should be addressed to the system manager. Requests will be required to supply full name and office symbol or name of immediate supervisor for telephone requests; full name, driver's license or base card for personal visits.

Record access procedures:
Individual can obtain assistance in gaining access from the System Manager, telephone area code 515-255-4522.

Record source categories:
Individuals and automated systems interface.

Systems exempted from certain provisions of the act:
None.

F07601 MAC A

System name:
Passenger Reservation and Movement System.

System location:
Headquarters Military Airlift Command (MAC), Scott AFB, Illinois; Aerial Ports of Embarkation and Debarkation, military airfields or installations (all services), certificated air carriers at civil (commercial) airports, and any activity or agency responsible for initiating or receiving a request for the movement of personnel and their baggage; manifesting, tracking and billing actions; and statistical data collection. Office and mailing addresses are in the Department of Defense directory or the current United States Government manual. Commercial air carrier addresses are listed in the Official Airlines Guide.

Categories of records covered by the system:
Military, civilian, statutory, congressional and others sponsored by the Secretary of Defense or Military Services Secretaries. The Executive Office, Executive departments, independent agencies, Legislative Branch and the Judicial Branch.

Categories of records in the system:
Travel orders, transportation authorizations, and passenger name records.

Categories of information in the passenger name record include but are not limited to: Name, grade, seats required; reservation identification code (RIC) which is assigned by a requesting activity or individual passengers and is the social security or other unique identifier; origin, destination, requested travel dates, routing indicator (identifies the activity/ installation requesting the reservation), cancellation and type standby codes (identifies the reason the passenger did not depart as scheduled); flight number, departure date and reporting time, and other administrative coding as determined by a Service activity or MAC to facilitate the completion of travel to include baggage tracer and billing actions. The passenger name record is a complete listing of all transportation related administrative actions related to individual passengers.

Authority for maintenance of the system:
10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
Passenger name records are used to prepare aircraft manifests for passenger identification processing and movement on military aircraft (includes contract (charter) aircraft) and on seats reserved (blocked) on regularly scheduled commercial aircraft at military and civilian airports. Records in this system are also used to: (a) Develop billing data to the user Military Services or other organizations; (b) determine passenger movement trends; (c) forecast future travel requirements; (d) identify trends; and (e) conduct research, and resolve transportation related problems. In addition, records may also be used as the basis of disciplinary action initiated by the requesting activity; and the conduct of official investigations. Records from the system are routinely disclosed to other Federal agencies and offices provided transportation, and to civilian airlines and airports for transportation services.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:
Maintained in file folders, notebooks/binders, card files, computer paper printouts, computer magnetic tapes, disks, microfiche or rolled microfilm.

Retrievability:
Records on this system may be retrieved by any of the following means:
- By name—RIC (SSN)—channel
- flight number, movement channel, type
- transaction, type travel, special passenger category, type standby code, passenger cancellation reason code.

Safeguards:
Records are stored in locked cabinets, rooms or buildings. Records are accessed by the custodian and person(s) responsible for servicing the record system in performance of their official duties. Access controlled by the manager and restricted to authorized personnel and, executive software sign on procedures and control access to the computer data base.

Retention and disposal:
Transportation authorizations and orders are retained in office files for two years after the annual cutoff, then destroyed. Other records in the system are retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. These records are destroyed by one of the following means:
- By tearing into pieces
- shredding, pulping, macerating, burning, burial, or degaussing in the case of magnetic computer media.

System manager(s) and address:
Director of Terminal Operations, Deputy Chief of Staff, Air Transportation, Headquarters Military Airlift Command, Scott AFB, Illinois 62225.

Notification procedure:
Requests from individuals should be addressed to the Systems Manager. Full name, reservation identification code, and movement channel are required for inquiries.

Record access procedures:
Individuals can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notice.

Contesting record procedures:
The Air Force rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:
Information obtained from military transportation and personnel activities, individuals requesting air travel or from other agencies designated to arrange air passenger reservations.

[FR Doc. 77-31192 Filed 10-27-77; 8:45 am] [3810-70]
Office of the Secretary of Defense
WAGE COMMITTEE
Closed Meetings
Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 6, 1976, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 2, 1978; Tuesday, January 9, 1978; Tuesday, January 16, 1978; Tuesday, January 23, 1978; and Tuesday, January 30, 1978 at 9:45 a.m. in Room 12801, The Pentagon, Washington, D.C.
The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.
Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are 'concerned with matters designated in section 552b of Title 5, United States Code.' Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 U.S.C. 552b(c)(2)), and the discussion of "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)). Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of labor establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(b)(4)).
However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 31283, The Pentagon, Washington, D.C.

MAURICE W. ROGUE,
Director, Correspondence and Directives OASD (Comptroller).
October 25, 1977.

[FR Doc. 77-31192 Filed 10-27-77; 8:45 am]

[6740-02]
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
(Docket No. CP78-6)
ALABAMA-tennessee natural gas co.
Application
October 19, 1977.
Take notice that on October 7, 1977, Alabama-Tennessee Natural Gas Co. (Applicant), F.O. Box 918, Florence, Ala. 35628, filed in Docket No. CP78-6 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpreta-tions (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for 2 years for Reynolds Metals Co., a direct customer of Applicant, for more fully set forth in the application on file with the Commission and open to public inspection.
It is indicated that Reynolds would purchase up to 2,500 MCF of natural gas per day from Mitchell Energy Corp. and Henry Goodrich, d.b.a. Goodrich Oil Co. (Mitchell and Goodrich) in Listerhill, Ala., for plant protection and process needs which are classified in Priority 2 category and for which there exist no other feasible alternate fuel. Reynolds would use the subject gas for the heating, reheating and annealing of aluminum ingots, bars, and coils during rolling and other stages of the manufacturing operation, it is said. It is stated that Reynolds would pay Mitchell and Goodrich for the subject gas a price as follows:
(a) During the first year of the term of the contract a price of $1.68 per million Btu's.
(b) Effective one year after the date of first deliveries, the price would become $1.78 per million Btu's.

Applicant indicates that Reynolds would make all arrangements with Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), and United Gas Pipeline Co. (United) to have said quantities of natural gas delivered to Applicant at Tennessee's Corinth Sales Delivery Point located in Alcorn County, Miss. for its account. Applicant states that it would receive for the account of Reynolds at said Corinth Sales Delivery Point daily volumes of natural gas of up to 2,500 MCF per day and would transport and deliver to Reynolds at Applicant's existing Sales Delivery Point such volumes.
Applicant indicates that Reynolds would pay Applicant for the proposed transportation service a price which would consist of a volume charge equal to the sum of 20.0 cents per Mcf multiplied by the total of the scheduled daily volumes during such month, times a fraction, the numerator of which is the average monthly Btu of the gas delivered and a denominator of which is the average price charged stated above which would be subject to a minimum monthly bill charge equal to
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the sum of 20.0 cents multiplied by the maximum daily quantity (2,500 Mcf per day) multiplied by the number of days in the month supplied by 75 percent, it is said. It is stated that in the event that Producers daily deliveries become less than the maximum daily quantity, then the minimum monthly bill as calculated above would be applied to the volume Producers are able to deliver.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.101). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

The procedure herein provided for, unless otherwise advised, it will be necessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLYMB, Secretary.

[FR Doc.77-31204 Filed 10-27-77;8:45 am]

[6740-02]

COLUMBIA GAS TRANSMISSION CORP. Application

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, SE, Charleston, W. Va. 25314, filed in Docket No. CP78-20 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c) for a certificate of public convenience and necessity. The application, during the 12-month period beginning March 1, 1978, and operation of facilities to make miscellaneous re-arrangements which would not result in any material change in the service presently rendered by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.
to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.


[6740–02]

COLUMBIA GAS TRANSMISSION CORP.

Application

October 20, 1977.

Take notice that on October 14, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, W. Va. 25314, filed in Docket No. CP78–19 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period beginning March 1, 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant’s ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas available from various producing areas generally co-extensive with its pipeline system or the system of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $6,500,000, with no single project to exceed $1,500,000. The cost of the facilities would be financed from funds generated from internal sources, it is said.

Any person desiring to be heard or to make any reference to said application should on or before November 15, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing thereon must file a petition to intervene in accordance with the Commission’s Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission’s Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.


[6740–02]

COLUMBIA GAS TRANSMISSION CORP.

Application

October 20, 1977.

Take notice that on October 14, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, W. Va. 25314, filed in Docket No. CP78–21 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period commencing March 1, 1978, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant’s ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in diminishing Applicant’s system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, with no single project to exceed $500,000. These costs would be financed from funds generated from internal sources, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing thereon must file a petition to intervene in accordance with the Commission’s Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission’s Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.


[6740–02]

CONSOLIDATED GAS SUPPLY CORP. AND EQUITABLE GAS CO.

Application

October 20, 1977.

Take notice that on October 14, 1977, Consolidated Gas Supply Corp. (Supply), 445 West Main Street, Clarksburg, W. Va. 26301 and Equitable Gas Co. (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pa. 15219, (Applicants) filed in Docket No. CP78–22 a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention and operation, as an additional point of exchange deliveries under an existing natural gas exchange arrangement dated February 9, 1972, between Applicants, of a pipeline interconnection located near Oxford, Doddridge County, W. Va., all as more fully set forth in the application on file with the Commission and open to public inspection.
Federal Energy Regulatory Commission on its own review of the matter finds time required herein, if the Commission orders said authority to exchange natural gas in West Virginia in accordance with the February 9, 1972 agreement, which agreement has been filed by Equitable as its Rate Schedule X-6, and by Supply Corp. as its Rate Schedule X-14, in their respective FPC Tariffs, Volume No. 2. It is stated that in accordance with the subject agreement, Equitable delivers natural gas to Supply Corp. near Pine Grove, W. Va., and, in addition, furnishes gas to Supply Corp. as required on an emergency basis near Littleton, W. Va.; Supply Corp. re-delivers equivalent or substantially equivalent volumes to Equitable near Fairmont, W. Va.

It is indicated that pursuant to the Federal Power Commission’s order of August 2, 1972, in Docket No. CP72-249, applicants were granted authorization to exchange natural gas in West Virginia in accordance with the February 9, 1972 agreement, which agreement has been filed by Equitable as its Rate Schedule X-6, and by Supply Corp. as its Rate Schedule X-14, in their respective FPC Tariffs, Volume No. 2. It is stated that in accordance with the subject agreement, Equitable delivers natural gas to Supply Corp. near Pine Grove, W. Va., and, in addition, furnishes gas to Supply Corp. as required on an emergency basis near Littleton, W. Va.; Supply Corp. re-delivers equivalent or substantially equivalent volumes to Equitable near Fairmont, W. Va.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1977, file a petition to intervene or protest with the Federal Power Commission. Any person wishing to become a party to a proceeding or to participate as a party in any hearing thereof must file a petition to intervene in accordance with the Commission’s Rules of Practice and Procedure (18 CFR 1.10). For the submission of comments, protests will be considered by the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before November 14, 1977.

Kenneth F. Plum, Secretary.

[FR Doc. 77-32324 Filed 10-27-77; 8:45 am]

[6740-02 ]

[DOCKET NO. ID-1137]

EL PASO NATURAL GAS CO.

In Informal Conference

October 20, 1977.

Take notice that on November 22, 1977, at 10:00 A.M., an informal conference of all interested persons will be convened concerning the above-captioned matter. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss (1) the issues presented by the United States Court of Appeals for the District of Columbia Circuit remanding Southern Unel Gas Company v. Federal Power Commission, et al., (No. 75-1600, Decided June 18, 1976), (2) the Notice Pre-prescribing Procedure for the Submission of Comments Regarding Issues Presented by Court Rer-eval, issued June 18, 1976, (3) the comments filed in response to said notice, and (4) all parties will, additionally, be expected to comment on any procedures the Commission may adopt for settlement or stipulations discussed at the conference.

Kenneth F. Plum, Secretary.

[FR Doc. 77-32325 Filed 10-27-77; 8:45 am]

[6740-02 ]

[DOCKET NO. CP76-19]

FLORIDA POWER & LIGHT CO.

Tariff Change

October 29, 1977.

Take notice that Florida Power & Light Co. (FPL), on October 14, 1977, tendered for filing proposed changes in sheets 5 through 10 of its Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from sales for resale at 10.743% based on the twelve month period ending December 31, 1978.

FPL states that it expects to earn a rate of return under present rates from service to six full year sales for resale customers of only 6.92%, and a rate of return of only 5.61% from service to its three partial requirements customers during the Period II test year, which is the 12 months ending December 31, 1978, and that the proposed rates are designed to enable the Company to have the opportunity of earning rates of return more nearly appropriate to that required for it to attract necessary capital for its construction program if it is to continue to provide adequate service for its customers.

Copies of the applicable portions of the filing were served upon FPL's sale-for-resale customers and upon the Florida Public Service Commission.

The Company requests an effective date of January 1, 1978.

Kenneth F. Plum, Secretary.

[FR Doc. 77-32319 Filed 10-27-77; 8:45 am]
NOTICES

Federal Energy Regulatory Commission

[6740-02] (Docket No. EL77-697)
GEORGIA POWER CO.

Extension of Time

OCTOBER 21, 1977.

On October 21, 1977, Staff Counsel filed a motion for a further extension of time to file comments on the Settlement Agreement submitted by the Georgia Power Co. August 17, 1977, and noticed August 30, 1977, in the captioned proceeding. A previous extension of time to and including October 21, 1977 was granted by Notice issued October 7, 1977. The instant motion states that all parties concur in the request.

Upon consideration, notice is hereby given that a further extension of time is granted to and including October 28, 1977, for filing comments on the proposed Settlement Agreement.

KENNETH F. PLUMB,
Secretary.

[F.R. Doc. 77-31182 Filed 10-27-77; 8:45 a.m.]

[6740-02] (Docket No. EL-8015)

LOUISIANA POWER & LIGHT CO.

Compliance Filing

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Louisiana Power & Light Co. (L&P) tendered for filing, pursuant to Ordering Paragraph (D) of the Federal Power Commission's Opinion No. 813, issued July 21, 1977, a report showing monthly billing determinants and revenues for service rendered by L&P to its rural electric cooperative customers under prior, present, and adjudicated rates, monthly adjudicated rate interest, monthly rate refund, and the monthly interest computation, together with a summary of such information for the period, September 1974 through September 1977.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before November 7, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[F.R. Doc. 77-31187 Filed 10-27-77; 8:45 a.m.]

[6740-02] (Docket No. CP78-18)

MICHIGAN WISCONSIN PIPE LINE CO. ET AL

Pipeline Application

OCTOBER 19, 1977.

Take notice that on October 14, 1977, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), Transcontinental Gas Pipe Line Corp. (Transco), United Gas Pipe Line Co. (United), Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Co. (Trunkline) (collectively referred to as Applicants), filed in Docket No. CP78-18 an application pursuant to Section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities necessary to connect gas supplies located in High Island Blocks A-309, A-312, A-327 and A-332, offshore Texas, to the certified pipeline system of High Island Offshore System (HIOS), and for service rendered during the refund period, September 1974 through September 1977.

The application states that the proposed pipeline facilities have been divided into four segments for purposes of determining the ownership in varying percentages among the Applicants as to each segment. The first segment will extend from a point on HIOS pipeline in Block A-322 to a production platform which will be connected to the producer's platform in Block A-309 in a southerly direction to the upstream (north) side of the side valve assembly in Block A-312, and is estimated to cost $2,271,350 while the cost of the two 8' diameter runs are estimated to be $165,040. The application states that since Michigan Wisconsin is the only one of the Applicants who has obtained a commitment of reserves in Block A-309, it will own a 100 percent interest in the Block 309-312 Lateral and the two 8' diameter runs.

BLOCK 312-327 LATERAL

Applicants state that the second segment of facilities is comprised of 4.3 miles of 16" diameter pipeline extending from the southerly terminus of the Block 309-312 Lateral to the upstream (north) side of the point where the stub line will interconnect with the 16" line on the common boundary of Blocks A-327 and A-332. Applicants state that the Block 312-327 Lateral will transport Michigan Wisconsin's Block A-309 reserves, the Block A-312 reserves of Michigan Wisconsin, United and Trunkline (and its affiliate, Panhandle Eastern Pipe Line Co. (Panhandle)) and, when such become available, the Block A-312 reserves of Michigan Wisconsin, United and Tranco. The application indicates that in accordance with the terms and conditions set forth in an Ownership Agreement dated May 23, 1977 between Michigan Wisconsin, Transco and United, the parties have agreed to jointly construct, own, and operate the Block 312-327 Lateral. As set forth in that agreement, 24.5% of the total cost of $2,939,760 for the Block 312-327 Lateral, the application indicates that Michigan Wisconsin will contribute $1,757,020 of the total cost, Transco will contribute $886,470 and United will contribute the remaining $90,270, and that operating expenses will be shared by Michigan Wisconsin, Transco and United in the same ratio as their respective ownership interests.

BLOCK 327-332 LATERAL

The application further indicates that the third segment of facilities is comprised of 0.2 mile of 12" pipeline extend-
ing from a point on the 16" pipeline at the common boundary of Blocks A-327 and A-332 in a westerly direction to the Block 327-332 production platform (the Block 327-332 Lateral) together with three 4" meter runs which will be installed on the platform. Applicants state that Blocks A-327 and A-332 are being developed as a single field, and the Block 327-332 Lateral will transport reserves committed to Michigan Wisconsin, United, Trunkline (and its affiliate, Panhandle) and Natural from the two blocks. The application indicates that in accordance with the terms and conditions set forth in an Ownership Agreement dated May 23, 1977 between Michigan Wisconsin, Trunkline, and United, Trunkline and United will own an undivided interest of 39.4% and United will own an undivided interest of 42.6% in the Block 327 Lateral while United will own 80.0 percent, Natural will own 2.7 percent, Transco will own 11.3 percent and Trunkline will own the remaining 21.1 percent. Accordingly, with respect to the total estimated cost of the Block 327 Lateral of $2,127,340, Michigan Wisconsin will contribute $1,702,190, Natural will contribute $58,180, Transco will contribute $167,220, and Trunkline will contribute the remaining $448,870. Operating expenses will be considered according to the same ratio as their respective ownership interests.

The application indicates that the facilities for which authorization is requested will be financed with funds on hand, funds generated internally, borrowings under revolving credit agreements or short term financing by Applicants.

Any person desiring to be heard or to make any protest with reference to said application, on or before November 3, 1977, should file a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.6 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the proceeding Binclusive of the protest. Anyone wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on the question of whether the Commission will intervene in the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH P. PLUMMER, Secretary.

[FR Doc.77-31397 Filed 10-27-77; 8:45 am]

October 20, 1977.

Take notice that on October 11, 1977, Michigan Wisconsin Pipe Line Co. (Application No. CP78-8) filed a petition in accordance with the requirements of the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on the question of whether the Commission will intervene in the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

The application states that by two gas storage agreements dated October 31, 1976, and November 1, 1976, respectively, between Michigan Consolidated and Panhandle Eastern Pipe Line Co., Michigan Consolidated agreed to provide Panhandle with an annual storage service of up to 11,000,000 Mcf of natural gas for a 7-year period terminating on April 1, 1984. The application further states that the October 31st agreement provides, among other things, that up to 6,000,000 Mcf of natural gas would be delivered by Panhandle to Michigan Consolidated for storage service between March 1 and October 31 (the Summer Period), and equivalent volumes would be re-delivered, or caused to be re-delivered, by Michigan Consolidated to Panhandle between November 1 and March 31 (the Winter Period). The October 31st agreement further provides that the rate of re-delivery from Michigan Consolidated to Panhandle during the Winter Period would be 60,000 Mcf per day between November 1 and March 1 or until 93 percent of the annual storage quantity has been re-delivered, whichever would first occur, and thereafter the rate of re-delivery would be 18,000 Mcf per day. It is said.

It is indicated that the November 1, 1976, agreement provides, among other things, that up to 5,000,000 Mcf would be delivered by Panhandle to Michigan Consolidated for annual storage during the Summer Period and equivalent volumes would be re-delivered to Panhandle predicated upon Michigan Consolidated's ability to make re-deliveries but in any event not to exceed the quantities set forth in the following schedule:

<table>
<thead>
<tr>
<th>Month</th>
<th>Re-delivery Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1</td>
<td>60,000 Mcf/day</td>
</tr>
<tr>
<td>November 1</td>
<td>5,000,000 Mcf</td>
</tr>
<tr>
<td>March 1</td>
<td>5,000,000 Mcf</td>
</tr>
<tr>
<td>November 1</td>
<td>5,000,000 Mcf</td>
</tr>
</tbody>
</table>
NOTICES

[Federal Register Volume 42, Number 208, Pages 56782-56784]

[6740-02] MISSISSIPPI POWER CO.
Compliance Filing

October 21, 1977.

Take notice that on October 4, 1977, Mississippi Power Co. (MPCo) filed revised tariff sheets pursuant to the Order Approving Settlement Agreement issued September 21, 1977, in this Docket. The revised tariff sheets are:

1. Sixth Revised Sheet No. 3.
2. Seventh Revised Sheet No. 4.
3. Third Revised Sheet No. 10.
4. Fourth Revised Sheet No. 12.

MPCo states that revised sheets supersede and are identical to the sheets which were attached to the settlement agreement with the exception of the "Issued on" information.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 285 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed by October 31, 1977. Petitions or protests which were considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding, any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

[Federal Register Volume 42, Number 209, Pages 56784-56787]
D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed by October 31, 1977. Petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make petitioners parties to the proceeding. Any person wishing to become a party to the proceeding or to intervene must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMLE, Secretary.

[FR Doc.77-31198 Filed 10-27-77;8:15 am]

[6740-02 ]

[Docket No. CP78-24]

MOUNTAIN FUEL SUPPLY CO.

Application

October 20, 1977.

Take notice that on October 14, 1977, Mountain Fuel Supply (Applicant), 150 East Pinyon Street, Salt Lake City, Utah 84139, filed in Docket No. CP78-24 an application pursuant to Section 7(g) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the proposed use and/or operation of constructed facilities in the transmission of natural gas in interstate commerce and/or the rendition of natural gas service to ultimate consumers along the route of Applicant's transmission pipelines within its distribution service areas, as designated by the Public Service Commissions of either Utah or Wyoming, as more fully set forth in the application on file with the Commission.

Applicant states that the in-service facilities for which it seeks authorization are as follows:

1. Thirty-six pipeline taps in the Wyoming community areas of Rock Springs, Evanston, and Green River. These taps facilities serve either individual consumers of natural gas or are utilized to feed natural gas from Applicant's transmission lines into its distribution services for delivery to consumers.

2. Replacement and upgrading approximately 13.6 miles of pipeline, Feeder Line No. 3 (Evansfield Feeder Line), running from Applicant's main line to its distribution system in Evanston, Wyo.

3. During the middle 1960's, incident to the construction of a storage dam (Echo Dam), all of the utility facilities in the area, including a segment of Mountain Fuel's 14-inch transmission facilities approximately 4.5 miles in length, running between the Utah communities of Echo and Henefee, were required to be taken up and relocated. In the process of relocating, the 4.5 mile segment was replaced with 16-inch transmission line. The relocation work was commenced in 1956, and during the 1960's Applicant replaced the remainder of the transmission line extending from Coalville to Ogden, Utah, in accordance with certificate authorization issued by the Federal Power Commission in Docket No. CP64-207 and CP65-283.

4. Applicant has in service approximately 16-inch transmission service, is required and in contributing to its overall ability to serve adequately its distribution service areas in accordance with its certificates of public convenience and necessity granted by the Public Service Commissions of either Utah or Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered and in determining the appropriate action to be taken will not serve to make the petitioners parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority conferred by and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission in its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, if a petition for leave to intervene is timely filed or, if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMLE, Secretary.

[FR Doc.77-31231 Filed 10-27-77;8:45 am]

[6740-02 ]

[Docket No. CP78-1]

SEA ROBIN PIPELINE CO. AND TRANS-CONTINENTAL GAS PIPE LINE CORP.

Joint Pipeline Application

October 19, 1977.

Take notice that on October 3, 1977, Sea Robin Pipeline Co. (Sea Robin) and Transcontinental Gas Pipe Line Corp. (Transco), Applicants herein, filed a joint application for a certificate of public convenience and necessity in Docket No. CP78-1 pursuant to Section 7(c) of the Natural Gas Act, as amended, requesting authorization to acquire through assignment of lease, proportionate interests of 83.19% and 16.81%, respectively, in all rights and properties in a 1,500 Horsepower Compressor facility and related auxiliary equipment to be installed at Block 225, Ship Shoal Area, offshore Louisiana. Furthermore, Sea Robin and Transco request permission to reimburse Southern Natural Gas Co., Exploration and Production Division (Southern S & P), the Operator of Block 225, for all expenses incurred in the transportation, installation, operation, maintenance and rental of such...
NOTICES

[6740-02]

[FR Doc. 77-31209 Filed 10-27-77; 8:45 am]

[6740-02]

[FR Doc. 77-31209 Filed 10-27-77; 8:45 am]

[FR Doc. 77-31209 Filed 10-27-77; 8:45 am]

56748

Transco state that in order to recover additional volumes of gas and increase the production of natural gas from Block 225 which would be lost without such compression, Sea Robin and Transco have elected under their respective Block 225 gas purchase agreements to have the block operator install the compressor and auxiliary equipment which are the subject of the application. Southern Natural Gas Co. (Southern) purchases 5% of the gas produced from this block and Sea Robin will provide the compression service for Southern for an appropriate charge. Significantly, such compression will make approximately 33.5 Bcf of gas available to Sea Robin, Transco and Southern, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before November 3, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 77-31209 Filed 10-27-77; 8:45 am]

TENNESSEE GAS PIPELINE CO.

Pipeline Application

OCTOBER 19, 1977.

Take notice that on October 7, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-16 an application pursuant to Section 7(c) of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission thereunder, for a certificate of public convenience and necessity authorizing the rendition of a natural gas transportation service for Northern Natural Gas Co. (Northern).

Tennessee requests authorization to receive from Northern daily volumes of natural gas, up to a maximum of 5,000 Mcf from SMIT 243, offshore Louisiana, to transport and deliver such volumes to a point near Kinder, La., for the account of Northern. At such point, the gas will be retained by Tennessee as exchange volumes delivered by Northern pursuant to the Exchange Agreement filed at Docket No. CP77-520, provided that authorization is granted at such docket.

Tennessee's ability to render presently authorized service to its customers will not be affected by its proposal.

Tennessee requests that this application be considered under the shortened procedure provided for therein, pursuant to Sections 15 and 16 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 77-31209 Filed 10-27-77; 8:45 am]
NOTICES

[6740-02] [Docket No. CP78-17]
TRANSCONTINENTAL GAS PIPE LINE CORP.
Application
October 20, 1977.
Take notice that on October 14, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1530, Houston, Tex. 77001, filed in Docket No. CP78-17 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of 8.43 miles of 36-inch loop line and a 4,600 horsepower centrifugal compressor unit, and appurtenant facilities, on its Southwest Louisiana Gathering System which system extends from Applicant's main line in Calcasieu Parish, La., which is also connected to Mobil Oil Louisiana, as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the system gathers gas under purchase contracts for Applicant's system and is also utilized to transport gas for the account of others. It is further stated that at the shoreline, near Cameron, La., the Southwest Louisiana Gathering System is connected with the U-T Offshore System (U-TOS), and with Applicant's North High Island Lateral which extends to producing areas in the northern portions of the High Island and Galveston Areas, offshore Texas. Both of these offshore systems transport gas under contract to Applicant and others to the Southwest Louisiana Gathering System for further transportation, it is indicated.

Applicant states that the proposed compressor unit, Station No. 44, would be located on a site adjacent to Mobil Oil Company's (Mobil) Cameron Meadows Plant near Johnson's Bayou, Cameron Parish, La., which is also connected to the Southwest Louisiana Gathering System. Applicant further states that Station No. 44 would compress gas entering the Southwest Louisiana Gathering System through the North High Island Lateral; the proposed loop would be located downsteam from Station No. 15 of the Southwest Louisiana Gathering System at a charge to Susco which would be set forth in the application on file with the Commission. It is further stated that at the shore line, near Cameron, La., the Southwest Louisiana Gathering System connects with Applicant's main line. Applicant further states that Station No. 44 would compress gas entering the Southwest Louisiana Gathering System which system extends from Applicant's main line in Calcasieu Parish, La., which is also connected to Mobil Oil Louisiana, as more fully set forth in the application on file with the Commission and open to public inspection.

[6740-02] [Docket No. CP77-347]
WESTERN GAS INTERSTATE CO.
Petition To Amend
October 20, 1977.
Take notice that on October 13, 1977, Western Gas Interstate Co. (Petitioner), 1600 First International Building, Dallas, Tex. 75207, filed in Docket No. CP77-347 a petition to amend an order of August 23, 1977 (67 FPC —), issued by the Federal Power Commission in the instant docket pursuant to Section 7(c) of the Natural Gas Act and the Commission's Rules of Practice and Procedure (18 CFR 1.10 and 1.110) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therefor must file a petition to intervene in accordance with the Commission's Rules.

Applicant states that the proposed compressor unit, Station No. 44, would be located on a site adjacent to Mobil Oil Company's (Mobil) Cameron Meadows Plant near Johnson's Bayou, Cameron Parish, La., which is also connected to the Southwest Louisiana Gathering System. Applicant further states that Station No. 44 would compress gas entering the Southwest Louisiana Gathering System through the North High Island Lateral; the proposed loop would be located downsteam from Station No. 15 of the Southwest Louisiana Gathering System at a charge to Susco which would be set forth in the application on file with the Commission. It is further stated that at the shore line, near Cameron, La., the Southwest Louisiana Gathering System connects with Applicant's main line. Applicant further states that Station No. 44 would compress gas entering the Southwest Louisiana Gathering System which system extends from Applicant's main line in Calcasieu Parish, La., which is also connected to Mobil Oil Louisiana, as more fully set forth in the application on file with the Commission and open to public inspection.

[6740-02] [Docket No. ER77-463]
VIRGINIA ELECTRIC & POWER CO.
Certification of Proposed Settlement Agreements
October 21, 1977.
Take notice that on October 13, 1977, Presiding Administrative Law Judge Robert F. Pugh, Jr., in Docket No. CP77-380, received a proposed settlement agreement with VEPCO's cooperative and municipal customers in the above-entitled proceeding. The settlement agreement contains the terms and conditions set forth in the application on file with the Commission and open to public inspection.

[FR Doc No. 77-31202 Filed 10-27-77; 8:45 am]

[FR Doc No. 77-31202 Filed 10-27-77; 8:45 am]

[FR Doc No. CP78-17 Filed 10-27-77; 8:45 am]

[FR Doc No. CP77-347 Filed 10-27-77; 8:45 am]

[FR Doc No. CP77-347 Filed 10-27-77; 8:45 am]

[FR Doc No. ER77-463 Filed 10-27-77; 8:45 am]
Well located in Lea County, N. Mex. Petitioner is also seeking authorization to transport for Susco whatever additional production Susco has available for sale from wells now or hereafter drilled in Section 8, in the NW/2 of Section 16, in Section 17, and in the E/2 of Section 18, all in T17S, R36E, Lea County, N. Mex. Petitioner states that it would construct any necessary gathering facilities pursuant to the gathering exemption of Section 2(b) of the Natural Gas Act, and that construction and operation of transportation facilities would be undertaken pursuant to the gas-purchase facilities budget-type certificate issued under Section 157.1(b) of the Regulations under the Natural Gas Act.

It is indicated that gas from the Susco State No. 2 Well is presently being delivered to Petitioner pursuant to a 60-day sale which commenced on August 19, 1977, and that deliveries are being made through a temporary, above-ground gathering line which extends from the wellhead to Petitioner's pipeline. Permanent facilities would be constructed by Petitioner at a later date, at which time the subject gas would be received by Petitioner at the wellhead, it is said. Petitioner indicates that in addition, as a 60-day emergency sale, it installed a tap to receive gas from the Susco State No. 2 Well at an interconnection between its transmission lines and Susco's gathering line. Since continuation of the use of the tap is necessary for receipt of gas from Susco, Petitioner intends to retain the tap in place, it is said.

Petitioner states that pursuant to the gas transportation agreement date July 13, 1977, it would construct and operate the facilities necessary to deliver Susco's production to El Paso (a) for further transportation by El Paso and such others and eventual sale by Susco to Southern Union and (b) for sale to the transporting pipeline. All deliveries covered by this amendment would be subject to quality standards of Rate Schedule T-2, it is said. Petitioner indicates that Section 3 of Rate Schedule T-2 provides that the initial transportation rate would be 17.13 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 9, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.19) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition for intervention in accordance with the Commission's Rules.

KENNETT P. PAYAN, Secretary.

[FR Doc.77-31236 Filed 10-27-77; 7:45 am]

STATE WATER QUALITY STANDARDS

Adoptions and Approvals

The purpose of this notice is to identify State water quality standards, their adoption dates by the States, and their approval dates by the Environmental Protection Agency, pursuant to section 303 of Pub. L. 95-568. The text of any major regulatory action is obtained by contacting the appropriate State agency or EPA Regional Office.

The issuance of notices of State water quality standards approvals as a part of 40 CFR 120 will now occur and such State water quality standards notices are being deleted from that regulation. 40 CFR 120 will be reserved for Federally promulgated water quality standards, which are Federal regulations, whereas, State-adopted, Federally approved water quality standards are State standards and not Federal regulations and will be defined herein to require legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region VII, hereby gives notice that the Kansas State Plan is now a fully approved State Plan.


KATHLEEN Q. CAMIN, Ph. D., Regional Administrator, Region 7.

[FR Doc.77-31235 Filed 10-27-77; 7:45 am]

STATE WATER QUALITY STANDARDS

Adoptions and Approvals

The purpose of this notice is to identify State water quality standards, their adoption dates by the States, and their approval dates by the Environmental Protection Agency, pursuant to section 303 of Pub. L. 95-568. The text of any major regulatory action is obtained by contacting the appropriate State agency or EPA Regional Office.

The issuance of notices of State water quality standards approvals as a part of 40 CFR 120 will now occur and such State water quality standards notices are being deleted from that regulation. 40 CFR 120 will be reserved for Federally promulgated water quality standards, which are Federal regulations, whereas, State-adopted, Federally approved water quality standards are State standards and not Federal regulations and will be defined herein to require legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region VII, hereby gives notice that the Kansas State Plan is now a fully approved State Plan.


KATHLEEN Q. CAMIN, Ph. D., Regional Administrator, Region 7.

[FR Doc.77-31235 Filed 10-27-77; 7:45 am]
System permit effluent limitations for pollutants which are not specifically addressed in the effluent guidelines or for pollutants for which the effluent guidelines are not stringent enough to protect designated water uses. Such standards also serve as a basis for evaluating and modifying Best Management Practices for the control of nonpoint pollution sources and for managing other water-quality related programs of governmental agencies.

STATE ADOPTED/FEDERALLY APPROVED WATER QUALITY STANDARDS

ALABAMA

State water quality standards for the navigable waters of the State of Alabama are those adopted by Alabama as amended by the Alabama Water Improvement Commission on September 17, 1973, and April 19, 1974, and approved by the EPA on January 29, 1974, and May 23, 1974, which are contained in the documents entitled:

1. “State of Alabama Water Improvement Commission Water Quality Criteria,” and
2. “Water Use Classifications for Intersate and Intrastate Waters of the State of Alabama.”

ALASKA

State water quality standards for the navigable waters of the State of Alaska are those adopted by Alaska on August 12, 1973, and approved by the EPA on August 30, 1973, which are contained in the “Alaska Administrative Code”, Register 47 at “Title 18, Environmental Conservation, Chapter 76, Water Quality Standards” as amended together with supporting documents.

AMERICAN SAMOA

State water quality standards for the navigable waters of the Territory of American Samoa are those adopted by American Samoa on July 5, 1973, and approved by the EPA on October 4, 1973, which are contained in the documents entitled “Water Quality Standards for American Samoa, revised June 1973.”

ARIZONA


ARKANSAS

State water quality standards for the navigable waters of the State of Arkansas are those adopted by Arkansas on September 25, 1975, and approved by the EPA and included in the document entitled “Arkansas Water Quality Standards—Regulation No. 2 as Amended September 1975.”

CALIFORNIA

State water quality standards for the State of California are those adopted by California and approved by the EPA on the dates set forth below which are contained in the document entitled: (i) “Water Quality Control Plan for Ocean Waters of California” adopted by the California Water Quality Control Board after the Board on July 6, 1972, and approved by the EPA on August 18, 1972, as amended by Resolution No. 79-5 adopted by the Board on January 17, 1974, and approved by the EPA on March 22, 1974; (ii) “Water Quality Control Plan for the Control of Temperature in the Coastal and Intersate Waters of California” adopted by the Board on May 18, 1972, and approved by the EPA on August 10, 1972, as amended by the following resolutions adopted by the Board on the dates indicated below: (I) No. 73-11 adopted on March 15, 1973, and approved by the EPA on April 19, 1973; (II) Nos. 74-33 adopted on April 18, 1974, and approved by the EPA on May 21, 1974; (III) Nos. 72-72, 75-73, and 75-74 adopted on July 17, 1975, and approved by the EPA on September 2, 1975; (IV) Nos. 75-90 and 75-91 adopted on August 18, 1975, and approved by the EPA on November 13, 1975; and (V) Nos. 75-99 adopted on September 18, 1975, and approved by the EPA on February 6, 1976; (3) State Board Resolution 66-16, “Statement of Policy with Respect to Maintaining High Quality of Waters in California”, adopted by the Board on October 24, 1968, and approved by the Secretary of Interior on January 9, 1969; (4) “Water Quality Control Policy for the Enclosed Bays and Estuaries of California”, adopted by the Board on May 16, 1974, and approved by reference in conjunction with the standards for the EPA on October 22, 1974, which are contained in the “Proposed Water Quality Control Plan, Klamath River Basin” as amended, approved by the Board on April 17, 1975, and approved by the EPA on September 23, 1975; (d) “Water Quality Control Plan, North Coastal Basin, Part 1” as amended, adopted by the Board on April 17, 1975, and approved by the EPA on September 25, 1975; (d) “Water Quality Control Plan, San Francisco Bay Basin, Part 1” as amended, adopted by the Board on April 17, 1975, and approved by the EPA on November 14, 1975; (iv) “Water Quality Control Plan, Control Coastal Basin, Part 1” as amended, adopted by the Board on March 20, 1975, and approved by the EPA on October 24, 1975; (v) "Proposed Water Quality Control Plan Report, Santa Clara River Basin (4A), Part 1" as amended, adopted by the Board on May 13, 1975, and approved by the EPA on September 23, 1975; (vi) "Proposed Water Quality Control Plan Report, Los Angeles River Basin (4B), Part 1" as amended, adopted by the Board on September 23, 1975, and approved by the EPA on October 24, 1975; (vii) "Proposed Water Quality Control Plan Report, Sacramento River Basin (5A), Sacramento-San Joaquin Delta Basin (5B), San Joaquin Basin (5C), Volume 1" as amended, adopted by the Board on August 21, 1975, and approved by the EPA on December 30, 1975; (viii) "Proposed Water Quality Control Plan Report, North Lahontan Basin (6A)" as amended, adopted by the Board on July 17, 1975, and approved by the EPA on January 21, 1976; (x) "Proposed Water Quality Control Plan, South Lahontan Basin" as amended, adopted by the Board on May 13, 1975, and approved by the EPA on September 23, 1975; (xi) "Proposed Water Quality Control Plan, West Colorado River Basin (7)" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on November 13, 1975; (xii) "Proposed Water Quality Control Plan Report, Santa Ana River Basin (8)" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on September 23, 1975; (xiii) "Proposed Water Quality Control Plan for the San Diego Basin" as amended, adopted by the Board on March 20, 1975, and approved by the EPA on November 12, 1976; and (xiv) "Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975,” and “Supplement Including Modification to

**NOTICES**


**COLORADO**


**TERRITORY OF GUAM**

State water quality standards for the navigable waters of the Territory of Guam are those adopted by Guam on April 15, 1968, and approved by the Secretary of the Interior on June 12, 1968, which were amended by Guam on September 25, 1975, and approved by the EPA on June 4, 1974 and March 1, 1976, which are contained in the document entitled "Standards of Water Quality for Waters of the Territory of Guam, April 1985" as amended.

**HAWAII**

State water quality standards for the navigable waters of the State of Hawaii are those adopted by Hawaii on October 29, 1973, and approved by the EPA on May 14, 1974, which consist of the following chapters of the "Public Health Regulations":


**IDAHO**


**DISTRICT OF COLUMBIA**


**FLORIDA**

State water quality standards for the navigable waters of the State of Florida are those contained in the document entitled "Rules of the Florida Department of Pollution Control, Chapter 17-2, Pollution of Waters," as amended by Florida on October 16, 1974, February 12, 1975, and June 27, 1975, and approved by the EPA on December 20, 1974 and December 2, 1975.

**GEORGIA**


**KANSAS**


**KENTUCKY**

State water quality standards for the navigable waters of the Commonwealth of Kentucky are those adopted by Kentucky and approved by the EPA on February 23, 1974, which are contained in the documents entitled:


(b) State water quality standards for the Commonwealth of Kentucky established by Federal promulgation effective January 2, 1976. (FR Vol. 39, No. 239) are amended as identified in 129.162, Subpart C.

**LOUISIANA**

State water quality standards for the navigable waters of the State of Loui-
State water quality standards for the navigable waters of the State of Maine are those adopted by Maine on July 5, 1967 and November 28, 1973, and approved by the EPA on December 17, 1973, which are contained in the document entitled "Department of Environmental Protection, Bureau of Water Quality Control, Regulations 480.1-480.9".

State water quality standards for the navigable waters of the Commonwealth of Massachusetts are those adopted by Massachusetts on July 5, 1967 and May 21, 1974, and approved by the EPA on July 16, 1974, which are contained in the documents entitled:
2. "Volume 2, Water Quality Standards, Blackstone, French and Quinehuahga River Basins, 1967;"
8. "Volume 8, Water Quality Standards, Coastal Waters, 1967;" and
9. "Water Quality Standards, Inland Waters, 1967;" and
10. "Volume 1, Revised Statutes of 1964, Title 39, Sections 363-364, 368-369, and 370-371, as amended; and
11. "Department of Environmental Protection, Bureau of Water Quality Control, Regulations 480.1-480.9;" together with Appendices A and B.

State water quality standards for the navigable waters of the State of Minnesota are those adopted by Minnesota and approved by the EPA on June 16, 1968, November 26, 1969, and November 6, 1973, which are contained in the documents entitled:
1. "WPC 1 Classification and Standards for the Mississippi River and Tributaries from the Rum River to the Upper Lock and Dam at St. Anthony Falls, Filed Commissioner of Administration, June 22, 1964;"
2. "WPC 2 Classification and Standards for the Mississippi River and Tributaries from the Upper Lock and Dam at St. Anthony Falls to the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant, Filed Commissioner of Administration, June 22, 1964;"
3. "WPC 3 Classification and Standards for the Mississippi River and Tributaries from the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant to Lock and Dam No. 2 near Hastings, Filed Commissioner of Administration, June 22, 1964;"
4. "WPC 4 Classification and Standards for the Minnesota River and Tributary Waters from Carver Rapids to the Outlet of Reilly Creek and Grass Lake Below Shakopee, Zone 30-22.4, Approved Commissioner of Administration, November 30, 1965;"
5. "WPC 5 Classification and Standards for the Minnesota River and Tributary Waters from the Outlet of Reilly (Terrell) Creek and Grass Lake Below Shakopee to the Junction with the Mississippi River at Fort Snelling, Zone 22.4-6, Approved Commissioner of Administration, November 30, 1965;"
6. "WPC 6 Classification and Standards for the Mississippi River and Tributary Waters from the Outlet of Reilly (Terrell) Creek and Grass Lake Below Shakopee to the Junction with the Mississippi River at Fort Snelling, Zone 22.4-6, Approved Commissioner of Administration, November 30, 1965;"
7. "WPC 7 Classification and Standards for Eagle Creek and Purgatory Creek and Tributary Waters, Approved Commissioner of Administration, November 30, 1965;"
8. "WPC 8 Classification and Standards for Eagle Creek and Purgatory Creek and Tributary Waters. Approved Commissioner of Administration, November 30, 1965;"
9. "WPC 9 Classification and Standards for Nine Mile Creek and the Credit River and Tributary Waters. Approved Commissioner of Administration, November 30, 1965;"
10. "WPC 10 Classification and Establishment of Standards of Water Quality and Purity for the Red River of the North, the Otter Tail River from Ferris Falls to the Mouth, and the Red Lake River from Crookston to the Mouth, Approved Commissioner of Administration, September 21, 1966. Amended June 5, 1967;"
11. "WPC 11 Classification and Standards of Water Quality and Purity for the Rainy River from the Outlet of Rainy Lake at Rainer to the Minnesota and Ontario Paper Company Dam in International Falls, Approved Commissioner of Administration, December 15, 1966;"
12. "WPC 12 Classification and Standards of Water Quality and Purity for the Rainy River from the Minnesota and Ontario Paper Company Dam in International Falls to the Canadian National Railway Bridge in Baudette, Approved Commissioner of Administration, December 15, 1966;"
14. "WPC 14 Criteria for the Classification of the Inland Waters of the State and the Establishment of Standards of Quality and Purity, Filed Commissioner of Administration, October 4, 1972;"
15. "WPC 15 Criteria for the Classification of Interstate Waters of the State and the Establishment of Standards of Quality and Purity, Filed Commissioner of Administration, October 4, 1973;"
16. "WPC 16 Classification and Establishment of Standards of Water Quality and Purity for Big Spirit Creek, the Blackfoot River, Cuntrup Creek (and Mary Brook), Clear Creek, Deer Creek, the Little Net River, the Net River, North Fork Creek, Shunk Creek, Stateline Creek and Stony Brook, Carlton and Pine Counties, Filed Commissioner of Administration, August 3, 1967;"
17. "WPC 17 Classification and Establishment of Standards of Water Quality and Purity for the Nemadji River System, Carlton and Pine Counties (except waters included in WPC 16.), Filed Commissioner of Administration, August 3, 1967;"
18. "WPC 18 Classification of Underground Waters of the State and Standards for Waste Disposal, Filed Commissioner of Administration, August 14, 1973;"
19. "WPC 19 Classification of Inland Waters of Minnesota, Filed Commissioner of Administration, September 7, 1973;" and
20. "WPC 20 Classification of Interstate Waters of Minnesota, Filed Commissioner of Administration, September 7, 1973."
MISSISSIPPI

NEBRASKA
State water quality standards for the navigable waters of the State of Nebraska are those adopted by the Nebraska Environmental Control Council June 11, 1973, and June 30, 1976, and approved by the EPA on May 14, 1976, and approved by EPA on August 6, 1976, contained in the document entitled "Nebraska Water Quality Standards for Surface Waters of the State," and subsequent revisions on September 10 and December 10, 1976, and approved in part by EPA on March 31, 1977.

NEVADA

1. "Interstate Water Quality Standards and Plan of Implementation, State of Nevada, Department of Health and Welfare, 1967; and

2. "Water Pollution Control Regulations (Exhibit "A"), State of Nevada, Department of Health and Welfare, 1967 as amended; and

3. "Water Pollution Control Regulations, Commission of Environmental Protection, November 14, 1972," as amended; and


The EPA approval of June 7, 1974, excepted sections approving application of NRC 10 to Table 49 of Nevada's water pollution control regulations.

NEW HAMPSHIRE
State water quality standards for the navigable waters of the State of New Hampshire are those adopted by New Hampshire on May 24, 1967 as amended by the Water Supply and Pollution Control Commission on October 31, 1973, and approved by the EPA in December 11, 1973, which are contained in the documents entitled:

1. "New Hampshire Water Quality Standards" together with appendices and supporting documents;

2. "Rules and regulations adopted by the New Hampshire Water Supply and Pollution Control Commission on October 31, 1973; and

3. "RSA, Chapter 149, Section 3".

NEW JERSEY
State water quality standards for the navigable waters of the State of New Jersey are those established by New Jersey and approved by the EPA on April 25, 1975, which are contained in the documents entitled:

1. "New Jersey State Pollution Control Program, Stream Classification, Standards of Quality—Implementation", August 10, 1964, as amended;


NEW MEXICO

NEW YORK
State water quality standards for the navigable waters of the State of New York are those adopted by New York and approved by the EPA on February 23, 1978, which are contained in the documents entitled:


Together with all appendices and attachments thereto and including the antidegradation statement adopted on May 7, 1970, and including the following portions of the document entitled "Division of Water Resources, Chapter X of Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR)" as amended;

1. "Classifications and Standards of Quality and Purity," Parts 700, 701 and 702 of 6 NYCRR, October 20, 1974;

2. "Criteria Governing Thermal Discharges," Sections 704.1, 704.2 and 704.3; except 704.3 exclusive of those provisions permitting exceptions to the water quality criteria contained in those Sections pursuant to Sections 704.5 and 704.6 of 6 NYCRR, as amended on October 20, 1974;


NORTH CAROLINA

NORTH DAKOTA
State water quality standards for the navigable waters of the State of North Dakota...
Dakotas are those adopted by North Dakota on October 9, 1973, and February 2, 1977, and approved by the EPA on March 12, 1974, and July 6, 1977, which are contained in the document entitled "Standards of Surface Water Quality, State of North Dakota" (R.81-28-05.2, I through VIII).

OHIO

OKLAHOMA

OREGON
State water quality standards for the navigable waters of the State of Oregon are those adopted by Oregon on July 15, 1973, and contained in the document entitled "Standards of Quality for Public Waters of Oregon and Disposal Therein of Sewage and Industrial Wastes, Oregon Administrative Rules, Chapter 340, Division 4 Subdivision I, amended July 15, 1973" which were approved, with the exception of the criterion for total dissolved gas concentration, by the EPA August 30, 1973.

PENNSYLVANIA
(1) "Title 25, Part I, Subpart C, Article II, Chapter 59—Water Quality Criteria; and
(2) "Title 25, Part I, Subpart C, Article II, Chapter 55, paragraph 55.1(b)".

COMMONWEALTH OF PUERTO RICO
State water quality standards for the navigable waters of the Commonwealth of Puerto Rico are those adopted by Puerto Rico on January 4, 1974 as amended May 1, 1974 and November 15, 1976, and approved by the EPA on June 28, 1974, and December 11, 1976, and are contained in the documents entitled:
(1) "Water Quality Standards Regulations, December 1973";
(2) "Commonwealth of Puerto Rico, Office of the Governor, Environmental Quality Board, January 4, 1974, as amended on May 1, 1974; and

RHODE ISLAND
State water quality standards for the navigable waters of the State of Rhode Island are those adopted by Rhode Island on June 27, 1977, and October 15, 1973, and approved by the EPA on December 18, 1973, which are contained in the documents entitled:
(1) "State of Rhode Island and Providence Plantations, Water Quality Standards for Interstate Waters, June 1967; and
(2) "Standards for Quality for Classification of Waters of the State", October 18, 1973; together with appendices and supporting documents as amended.

SOUTH CAROLINA
State water quality standards for the navigable waters of the State of South Carolina are those adopted by South Carolina as amended by the State on August 7, 1972, January 22, 1973, and December 14, 1976, and approved by the EPA on January 15, 1973, April 18, 1977, and March 7, 1973, which are contained in the documents entitled:
(1) "Classification Standards System for the State of South Carolina, 1972;
(2) "Stream Classifications for the State of South Carolina, 1972;
(3) "Water Pollution Control Implementation Plan for the State of South Carolina, January 23, 1972"; and
(4) "Water Classification Standards".

SOUTH DAKOTA
State water quality standards for the navigable waters of the State of South Dakota are those adopted by South Dakota on May 22, 1974, and August 20, 1975, and approved by the EPA on July 18, 1974 and September 22, 1975, which are contained in the document entitled "South Dakota Surface Water Quality Standards Regulations" as amended.

TENNESSEE
State water quality standards for the navigable waters of the State of Tennessee are those contained in Chapters 1200-4-3, "General Water Quality Criteria for the Definition and Control of Pollution In the Waters of Tennessee" and 1200-4-4, "Stream Use Classifications for Interstate and Intrastate Streams", of the document, entitled, "Rules of Tennessee Department of Public Health, Bureau of Environmental Health Sciences, Division of Water Quality Control", as amended on October 30, 1973, July 8, 1975 and September 1976, by the Tennessee Water Quality Control Board and approved by the EPA on May 14, 1976, September 2, 1975, and April 14, 1977.

TEXAS
State water quality standards for the navigable waters of the State of Texas are those adopted by Texas October 29, 1975, and approved by the EPA on February 9, 1976, which are contained in the document entitled "Texas Water Quality Standards, February 1976."

TRUST TERRITORY OF THE PACIFIC ISLANDS
State water quality standards for the navigable waters of the Trust Territories of the Pacific Islands are those adopted by the Trust Territories on February 15, 1973, and approved by the EPA on October 28, 1973, which are contained in the document entitled "Standards of Water Quality for the Waters of the Trust Territory of the Pacific Islands" (Release No. 17-73) as amended.

UTAH

VERMONT
State water quality standards for the navigable waters of the State of Vermont are those established by Vermont and approved by the EPA on January 18, 1974, which are contained in the following documents together with supporting materials:
(1) "Plan for Implementation and Water Quality Criteria (Public Law 89-234) Vermont Water Resources Board, June, 1967" as amended;
(2) "Regulations Governing Water Classification and Control of Quality" adopted by the Vermont Water Resources Board May 27, 1971, as amended;
(3) "Classifications of the Missiquoi River and its Tributaries in the counties of Franklin, Lamoille, and Orleans;
(4) "Classification of Lake Memphremegage and International Streams including John River, Tomifobia River, Coaticook River, Stearns Brook, and Holland Brook in the counties of Orleans and Essex; and
(5) "Title 10, Vermont Statutes Annotated, Chapter 52, Water Pollution Control" (in particular, Section 52-2 regarding classification).
NOTICES

WASHINGTON


WEST VIRGINIA

State water quality standards for the navigable waters of the State of West Virginia are those adopted by West Virginia effective April 15, 1974, and approved by the EPA on July 1, 1975, which are contained in the document entitled "West Virginia Administrative Regulations, State Water Resources Board, Chapter 20, Articles 5 and 6A, Code of West Virginia, Series I (1965) and Series II (1967)" as amended.

WISCONSIN

State water quality standards for the navigable waters of the State of Wisconsin are those adopted by Wisconsin effective October 1, 1973, July 1, 1974, and October 1, 1976, approved by the EPA on April 15, 1974, April 12, 1976, and July 23, 1976, which are contained in the following chapters of the "Wisconsin Administrative Code":

1. "Chapter NR 102, Water Quality Standards for Wisconsin Surface Waters. Created, Register, September 1973, No. 212, as amended;

2. "Chapter NR 103, Interstate Waters—Uses and Designated Standards. Created, Register, September 1973, No. 212 and


WYOMING


THOMAS C. JORLING, Assistant Administrator for Water & Hazardous Materials.

[FR Doc. 77-31288 Filed 10-27-77; 7:45 am]

FEDERAL COMMUNICATIONS COMMISSION

A&A READY MIXED CONCRETE, INC.

Designating Applications for Hearing on Stated Issues; Memorandum Opinion and Order


By the Chief, Safety and Special Radio Services Bureau:

1. The Chief, Safety and Special Radio Services Bureau (the Bureau) has before him for consideration the above-captioned applications filed June 27, 1977, by A&A Ready Mixed Concrete, Inc. (A&A) for authorization of new facilities in the Special Industrial Radio Service at several locations in the Los Angeles, Calif., metropolitan area.

2. On July 12, 1977, while the above-captioned applications were pending before the Commission, A&A filed an innovative petition for rulemaking requesting a change in the rules governing the Special Industrial Radio Service. The petition was granted, and the Commission, by Order, adopted the new rules on August 26, 1977.

3. A&A's contention that it was ignorant of requirements of federal law for licensing of radio facilities is untenable because the applicant was for nearly eleven years (1963-1974) a licensee of stations in the Business Radio Service and thus was or should have been fully aware of the pertinent provisions of the Act and our Rules prohibiting unlicensed operation. Similarly, we cannot comprehend A&A's position that its eligibility in the Business Radio Service somehow led it to the belief that it could operate stations in the Special Industrial Radio Service without a license, particularly when it's authorizations in the Business Radio Service expired more than three years prior to the filing of the above-captioned applications. There is likewise not the slightest merit to A&A's position that "Our license application was dated May 23, 1977, and a considerable length of time had elapsed before we erroneously assumed that our license had been granted." Although
applications were in fact dated May 23, 1977, they were not received by the Commission until July 27, 1977, less than two weeks prior to the discovery by the Commission's staff of the illegal operation. Moreover, giving A&A the benefit of the doubt and assuming that the radio was first illegally used on July 12, only seven weeks had elapsed since the date the applications were signed. A&A's argument that it acted reasonably in assuming that its applications were in fact dated May 23, 1977, is simply not credible. It therefore appears that this applicant, rather than acting prudently or reasonably, has flagrantly violated Section 301 of the Act and our Rules. A serious question thus exists as to A&A's character qualifications to receive the authorizations which it here seeks. Hence, the Bureau cannot make the requisite finding, pursuant to Section 309(a) of the Act, that a grant of A&A's applications would serve the public interest, convenience and necessity, so that the applications must, in accordance with Section 309(e) of the Act, be designated for evidentiary hearing.

4. Accordingly, It is ordered, That in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned applications of A&A Ready Mixed Concrete, Inc. (No. 16052/314/5-IS--67 are, pursuant to authority delegated in Sections 0.131(a) and 0.306 of the Commission's Rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine if A&A Ready Mixed Concrete, Inc. has willfully violated the Communications Act of 1934, as amended, and the Commission's Rules by operating unlicensed radio facilities on frequencies allocated to the Special Industrial Radio Service.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinaforeabove, whether A&A Ready Mixed Concrete, Inc. possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications will best serve the public interest, convenience and necessity.

5. It is further ordered, That the Chief, Safety and Special Radio Services Bureau IS MADE A PARTY to this proceeding.

6. It is further ordered, That the burden of proceeding with the evidence and the burden of proof on the issues specified in subparagraphs (a), (b), and (c) hereinaforeabove, are, pursuant to Section 309(e) of the Act and Section 1.256 of the Commission's Rules, upon A&A Ready Mixed Concrete, Inc.

7. It is further ordered, That each of the parties to this proceeding in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of the notice of decision by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that he will appear on the date to be fixed for hearing and present evidence on the issues hereinaforedefined in this Order, as prescribed in Section 1.221 of the Commission's Rules.

8. It is further ordered, That the Secretary of the Commission shall serve a copy of this Order by Return Receipt Requested, upon A&A Ready Mixed Concrete, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HUGHENOTH, Chairman,
CLINTON L. S. HEDGEWOOD, Commissioners.

[FR Doc. 77-31132 Filed 10-27-77; 8:45 am]
graph offerings developed after Western Union (WU) raised its rates 13 percent in response to AT&T's 36% rate increase filed in January 27, 1976. AT&T's increase was purported to achieve "optimum contribution" from this service. AT&T attributes the negative earnings flow to this rate disparity and the resulting shift in a $10M in lost revenues to WU in 1976), coupled with the general declining demand for low speed channels.

6. AT&T, moreover, contends that the declining demand for its Series 1000 offering will make it more difficult to successfully market its teletypewriter station equipment offering (Private Line Telegraph—other), which presently has an earnings ratio of below 9.5 percent, and for which rate action is pending. AT&T Transmittal No. 12791, filed July 27, 1977, rate revisions effective October 25, 1977.

7. Bell states that while its analysis of market demand on the basis of different rate levels substantiates the inappropriateness of a rate increase, that analysis indicates a rate of reduction (of approximately 10 percent) would be more appropriate as a means of ultimately creating a more favorable earnings ratio. The carrier states however that it does not intend to file rate changes until the appropriateness of previous AT&T and WU rate increases are determined. Thus, it requests a waiver in order to maintain its Series 1000 rates at their current levels.

8. Finally, AT&T states that continuation of current market trends would inevitably lead to an early demise of this service if its present rates were maintained, as a result of lower WU rates for comparable service. AT&T claims that discontinuance of Series 1000 service would shift the burden of "substantial sunk costs" associated with Series 1000 service to users of AT&T's other services.

9. Comments on Bell's waiver request for its Series 1000 were filed by the Department of Defense and numerous alarm company users of this service. DOD, in its letter filed on July 25, 1977, requests that the Commission conclude the hearing in Docket 20738 but was held in abeyance until the conclusion of Docket 18128 and has yet to be fully litigated. DOD maintains that Docket 20738, as it relates to the reasonableness of rates, is still pending and was intended to be reactivated upon AT&T's compliance with Docket 18128. DOD further states that it would support the granting of Bell's waiver request to maintain current rates only if it is accompanied by a grant of a waiver to AT&T. The Commission must justify the reasonableness of these rates.

10. The alarm companies' submission dated July 29, 1977, concurs with DOD's view that the waiver should be granted to AT&T. Although AT&T states that Series 1000 cannot, at any rate level, be expected to reach a positive earnings flow, it alone meets its revenue requirement at any time and would not be retained indefinitely, and they request that the Commission order Bell to produce a study of costs on a disaggregated basis among various types of telegraph service. They further request that an accounting order remain in effect during the anticipated hearing until final resolution.

11. As mentioned above, any departure from full cost pricing for a particular service category must be preceded by a grant of a waiver by the Commission. We anticipated in the Docket 18128 Order that there would be exceptional circumstances when cost-based rates will permit beneficial cost efficiencies and demand adjustments over time, and thus create an appropriate instance for a waiver. We have previously emphasized the fact that we would entertain requests for waivers permitting full cost departures (above or below full costs) for a reasonable time if Bell proposes that any of its other services cannot, at any rate level, be expected to reach a positive earnings flow, but alone meets its revenue requirement when demands are anticipated to erode and if Bell concurs with DOD's view that the current rate level for this service is excessive that the current rate level for this service is inappropriate in the public interest.

12. Much of this necessary supporting material has not been included in the docket. Although AT&T states that Series 1000 cannot, at any rate level, be expected to reach a positive earnings flow, it alone meets its revenue requirement at any time and would not be retained indefinitely, and they request that the Commission order Bell to produce a study of costs on a disaggregated basis among various types of telegraph service. They further request that an accounting order remain in effect during the anticipated hearing until final resolution.

13. Accordingly, it must be determined if Bell proposes that any of its other services (as opposed to AT&T's share- holders) will be burdened by the losses from Series 1000, and, if so, we direct Bell to submit a detailed accounting, broken down by the various rate elements of both Series 1000 and Type 5100 channels along with additional cost data which specifically identifies the "sunk costs" cited by Bell in its waiver request, listing separately those which would be considered non-fungible investment within each rate element. This will aid us in determining the extent of the burden on the overall company rate structure should a waiver in this instance not be granted.

14. We wish to point out that the request by DOD and alarm company users of Bell's private line telegraph service for immediate reactivation of the Docket 20738 hearing on the question of the reasonableness of the service rates is premature. An ultimate determination on the appropriate rate level relationship between Series 1000 and other Bell inter-state service offerings has yet to be reached. Such a determination, which includes the question of whether Bell may depart from full cost pricing of its private line telegraph service, must precede an investigation into the reasonableness of the specific charges or the reasonableness of the particular rate structure for this service. Should it be determined that it would not be in the public interest to permit Bell to depart from a full cost recovery pricing approach, it will be unnecessary to decide, under the present circumstances, whether Bell's current
Series 1000 rate level is reasonable. Therefore, we believe it would best serve current users of this service as well as the general public to reach a determination on the appropriate pricing approach to be employed regarding this service before launching into an investigation of the lawfulness of current rate levels or rate structures.

15. The Series 1000 waiver request contemplates a significant shortfall which will increase annually. There is no expectation that the shortfall will be made up within any foreseeable time. Bell has maintained that it could nominally increase Series 1000 revenues only if it lowers its current rates by 10 percent, and conceives that this will result in a more favorable but still negative earnings flow. It further asserts that at no rate level can this service earn even a positive rate of return, much less return 9.5 percent, and that this will be true for the foreseeable future. Thus, AT&T's own support documentation raises serious and presently unanswered questions concerning the economic viability of this offering. We have previously advised carriers that we expect them to utilize their investment in the most economical, cost efficient manner in order to generate sufficient revenues to cover their embodied costs. "AT&T Revisions to WATS Tariff FCC No. 259 (WATS)," FCC 2d 671 (1976). To this point, it can hardly be maintained that Series 1000 will be able to earn even a positive rate of return.

16. In determining whether a waiver for Series 1000 is appropriate we must consider the particular benefits derived by the public through this service and the effect upon the public of our rejection of Bell's request. Denial of waiver may hardly be maintained that it could nominally increase Series 1000 revenues although it falls substantially below its targeted revenue requirement, as well as the potential competitive impact of possible termination.

18. In order to aid the Commission in obtaining relevant comments on the waiver request, we direct Bell to provide within 30 days from release of this inquiry, all of its present private line telegraph customers (Series 1000 and Type 5100 Telpak telegraph channels) with a copy of our announcement of the institution of our Inquiry. All information from the carriers, users of Series 1000, or other interested parties must be submitted on or before November 27, 1977. Prior to reaching a determination, we shall make a public interest determination pending the outcome of this inquiry. Upon consideration of the impact of either continuation of below-cost rates or of discontinuance, we shall make a determination of whether a permanent waiver should be granted or denied.

20. Accordingly, it is ordered, That the request for waiver filed by AT&T is granted, temporarily, pending completion of the proceeding ordered herein, and further order of the Commission.

21. It is further ordered, Pursuant to Section 4(j), 4(k), 1000

23. It is further ordered, That, on or before November 28, 1977, AT&T provide the Commission with the information described in para. 15 above.

24. It is further ordered, That, on or before November 28, 1977, AT&T send to each of its Series 1000 and Type 5100 channel service customers a copy of this press release announcing this inquiry in order that each user of these services has the opportunity to comment on the matters under consideration.

25. It is further ordered, That interested persons may file comments in this proceeding, no later than December 27, 1977 and reply comments may be filed no later than January 17, 1978.

26. It is further ordered, That the Docket 20736 investigation and hearing into the reasonableness of AT&T's Series 1000 rates shall be held in abeyance until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. THURLICO, Acting Secretary.

[FR Doc. 77-31227 Filed 10-27-77; 8:45 am]

BILL SIMS AND SIMS TOW SERVICE

Designating Applications for Consolidated Hearing on Stated Issues Memorandum Opinion and Order


1. The Chief, Safety and Special Radio Services Bureau (the Bureau) has before him for consideration the above-captioned applications filed June 9, 1977, by Bill Sims d/b/a Sims Tow Service (Sims), 3111 East Willow Street, Long Beach, Calif. 90806, for authorization of new facilities in the Business Radio Service at Long Beach, Calif. Also before the Bureau in connection with its consideration of the above-captioned applications are earlier applications filed by Sims (and subsequently dismissed by the Bureau) for facilities in the Automobile Emergency Radio Service.

2. At the time the first Sims applications were pending before the Commission, the Bureau received information that Sims might already be operating an unlicensed radio facility on the frequency pair for which he was seeking authorization in the Automobile Emergency Radio Service. The Commission's Long Beach field personnel inspected Sims' premises and had issued to Sims an April 25, 1977, admonitory letter concerning unlicensed operation. The Bureau then issued a letter of inquiry to which Sims failed to reply. Thus the applications were dismissed.

3. Upon receiving Sims' above-captioned applications the Bureau attempted to resolve the question of the
NOTICES

applicant's alleged prior unlicensed operation by reiterating, in a July 20, 1977, letter, the matters raised in its original April 25, 1977, letter and directing Sims to respond promptly and to explain his earlier failure to respond. While Sims has provided no clear or satisfactory explanation of his failure to respond, his explanation of his alleged unlicensed operation essentially is that he understood from his equipment supplier (Charles R. Wells and William Hyde of Chapman Electronics Co. in Long Beach) that he could operate his radio facility while the first application was pending before the Commission, and that he did so. It is by no means clear, from the language of Sims' response, whether his illegal operation was short-lived or whether he relied upon erroneous information furnished to him by his equipment supplier or whether he and the supplier conspired to violate the Communication Act of 1934, as amended (the Act), and the Commission's Rules for their mutual benefit and convenience.

4. In either event, a serious question exists as to Sims' qualifications to receive the authorizations which he here seeks. Because the Bureau cannot make the requisite finding, pursuant to Section 309(a) of the Act, that a grant of Sims' applications would serve the public interest, convenience and necessity, the applications must, in accordance with Section 309(e) of the Act, be designated for evidentiary hearing.

5. Accordingly, it is hereby ordered, That in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned applications of Bill Sims d.b.a. Sims Tow Service, File Nos. 43898/43899/43900-TB-67-TV are, pursuant to authority delegated in §§ 0.131(a) and 0.331 of the Commission's Rules, designated for hearing, a time and place to be specified at a later date, on the following issues:

(a) To determine if Bill Sims d.b.a. Sims Tow Service has willfully violated the Commission of Rules of Practice and Procedure, as amended, and the Commission's Rules by operating unlicensed radio facilities on frequencies allocated to the Automobile Emergency Radio Service.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinafter, whether Bill Sims d.b.a. Sims Tow Service possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications will best serve the public interest, convenience and necessity.

6. It is further ordered, That Bill Sims d.b.a. Sims Tow Service, Charles R. Wells, William Hyde, Chapman Electronics Co, and the Chief, Safety and Special Radio Services Bureau are made parties in these proceedings.

7. It is further ordered, That the burden of proceeding with the evidence and the burden of proof on the issues specified in paragraphs (a), (b), and (c) hereinafore above, pursuant to Section 309(e) of the Act and § 1.254 of the Commission's Rules, rests upon Bill Sims d.b.a. Sims Tow Service.

8. It is further ordered, That each of the parties named in Paragraph 6 hereinafore above, in order to avail themselves of the opportunity to be heard, shall within 20 days of the mailing of the notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that he will appear on the date to be fixed for hearing and present evidence on the issues specified in this Order, as prescribed in § 1.221 of the Commission's rules.

9. It is further ordered, That the Secretary of the Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon each of the parties (except the Bureau) named in paragraph 6 hereinafore.

FEDERAL COMMUNICATIONS,
COMMISSION,
CHARLES A. HIGGINbotham,
Chief, Safety and Special
Radio Services Bureau.

[FED.Reg.77-31228 Filed 10-17-77; 8:45 am]

6712-01

FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING


Notice is hereby given, pursuant to Section 1.573(d) of the Commission's Rules, that on December 5, 1977, the FM broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b) (1) and 1.591(b) of the Commission's rules, an applicant in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 2, 1977, when it involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on December 2, 1977. The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast applications, pursuant to Section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.5801(d) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRUJILLO,
Acting Secretary.

APPENDIX

BPH-10569 WIMDD-FM, Fajardo, P.R., Pan Caribbean Broadcasting Corp, Inc, Hrs: 105.9 mHz; Channel No. 245B. ERP: 6.6 kW; HAAT: 305 ft. (Lic). Req: 90.5 mHz; Channel No. 246B. ERP: 92 kW; HAAT: 965 ft.

BPH-10563 WKBR, South Bend, Ind., Booth American Co, Inc, Hrs: 103.9 mHz; Channel No. 280A. ERP: 3 kW; HAAT: 155 ft. (Lic). Req: 103.9 mHz; Channel No. 280A. ERP: 3 kV; HAAT: 300 ft.

BPH-10868 (new), Blountstown, Fla., Calhoun Broadcasting Corp, Req: 102.3 mHz; Channel No. 272A. ERP: 3 kW; HAAT: 140 ft.

BPH-10868 (new), Chickasaw, Ala., Philip's Radio, Inc, Req: 99.3 mHz; Channel No. 252A. ERP: 1.7 kW; HAAT: 410 ft.

BPH-10692 KAOW, Paris, Tex, KFIPL, Inc, Hrs: 98.3 mHz; Channel No. 276A. ERP: 3 kV; HAAT: 176 ft. (Lic). Req: 109.5 mHz; Channel No. 257A. ERP: 3 kV; HAAT: 300 ft.

BPH-10030 (new), Liberal, Kan, the Southeastern Broadcasting Co, Inc, Req: 105.5 mHz; Channel No. 268A. ERP: 3 kV; HAAT: 186 ft.

BPH-10681 (new), Monterey, Calif, Cypress Communications Inc, Req: 92.7 mHz; Channel No. 254A. ERP: 0.4 kV; HAAT: 380 ft.

BPH-10632 (new), Keahou, Hawaii, Communitee Honi Corp, Req: 92.1 mHz; Channel No. 221A. ERP: 3 kW; HAAT: 100 ft. (Allocated to Kealakoa, Hawaii)

BPH-10635 KHSJ-FM, Hemet, Cali, KHSJ-Inc, KHSJ-FM, Hrs: 105.5 mHz; Channel No. 280A. ERP: 700 kW; HAAT: 250 ft. (Lic). Req: 105.5 mHz; Channel No. 280A. ERP: 3 kV; HAAT: 250 ft.

BPH-10638 (new), Mitchell, S. Dak, Korn Palace Broadcasting, Req: 107.3 mHz; Channel No. 297A. ERP: 100 kW; HAAT: 456.0 ft.

BPH-10637 EQQQ Pullman, Wash, Radio Palouse, Inc, Hrs: 104.9 mHz; Channel No. 280A. ERP: 1.7 kW; HAAT: 57 ft. (Lic). Req: 104.9 mHz; Channel No. 285A. ERP: 3 kW; HAAT: 573 ft.

BPH-10633 KQQQ, Idaho City, Id, KLJK Radio Ltd, Inc, Hrs: 106.9 mHz; Channel No. 285C. ERP: 100 kW; HAAT: 218 ft. (Lic). Req: 106.9 mHz; Channel No. 285C. ERP: 100 kW; HAAT: 603 ft.

BPH-10645 (new), Corpus Christi, Tex, Big C Broadcasting Corp, Req: 99.1 mHz; Channel No. 255C. ERP: 100 kW; HAAT: 905 ft.

BPH-10644 (new), Trenton, Mo, Luchro Broadcasting Co, Req: 92.1 mHz; Channel No. 255C. ERP: 1.0 kW; HAAT: 300 ft.

BPH-10646 (new), Cortez, Colo, Sonorita, Ltd, Big C Broadcasting Corp, Req: 99.1 mHz; Channel No. 255C. ERP: 100 kW; HAAT: 905 ft.

BPH-10647 (new), Cariboo, B.C, Tri State Broadcasting Co, Req: 92.1 mHz; Channel No. 255C. ERP: 3 kW; HAAT: 300 ft.

BPH-10647 (new), Lisbon, N.M, A. V. Bamford, Req: 99.1 mHz; Channel No. 255C. ERP: 100 kW; HAAT: 901 ft.

BPH-10648 (new), Lachute, Que, McDougall Broadcasting Co, Req: 107.0 mHz; Channel No. 300C. ERP: 57.9 kW; HAAT: 360 ft.

FEDERAL REGISTER, VOL 42, NO. 208-FRIDAY, OCTOBER 28, 1977

NOTICES
### NOTICES

**NOTIFICATION LIST**

In the matter of list of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Meeting, January 30, 1941.

**SEPTEMBER 1, 1977.**

<table>
<thead>
<tr>
<th>Call letters</th>
<th>Location</th>
<th>Power (kW)</th>
<th>Antenna radiation mm/kw</th>
<th>Schedule</th>
<th>Antenna height (feet)</th>
<th>Number of satellite system</th>
<th>Proposed date of change or commencement of operation</th>
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</tr>
</tbody>
</table>

**WALLACE E. JOHNSON**

Chief, Broadcast Bureau

Federal Communications Commission.

[Federal Register: Vol. 42, No. 204—Friday, October 28, 1977]**
FEDERAL RESERVE SYSTEM
Cахokia Bancshares, Inc.

Formation of Bank Holding Company
Cахokia Bancshares, Inc., Chesterfield, Missouri, has applied for the Board’s approval under section 3(c) of the Bank Holding Company Act (12 U.S.C. 1842(a)-(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Cахokia, Cахokia, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 17, 1977.


GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-31176 Filed 10-27-77; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE
Domestic Policy Directive of September 20, 1977

In accordance with § 271.6 of its rules regarding availability of information, there is set forth below the Committee’s Domestic Policy Directive issued at its meeting held on September 20, 1977.

The information reviewed at this meeting suggests that real output of goods and services has grown less rapidly in the current quarter than in the second quarter. In August industrial output declined by about as much as it had risen in early August, most recently have advanced somewhat further. Yields on longer-term market securities, however, have changed little in recent months. Federal Reserve discount rates were increased from 5 1/2 to 6 1/2 percent in late August and early September, and member bank borrowings receded from the high levels of the latter part of August.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of International transactions.

At its meeting on July 19, 1977, the Committee agreed that growth of M-1, M-2, and M-3 within ranges of 0 to 4 percent, 7 to 9 1/2 percent, and 8 to 11 percent, respectively, from the second quarter of 1977 to the second quarter of 1978 would be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M-1 and M-2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the September-October period to be within the ranges of 2 to 7 percent for M-1, 4 to 6 percent for M-2. In the judgment of the Committee such growth rates are likely to be associated with a weekly-average Federal funds rate of about 6 1/2 percent. If, giving approximately equal weight to M-1 and M-3, it appears that growth rates over the 3-month period will deviate significantly from the midpoint of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 8 to 6 1/2 percent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether to take additional discretionary action, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patry J. Stuart of the Regulatory Reports Staff, 302-775-3532.

OFFICE OF SURFACE MINING
The Office of Surface Mining Reclamation and Enforcement (OSM), Department of the Interior, requests clearance of new Form OSM 837-1, Coal Production and Reclamation Fee Report.

The OSM 837-1 request for data is to provide OSM with information from operators engaged in coal mining who remove or intend to remove more than 250 tons of coal from the earth within twelve consecutive calendar months in any one location; and provides that basis for ascertaining that the appropriate reclamation fee is paid.

The authority for collecting these data and fee payments is provided in Sections 401 and 402 of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87). The Act requires a notation statement concerning the accuracy of the data and the fee submitted. Pub. L. 95-87 prescribes October 1, 1977, as the beginning of the first calendar quarter for which coal production data is to be reported. The initial payment is due no later than January 30, 1978. All subsequent reports and fees must be submitted within 30 days after the end of each calendar quarter.

The OSM estimate that respondents are approximately 7,000 coal mine operators that may be an individual, partnership, association, society, Joint stock company, firm, company, corporation or other business organization, and that reporting time averages 15 minutes per quarterly response.

[1610-01]
GENERAL ACCOUNTING OFFICE
REGULATORY REPORTS REVIEW
Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, Oct. 10, 1977. See 44 U.S.C. 5312 (e) (4) (D). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed OSM request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time available for processing comments, comments (in triplicate) must be received on or before November 15, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patry J. Stuart of the Regulatory Reports Staff, 302-775-3532.

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The OSM estimate that respondents are approximately 7,000 coal mine operators that may be an individual, partnership, association, society, Joint stock company, firm, company, corporation or other business organization, and that reporting time averages 15 minutes per quarterly response.

[FR Doc.77-31231 Filed 10-27-77; 8:45 am]

GENERAL SERVICES ADMINISTRATION
ARCHIVES ADVISORY COUNCIL
Meeting

Notice is hereby given that the National Archives Advisory Council shown below will meet at the time and place indicated. Anyone interested in attending, or who wishes additional information, should contact the person shown below.

[FR Doc.77-31231 Filed 10-27-77; 8:45 am]
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control
REQUEST FOR INFORMATION

Certain Chemical Agents and Processes

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of Request for Information.

SUMMARY: This notice solicits information concerning the establishment of certain chemical agents and processes: This information will be used in the development of criteria for recommended standards for occupational exposure.

DATES: Comments concerning this notice should be submitted by December 27, 1977.

ADDRESSES: Comments and recommendations should be submitted in writing to: Mr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development, National Institute for Occupational Safety and Health, 5600 Fisher's Lane (Room 8A-52), Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Dr. Irwin Baumel, Chief, Criteria Development Branch, NIOSH, (301) 443-3300

SUPPLEMENTARY INFORMATION: Section 20a(a) (3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 650(a) (3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 20(a) (c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents containing recommended occupational health standards for the following substances and processes for completion in 1978-79:

- Aliphatic Primary Monocarboxylic Compounds
- Bifunctional Aromatics
- Coal and Its Compounds
- Mercaptans
- Methyl Chloride
- Nitrogen
- Nitrobenzenes
- Nitrotoluenes
- Organic-Isocyanates
- Osmic Acid
- Paint and Allied Product-Manufacture
- Printing Industry
- Radionuclear and X-Ray Exposure
- Slaughterhouse and Rendering Plants
- Talc

In the process-oriented standards NIOSH does not plan to recommend workplace environmental limits for all products or intermediates involved in their respective processes. The vast number of chemical species, their varying toxicities, unique safety hazards, and potential for exposure to suspected chemical carcinogens are exceedingly important considerations. Therefore, work practices and engineering controls designed to limit occupational exposure, methods to educate the employee and employer, and methods of biological and workplace monitoring will be recommended in lieu of specific environmental limits.

Each criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances and processes is requested to submit such information with accompanying documentation.

1. Establishment of safe occupational environmental levels for such agents including levels for acute and chronic exposure to airborne concentration of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects, taking into consideration (a) the correlation of airborne concentrations and, of extent of exposure to, such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agents and methods of measuring levels of exposure to the physical agents.

6. The need for medical examinations for workers exposed to such agents and/or processes, the frequency of such examinations, and the specific diagnostic tests which should be used, and the rationale for their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when occupational environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents and/or processes that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents and/or processes.

All information received concerning these substances and/or processes, except that information which is trade secret and protected by Section 15 of the Act, will be available for public inspection at the foregoing address.


Edward J. Baker,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77-30333 Filed 10-27-77; 8:45 am]

GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Availability of Results of the Pilot Compliance Program

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the availability of the Office of Planning and Evaluation (OPE) Study 47 entitled "Results of the Nonclinical Toxicology Laboratory Good Laboratory Practices Pilot Compliance Program." This report presents the re-
NOTICES

[4110–03]

Food and Drug Administration

[Docket Nos. 77N–0295 through 77N–0299]

SKIN TEST ANTIGENS

Opportunity for Hearing on Intent to Revoke Certain U.S. Licenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This is a notice of opportunity for hearing on a proposal to revoke the U.S. licenses for the following:


(2) Mumps Skin Test Antigen, Eli Lilly and Co., license No. 56 (Docket No. 77N–0297), Diptheria Toxin for Schick Test, and Schick Test Control, Texas Department of Health Resources, Tuberculin, Lilly and Co., and Tuberculin, Old, Massachusetts Public Health Laboratories, license No. 64 (Docket No. 77N–0299) for which available data are insufficient to classify their safety and effectiveness.

DATES: The licensees may submit written requests for a hearing to the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5800 Fishers Lane, Rockville, Md. 20857, through Friday, November 28, 1977, and any data justifying the hearing must be submitted by December 27, 1977.

FEDERAL REGISTER

SUPPLEMENTARY INFORMATION:

The preamble to the proposed good laboratory practice regulations published in the Federal Register of November 19, 1976 (41 FR 52060) announced the intention of the Food and Drug Administration (FDA) to conduct inspections of toxicology laboratories under a pilot compliance program. The objectives of this program were:

(1) to develop baseline data on the degree of laboratory conformity to the proposed regulations,

(2) to attain state-of-the-art information which would impact on the final version of the regulations and the associated compliance program,

(3) to demonstrate to the regulated laboratories that inspections were to be made prior to the development of final rules, and

(4) to take appropriate steps to correct fraudulent actions and other serious violations that may have compromised the quality and integrity of the safety data collected.

The state-of-the-art data collection phase of the pilot compliance program has ended, and the results have been analyzed and summarized by the agency's Office of Planning and Evaluation.

A copy of this report is available for review between 9 a.m. and 4 p.m., Monday through Friday, in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5800 Fishers Lane, Rockville, Md. 20857. Copies may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161, as follows:

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| not be made and/or (2) the data are insufficient to classify the product(s) as safe and effective. The basis of the Panel's recommendation, with which the Commissioner agrees and adopts as the grounds for revocation, is contained in the September 30 Federal Register document.

Accordingly, pursuant to § 12.21(b) (21 CFR 12.21(b)), the Commissioner is offering an opportunity for a hearing. A written request for a hearing by the licensee may be submitted to the Hearing Clerk, Food and Drug Administration, by November 28, 1977, and any data justifying a hearing must be submitted by December 27, 1977.

The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, the submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR Parts 12 and 21.21 (See 21 CFR 12.21(b)).

The failure of a licensee to file timely written appearance and request for a hearing constitutes a waiver of any opportunity for a hearing concerning the proposed license revocation and a waiver of any contentions concerning the legal status of the product at issue. Any such product may not thereafter lawfully be marketed, and the Food and Drug Administration will institute appropriate regulatory action to remove such product from the market. Any biological product marketed with an approved license is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must be set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. It is conclusively apparent from the face of the data, information, and factual analyses in the request for a hearing that there is no genuine and substantial issue of fact which precludes the revocation of the license, or when a request for a hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the licensee requesting the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions, except for information otherwise prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

NOTICES


JOSEPH P. HILL,
Associate Commissioner
for Compliance.

Office of Education
NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS
Meeting
AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policy and Practices, Legislation, Program and Public Information Committees. It also describes the functions of the Council. Notice of the meetings is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of its opportunity to attend.

DATE: November 15, 6:00 to 9:00 p.m.; November 16 and 17, 1977, 8:30 a.m. to 5:00 p.m.

ADDRESS: To be announced.

FOR FURTHER INFORMATION CONTACT:

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 92-463, Section 408 (f)(1). The Council is mandated to (a) advise the Commissioner with respect to the selection of members of the Council; (b) make recommendations for the development of recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 92-463, including criteria developed to ensure an appropriate distribution of approved programs and projects throughout the nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning activities under Section 408 of Pub. L. 92-463.

The meeting of the Executive Committee will take place on November 15, 1977 from 6 p.m. to 9 p.m. The agenda will include preparation for the Council meeting. The meetings of the Federal Policy and Practices Committee, the Legislation Committee, and the Program Committee will take place on November 16 from 8:30 p.m. to 4 p.m. The agenda for the Federal Policy and Practices Committee will include discussion of the project on the educational needs of Indian women and a progress report on the Education Division Review series. The agenda for the Legislation Committee will include discussion of Title IX and pending legislation and regulations as they affect women. The agenda for the Program Committee will include discussion of monitoring and evaluation efforts directed toward the WEEA Program. The meeting of the Public Information Committee will take place from 11 a.m. to 1:30 p.m. on November 15. The agenda for that Committee will include discussion of the committee's tasks, criteria for Council representation at conferences, dissemination of the Council's report on women's studies programs and Committee membership.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 4 to 5 p.m. on November 16 and from 8:30 a.m. to 5 p.m. on November 17. The agenda will include (1) report of the Executive Director; (2) report of the Women's Program Staff; (3) action on committee reports; (4) discussion of plans for the National Women's Conference.

All of the Council and committee meetings will be open to the public. Records will be kept of all Council proceedings and will be available for public inspection at the Council offices at Suite 821, 1832 M Street NW., Washington, D.C.


JOY R. SIMPSON,
Executive Director.

[FR Doc. 77-31423 Filed 10-27-77; 7:45 am]

Health Resources Administration
ADVISORY COMMITTEES
Meeting
In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1977:

Name: National Council on Health Planning and Development.
Date and time: November 11, 1977, 8:30 a.m. Place: First Floor Auditorium, South Portal Building, 200 Independence Avenue SW., Washington, D.C. Open for entire meeting.
Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1601 of Pub. L. 93-541, (2) the implementation and administration of Titles XV and XVI of Pub. L. 93-541, and (3) an evaluation of the implications of new medical technology for the organization, delivery, and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1123 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with the policies of the Social Security Act. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1123 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with the policies of the Social Security Act.

The meeting is open to the public for observation. A portion of the meeting will be available for comments and public participation. Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Daniel J. Zwick, Office of Planning, Evaluation and Legislation, Room 10-22, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782; telephone 301-436-7270. Agenda items are subject to change as priorities dictate.

Date: ________

JAMES A. WALSH,
Associate Administrator for Operations and Management.

Note—The National Council on Health Planning and Development met on October 21. At that time, arrangements were made for the next meeting of the Council to be held on November 11, 1977, thereby reducing the number of day's notice required by the Federal Advisory Committee Act.

[FR Doc. 77-31427 Filed 10-27-77; 7:45 am]

Health Resources Administration
APPLICATION ANNOUNCEMENT FOR GRANTS FOR DENTAL TEAM PRACTICE

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 Grants for Dental Team Practice are now being accepted under the authority of section 783(a)(3) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484). Section 783(a) (3) authorizes the Secretary to make grants to public or nonprofit private entities to meet the costs of projects to: plan, develop, and operate or maintain a program to train dental students in the organization and

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management of multiple auxiliary dental team practice.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center, Building, Room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, Phone: 301-496-6592.

To be considered for fiscal year 1973 funding, completed applications must be postmarked no later than November 10, 1977 and sent to the Grants Management Officer at the above address.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Dentistry, Bureau of Health Manpower, HRA, 3700 East-West Highway, Hyattsville, Md. 20782, Phone: 301-496-6510.


Harold Margulies, Deputy Administrator, HRA.

[FR Doc.77-30972 Filed 10-27-77; 8:45 am]

[4110-08 ]

National Institutes of Health

BIOTECHNOLOGY RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biotechnology Resources Advisory Committee, Division of Research Resources, December 15 and 16, 1977, National Institutes of Health, Building 31, conference rm. 9, Bethesda, Md. 20014.

This meeting will be open to the public on December 15 from 8:30 a.m. to recess for (1) introductory remarks, (2) review of the current Biotechnology Resources Program, and (3) a status report on the PROGRAM System. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c) (4) and 552b (c) (6), Title 5, U.S.C. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 3 p.m. to adjournment on November 28 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.


Suzanne L. Freeland, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Md., Area Code 301, 496-6545, will furnish substantive program information.

[FR Doc.77-30972 Filed 10-27-77; 8:45 am]

[4110-08 ]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, November 14, 1977, Federal Building, Conference Room B119, Bethesda, Md.

This meeting will be open to the public on November 14, 1977, from 8 a.m. to 10:30 a.m., when the current progress of the Multiple Risk Factor Intervention Trial will be discussed. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c) (4) and 552b (c) (6), Title 5, U.S.C. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 10:30 a.m. toadjournment for the review, discussion, and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onen, Chief, Public Inquiries and Reports Branch, National Heart,
Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md., 20014, phone 301-496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zobel, Executive Secretary of the Committee, Building 4C10, Bethesda, Md. 20014, phone 301-496-2833, will furnish substantive program information.


(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health.)

SUSANNE L. FREUSEK, Committee Management Officer, National Institutes of Health.

[FR Doc.77-30973 Filed 10-27-77; 8:45 am]

[4110-08]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Cancer Institute, November 14, 1977, Building 10, Room 4B–14, National Institutes of Health. This meeting will be open to the public on November 14, 1977 from 1:15 p.m. to 1:45 p.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on November 14, 1977 from 1:45 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B–43, National Institutes of Health, Bethesda, Maryland 20014, 301–496–7508 will provide summaries of the meeting and rosters of committee members.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B–89, National Institutes of Health, Bethesda, Md. 20014, 301–496–1791 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health.)

Date: October 19, 1977.

SUSANNE L. FREUSEK, Committee Management Officer, National Institutes of Health.

[FR Doc.77-30974 Filed 10-27-77; 8:45 am]

[4110-08]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, on November 29–30 and December 1, 1977, in Building 51–C, Conference Room 8, National Institutes of Health, Bethesda, Md. This meeting will be open to the public on November 29 from 9:00 a.m. to 10:00 a.m. to discuss administrative details relating to Committee business and general discussion. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 10:00 a.m., November 29 to adjournment on December 1 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Chief of Scientific Review Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, Md. 20014, phone 301–496–7655 will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health.)

Date: October 16, 1977.

SUSANNE L. FREUSEK, Committee Management Officer, National Institutes of Health.

[FR Doc.77-30975 Filed 10-27-77; 8:45 am]
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[4110-08] MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, which was published in the Federal Register on September 30, 1977, 42 FR 52493.

This Committee was to have convened at 9 a.m. on November 14-15, 1977, but has been changed to November 28, 1977, in the Landover Building, Conference Room 4C18.

This meeting will be open to the public from 9 a.m. to 11 a.m.

Dated: October 18, 1977.

SUSANNE L. FREMAU, Committee Management Officer, National Institutes of Health.

[FR Doc.77-30977 Filed 10-27-77; 8:45 am]

[4110-08] NATIONAL CANCER ADVISORY BOARD; PRESIDENT'S CANCER PANEL BOARD SUBCOMMITTEES

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board, its Subcommittees, and the President's Cancer Panel, November 13-16, 1977, National Cancer Institute, National Institutes of Health, Rockville Pike, Bethesda, Md.

Some of these meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(6) and Section 552b(n), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personnel information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-5506, will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: National Cancer Advisory Board/President's Cancer Panel.


[FR Doc.77-30978 Filed 10-27-77; 8:45 am]

[4110-08] NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Digestive Diseases, December 7-9, 1977, 9:00 a.m. to 5:00 p.m., at the Sheraton Inn, West Palm Beach, Florida. In addition, the Commission will hear public testimony on December 8, 1977, 10:00 a.m. to 6:00 p.m., in the Auditorium of the Palm Beach Junior College. The entire two days will be open to the public. Attendance by the public will be limited to space available.

Any member of the public who wishes to appear before the Commission at this time shall file a written statement or detailed summary of his remarks with the Commission before November 23, 1977. Statements or summaries shall be sent to Dr. Thomas P. Vogl, Executive Secreary, National Commission on Digestive Diseases, Room 6C16, the Federal Buildings, 7550 Wisconsin Avenue, Bethesda, Maryland 20014. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Miss N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMD, National Institutes of Health, Building 31, Room 9A03, Bethesda, Maryland 20014, telephone (301) 496-3583, will provide summaries of the Commission meeting.

(Catalog of Federal Domestic Assistance Program No. 13.44, National Institutes of Health.)


SUSANNE L. FREMAU, Committee Management Officer, National Institutes of Health.

[FR Doc.77-30977 Filed 10-27-77; 8:45 am]

[4110-08] PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, November 16, 1977, The Washington Hotel, Washington, D.C.

This meeting will be open to the public on November 16 from 9:00 a.m. to 10:30 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6) and 552b(n), the meeting will be closed to the public on November 16 from 10:30 a.m. to 11:30 a.m. for discussions of confidential trade secrets or commercial property such as patentable material, and personnel information concerning individuals associated with the application.

Dr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20014, telephone: 301-496-7301, will provide summaries of the meetings and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor,
REPORT ON BIOASSAY OF CHLORAMBNEN FOR POSSIBLE CARCINOGENICITY

Availability

Chloramben has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade chloramben for possible carcinogenicity was conducted by administering the test material in feed to Osborne-Mendel rats and B6C3F1 mice. Groups of 50 rats and 50 mice of both sexes were administered chloramben at one of two doses, either 10,000 or 20,000 ppm. The rats were treated for 80 weeks, then observed for 32 or 33 weeks; the mice were treated for 30 weeks, then observed for 11 or 12 weeks. Matched controls consisted of groups of 10 untreated rats and 10 untreated mice of each sex; pooled controls, used for statistical evaluation, consisted of these matched controls combined with 75 untreated male and 75 untreated female rats or 70 untreated male and 70 untreated female mice from similarly performed bioassays of six other test chemicals. Surviving rats were killed at 112 or 113 weeks; surviving mice were killed at 31 or 32 weeks.

Body weights and mortality of the treated animals were not markedly affected by chloramben under the conditions of the bioassay. The various clinical signs observed were common to both treated and control groups.

In male rats, hemangiomata occurred at a significantly higher incidence in the low-dose animals than in the pooled controls (controls 0/7, low-dose 5/48, P=0.009). This lesion was not considered to be related to the administration of chloramben, since the tumor did not occur at a significantly higher incidence in the high-dose group than in the pooled control group, and the incidences did not show a significant dose-related trend.

In male mice, hemangiomata occurred in the low-dose males (P=0.008) and in the high-dose females (P=0.003) than in the pooled controls. Probability levels of P=0.028 in high-dose males and P=0.007 in low-dose females were obtained. In male mice, however, the incidence of hepatocellular carcinoma was considered to be only marginally associated with the administration of chloramben because of the variations in the spontaneous incidence of this lesion in male mice encountered at this laboratory.

In conclusion, under the conditions of this bioassay, there were no tumors in Osborne-Mendel rats that significantly related to administration of the chemical.

In B6C3F1 female mice, chloramben was carcinogenic, producing hepatocellular carcinomas in treated animals.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20204.

(Catalogue of Federal Domestic Assistance Program Number 10.335, Cancer Cause and Prevention.)

DATED: October 18, 1977.

Donald S. Frederickson, M.D.,
National Institutes of Health.
NOTICES

[4310–84]

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[SAC 079877]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 21, 1977.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application Sacramento 079877, for withdrawal and reservation of land for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, California, was published as FR Doc. 65–11539 on pages 13747 and 13748 of the issue of October 28, 1965. The applicant agency has cancelled its application.

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E., Sec. 30, lot 14.

The area described aggregates 16 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10:00 a.m. on November 30, 1977, will be relieved of the segregative effect of the above mentioned application.

VIOLA ANDRADE,
Acting Chief, Branch,lands section,
Branch of Lands and Minerals Operations.

[FR Doc.77–31272 Filed 10–27–77; 8:45 am]

[4310–84] 10-27-77

COLORADO

Proposed Withdrawal and Reservation of Lands—Amendment

OCTOBER 20, 1977.

Notice of proposed withdrawal and reservation of lands, appearing in the Federal Register of September 23, 1977 at page 48400, Doc. No. 77–27764, is hereby amended to add the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN
T. 46 N., R. 8 W., Sec. 33, NE1/4 SW1/4,

The area described contains 40 acres. The period for filing requests for a public hearing and for filing of comments provided in the original notice is extended to November 23, 1977.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77–31247 Filed 10–27–77; 8:45 am]

[4310–84] [NM 3109] 10-27-77

NEW MEXICO
Application

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80904, has applied for a right-of-way for a 4.5-Inch o.d. natural gas pipeline totaling slightly less than one and one-half miles across the following public lands in Moffat County, Colorado:

T. 12 N., R. 99 W., 6th P.M.
Sec. 27 and 35.

The facilities will enable applicant to convey natural gas from Shell Creek No. 5 natural gas well in the Shell Creek Unit Area to meet customer demand for increased natural gas supply in applicant's service area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77–31248 Filed 10–27–77; 8:45 am]
NOTICES

[4310–84] [NM 31771 and 31772] NEW MEXICO

Applications

October 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1972 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines with related facilities right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, New Mexico

T. 22 N., R. 8 W., Sec. 5, SW¼ NE¼, SE¼ SW¼, N½ SE¼, and SW¼ SE¼.

Sec. 6, lot 2.

These pipelines will convey natural gas across 1,111 miles of public lands in San Juan County, New Mexico.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N.M. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31253 Filed 10-27-77; 8:45 am]

[4310–84] [NM 31829] NEW MEXICO

Application

October 20, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of October 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a meter station site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, New Mexico

T. 24 N., R. 9 W., Sec. 7, lot 2.

This meter station will be used for natural gas operations across 0.086 acres of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N.M. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31251 Filed 10-27-77; 8:45 am]

This pipeline will convey natural gas across 0.487 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the Chief, Branch of Lands and Minerals Operations.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31249 Filed 10-27-77; 8:45 am]

[4310–84] [NM 31759 and 31763] NEW MEXICO

Applications

October 19, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1972 (87 Stat. 576), Northwest Pipeline Corporation has applied for a meter station site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, New Mexico

T. 21 S., R. 26 E., Sec. 13, NE¼ SE¼.

T. 21 S., R. 27 E., Sec. 16, lots 3 and 4.

This pipeline will convey natural gas across 0.032 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the Chief, Branch of Lands and Minerals Operations.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31756 Filed 10-27-77; 8:45 am]
NOTICES

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31259 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]

[4310-84 ]
[NEW MEXICO]

Application

OCTOBER 20, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,

NEW MEXICO

T. 21 S., R. 23 E., Sec. 18, SE1/4 SE1/4.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;7:45 am]
NOTICES

Bureau of Reclamation

[4310-09]

[INT FES 77-09]

PROJECT SKYWATER

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for Project Skywater.

The environmental statement concerns a program of research in precipitation management.

Copies are available for inspection at the following locations:

- Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240; telephone 202-245-1247.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the E. & R. Center. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.


LARRY E. MADEROTTO, Secretary of the Interior.

[FR Doc.77-31300 Filed 10-27-77; 8:45 am]

[4310-10]

Office of the Assistant Secretary

SAN LUIS TASK FORCE

Availability of Report

On June 16, 1977, Secretary of the Interior Cecil D. Andrus announced the formation of the San Luis Task Force to analyze expenditures, design features, replacement obligations, contractual commitments, and fiscal, agricultural and environmental impacts of the Westlands Project, and to examine the record of excess holdings, residency requirements, and the success of the project in fostering family farms.

Notice is hereby given that the San Luis Task Force draft report will be available for public review and comment on October 31, 1977. All 11 chapters in the review draft have been reviewed by the Task Force and revised accordingly, except Chapter IV, Review of Contracts and Repayment Obligations. Chapter IX, The Acreage Provision, and Chapter X, Impacts of Additional Water Commitments from the Delta. These chapters have not received Task Force review but are acceptable for public review and comment at this time.

The final version of the Task Force report will likely include findings and conclusions for each chapter and recommendations for action. Not all chapters are completely in each of these categories, and public comment regarding existing or desired findings or recommendations is invited.

Copies of the draft report are available for review during working hours at the following locations:

- Fresno Office (CVP), U.S. Bureau of Reclamation, Room 2215, Federal Building, 1150 "O" Street, Fresno, Calif. 93720.
- Tracy Office (CVP), Mountain House and Kelso Roads, 10 miles west of Tracy, Tracy, Calif. 95377.
- Library, State of California, 9th and Capitol Mall, Sacramento, Calif. 95814.
- Department of Water Resources, 1418 5th Street, Sacramento, Calif. 95814.
- California Department of Food and Agriculture, 1220 N Street, Sacramento, Calif. 95814.
- Westlands Water District, 607 West Shaw, Fresno, Calif. 93715.
- Fresno Community Library, 2429 Mariposa, Fresno, Calif. 93721.
- Kings County Library, 401 North Douty St., Hanford, Calif. 93230.
- Tulare County Free Library, 200 West Oak St., Visalia, Calif. 93277.
- Kern County Library System, 1315 Truston Ave., Bakersfield, Calif. 93301.
- Madera County Library, 121 North G Street, Madera, Calif. 95337.
- Library, Fresno City College, 1101 E. University Ave., Fresno, Calif. 93704.
- San Luis Water District, 1706 Sixth St., Los Banos, Calif. 93635.
- Pancho Water District, 2027 West Atlantic Ave., Firebaugh, Calif. 93222.
- Broadview Water District, 20223 North Fairfax, Firebaugh, Calif. 93222.
- James F. Sorensen, Secretary, Friant Water Users Assn., 230 South Lencast St., Visalia, Calif. 93277.
- San Luis and Delta-Mendota Water Users Assn., 1706 Sixth Street, Los Banos, Calif. 93625.
- Planning and Conservation League, 717 E. Street, Suite 300, Sacramento, Calif. 95814.
- National Land for People, 1755 Fulton St., Room 11, Fresno, Calif. 93721.
- Department of the Interior, Bureau of Reclamation, Room 7412, Main Interior Bldg., Washington, D.C. 20240.
- Cooperative Extension, Univ. of California
- George N. Ferry, Kings County, 310-1114 Avenue, Farm and Home Adviser Bldg., Hanford, Calif. 93230.
- William Hamilton, Fresno County, 1820 South Maple Ave., Fresno, Calif. 93702.
- Curtis D. Lyon, Merced County, Agricultural Bldg., Community Civic Center, Woodland and West Main, Madera, Calif. 93637.
- Glen R. Boswell, Merced County, 240 West 17th Street, Merced, Calif. 95340.
- William H. Hambleton, Madera County, 128 Madera Ave., Madera, Calif. 93637.
- Armen V. Sarquis, Stanislaus County, 733 County Center, 3rd Floor, Oakdale Rd., Modesto, Calif. 95356.
- Theodore S. Torgersen, Sacramento County, 4145 Branch Center Rd., Sacramento, Calif. 95829.
- Adolph F. Van Maren, Imperial County, Imperial County Services Bldg., Room 629, El Centro, Calif. 92243.

Water Resources Control Board, 2014 T Street, Sacramento, Calif. 95814.

Library, Government Documents Section, University of California, Davis, Davis, Calif. 95616.


Library, University of California, Berkeley. Water Resources Archives, Northgate Hall, Berkeley, Calif.

Library, California State University, Fresno, North Maple and East Shaw Avenues, Fresno, Calif. 93710.

North Delta Water Agency, 333 Furunn Blvd., 1107 5th Street, Sacramento, Calif. 95814.


South Delta Water Agency, 606 California Blvd., 11 South San Joaquin St., Stockton, Calif. 95202.

Contra Costa County Water District, 1351 Concord Ave., Concord, Calif.

Merced County Free Library, 2100 O Street, Merced, Calif. 95340.

Federal hearings on the review draft of the Task Force report will be held at the Dol Webb Townhouse Hotel (Burgundy Room), 2220 Tulare Street, Fresno, California 93721, on November 17, 1977, from 9:00 a.m. to 6:30 p.m. All participants will have 10 minutes to testify and witnesses will be chosen on a first come, first served basis. Written statements of any length may be filed.

Persons or organizations wishing to testify on the review draft should contact Mr. Marcel Villelaux, Office of the Assistant Secretary for Land and Water Resources, U.S. Department of the Interior, 15th and C Streets, NW, Washington, D.C. 20240; phone 202-245-4065. Those who wish to testify are urged to limit their comments to the material contained in the review draft.


GARY WERES, Deputy Assistant Secretary for Land and Water Resources.

[FR Doc.77-31477 Filed 10-27-77; 11:40 am]

[4410-01]

DEPARTMENT OF JUSTICE

SCOTT PAPER CO.

Proposed Consent Decree (Federal Water Pollution Control Act)

In accordance with departmental policy, 28 CFR § 50.4, 36 FR 19038, notice is hereby given that on October 4, 1977, a proposed consent decree in United States v. Scott Paper Company, Civil Action No. 77-498-E, was lodged with the United States District Court for the Southern District of Alabama. The proposed consent decree requires the construction of a new treatment system to be working properly by December 31, 1977. Penalties are provided for the failure to achieve deadlines for construction, the attainment of operational levels, and noncompliance with the effluent limitations.

The Department of Justice will receive for a period of 30 days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the
NOTICES

Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. Scott Paper Company, D.J. Ref. 90-5-1-1-709.

The proposed consent decree may be examined at the office of the United States Attorney for the Southern District of Alabama, Mobile, Ala.; at the Division of Justice, Room 2633, 8th Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Washington, D.C.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.77-31282 Filed 10-27-77;8:45 am]

[4510-01] UNITED STATES STEEL CORP. Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 16029, notice is hereby given that on October 7, 1977, a proposed consent decree in United States v. United States Steel Corporation was lodged with the United States District Court for the Northern District of Illinois. The proposed decree requires United States Steel Corp. to complete construction of necessary water pollution control facilities to bring the company's Joliet, Ill. plant into compliance with the company's NPDES permit by September 16, 1977. The consent judgment imposes a civil penalty of $20,250 against United States Steel Corp. for violations of the permit beginning July 16, 1977 and ending September 16, 1977.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be referred to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. United States Steel Corporation, D.J. Ref. 90-5-1-1-839.

The proposed consent decree in this action may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.77-31283 Filed 10-27-77;8:45 am]

[4510-30] DEPARTMENT OF LABOR Employment and Training Administration EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

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, § 1902 of the United States Code.

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials or commodities, or in 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 in 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. The case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, Room 261 D St., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of October 1977.

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

APPLICATIONS RECEIVED DURING THE WEEK Ending October 21, 1977

Name of Applicant and Location of Principal product or activity

<table>
<thead>
<tr>
<th>Name of Applicant</th>
<th>Location of Enterprise</th>
<th>Principal product or activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aero Virgin Islands Corp.</td>
<td>St. Thomas, Virgin Islands</td>
<td>Air taxi and commercial airline service.</td>
</tr>
<tr>
<td>Southern Flyer, Inc.</td>
<td>Hattiesburg, Miss.</td>
<td>Airline passenger service and air freight.</td>
</tr>
<tr>
<td>Elkton Valley Apparel Co., Inc.</td>
<td>Elkton, N.C.</td>
<td>Manufacture of ladies sportswear.</td>
</tr>
<tr>
<td>Lee Alan Bryant Nursing Home</td>
<td>Rockville, Ind.</td>
<td>Health Care Facilities.</td>
</tr>
<tr>
<td>Kargard Industries, Inc., Marinetto, Wis.</td>
<td></td>
<td>Manufacture of pressure vessels, tanks, and process equipment.</td>
</tr>
<tr>
<td>Schuykill Metals Removing Corp. (tenant of Holt County, Holt, Minn.)</td>
<td></td>
<td>Manufacture of automotive batteries and related equipment.</td>
</tr>
</tbody>
</table>

[FR Doc.77-31154 Filed 10-27-77;8:45 am]

[4510-30] FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Meeting

NOTE.—This document originally appeared at page 175 in the Federal Register for Wednesday, October 26, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

A meeting of the Federal Advisory Council on Unemployment Insurance
NOTICES

will be held on November 7, 1977, beginning at 8:30 a.m., and adjourning at approximately 5:00 p.m. The meeting will be held in Room 5241 A, B, and C, Labor Department Building, which is located at 200 Constitution Avenue, N.W., Washington, D.C.

The agenda is as follows:

8:30 A.M. Meeting Convenes
8:45 A.M. UI Program Developments
9:15 A.M. Report of the Ad Hoc Committee on UI Financing Issues
12:00 Luncheon
1:15 P.M. Report of the UI Research Subcommittee
3:00 P.M. Business Meeting
5:00 P.M. Adjournment

Members of the public are invited to attend the proceedings. Written data, views, or arguments pertaining to the agenda must be received by the Council's Executive Secretary prior to the meeting date. Twenty duplicate copies are needed for distribution to the members and for inclusion in the meeting minutes.

Telephone inquiries and communications concerning this meeting should be directed to:

Mrs. Phyllis Finshriber, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 7000, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213 (202-376-7044)

Signed at Washington, D.C., this 21st day of October 1977.

Ernest G. Green
Assistant Secretary for Employment and Training.

[F.R. Doc. 77-31141 Filed 10-27-77; 8:45 a.m.]

[4510-26]

Occupational Safety and Health Administration
OREGON STATE STANDARDS

Proposed Rejection of Oregon Roll-Over Protective Structures (ROPS) Standards

Hearing

Note:—This document originally appeared in the Federal Register for Wednesday, October 26, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

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

ACTION: Intent to Reject; Notice of Hearing.

SUMMARY: This notice informs all interested persons that a hearing will be held in Pendleton, Oreg., on December 1, 1977, to determine whether Oregon roll-over protective structures standards for tractors used in agricultural operations promulgated by the State of Oregon, are as effective as the comparable Federal roll-over protective standards for tractors used in agricultural operations.

DATES: Notices of Intention to Appear must be filed no later than: November 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration 200 Constitution Avenue NW., Washington, D.C. 20210, 202-522-0414.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 16, 1977, a notice was published in the Federal Register (42 FR 41333) entitled Oregon State Standards—Intent to Reject. This notice described the technical requirements of the Oregon safety standards for Roll-Over Protective Structures (ROPS) for tractors used in agricultural operations and the corresponding federal OSHA standards reviewed by the Regional Administrator. These standards review is required by and conducted pursuant to section 10(i)(2) of the Occupational Safety and Health Act of 1970, as amended, and the Secretary of Labor has determined that the State standards, which are in effect, are not at least as effective as the comparable Federal safety-standards. The notice described the basis for rejection and included a summary of the differences between the State and Federal ROPS standards. The notice invited interested persons to submit written data, views, and arguments by September 16, 1977, concerning whether the State standards should be approved. In response to this notice, comments were received from the Grain Growers Assn., Membership and Insurance Trust, P.O. Box 538, Lewiston, Idaho 83501 requesting a hearing concerning the proposed rejection.

PUBLIC PARTICIPATION—NOTICE OF HEARING

Pursuant to section 10 of the Act, 1973, 4932.23(d) of Title 29, Code of Federal Regulations, notice is hereby given that there will be a hearing to receive the issues with regard to the proposed rejection of the Oregon ROPS standards at issue herein. The hearing granted herein will be convened on December 1, 1977 at 9:30 a.m., in the Red Lion Indian Hills Motor Inn, Walla Walla Room, Highways 80 N. and 11, P.O. Box 1556, Pendleton, Oreg. 97801.

Interested persons, including the State,
may file a notice of intent to appear and request to present views, evidence, and arguments and to participate in the hearing.

The notice of intent to appear and the data, views and arguments that are submitted must be postmarked on or before November 11, 1977 and submitted in quadruplicate to: H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, Suite 720, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20210; and/or John Grunzich, Assistant Regional Administrator, U.S. Department of Labor—OSHA, Room 6003, Federal Office Building, Seattle, Wash. 98174.

The notice of intention to appear will be available for inspection and copying at the above addresses and must contain the following information:
1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time requested for the comment or argument;
4. A statement of the position that will be taken with respect to the standard; and
5. Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

CONDUCT OF HEARING

The hearing will be presided over by Administrative Law Judge Rhea Burroughs appointed by the Chief Administrative Law Judge of the United States Department of Labor who shall have all the powers necessary and appropriate to conduct a fair, full and impartial hearing. Any interested person who has filed a request to appear in accordance with the above requirements may submit written and/or oral data, views, evidence or arguments and call witnesses, submit rebuttal evidence and conduct such cross-examination as may be required for a full, fair and impartial hearing. Any oral or documentary evidence may be received, but the Administrative Law Judge may exclude evidence which is irrelevant, immaterial or unduly repetitious. The hearing shall be reported verbatim and a transcript will be available to any interested party on such terms as the presiding administrative law judge may provide.

Up on completion of the oral presentations the transcript and all written submissions on the proposed rejection shall be certified by the presiding Administrative Law Judge to the Regional Administrator. Regional Administrator shall within a reasonable period of time issue a tentative decision either rejecting the State Standards as being not as effective as the comparable Federal standards or accepting the State standards as being as effective as the Federal standards. Within 30 days after receipt of notice that the tentative decision and submissions has been certified from the Administrator for his initial decision, any interested person may file with the Regional Administrator proposed findings of fact, conclusions of law and a proposed order together with a supporting brief on the matters in issue. The tentative decision, unless waived by the State and other interested persons participating in the hearing, shall be published in the Federal Register and shall become final upon the 30th day after service thereof unless exceptions are filed there to.

Unless the tentative decision is waived, interested persons may file with the Regional Administrator written exceptions to the tentative decision. Such exceptions shall refer to the specific findings of fact and conclusions of law and tentative order excepted to. An original and four copies of any exceptions shall be filed. If exceptions are filed the Regional Administrator shall transmit the record of the proceeding to the Assistant Secretary for review. Thereafter the Assistant Secretary shall issue a final decision ruling upon each exception filed. The final decision may affirm, modify, or set aside in whole or in part the decision of the Regional Administrator.

Section 18(1) of the Act provides, in connection with the judicial review of withdrawal of approval or rejection of a State plan, that determinations of the Regional Administrator shall be conclusive if supported by substantial evidence in the record. Although this proceeding is not directly concerned with either withdrawal or rejection of the Oregon plan as a whole, Section 18(1) in conjunction with §§1902.17 and 1955.23(d) (2) of Title 29 CFR indicates this evidentiary basis as the appropriate basis for review of the Assistant Secretary’s final decision on whether any State plan component is as effective as its Federal counterpart. Only a final decision by the Assistant Secretary shall be deemed final agency action for purposes of judicial review.


SIGNED at Washington, D.C. this 31st day of October 1977.

Jack Jones,
Acting Regional Administrator.

[FR Doc. 77-31165 Filed 10-25-77; 12:02 pm]

[4510-26]

WASHINGTON STATE STANDARDS

Proposed Rejection of Various Washington State Scaffold Standards; Hearing

Note: This document originally appeared in the Federal Register for Wednesday, October 26, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

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

ACTION: Intent to reject; notice of hearing.

SUMMARY: This notice informs all interested persons that a hearing will be held in Seattle, Washington on November 29, 1977 to determine whether various Washington scaffold standards proposed for rejection under the Washington occupational safety and health plan approved by the United States Department of Labor January 19, 1973 (Subpart F, 29 CFR Part 1953.23) are as effective as the comparable Federal scaffold standards.

DATES: Notices of Intention to Appear must be filed no later than: November 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8011.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 16, 1977, a notice was published in the Federal Register (42 FR 41335) titled Washington State Standards—Intent to Reject. This notice described the technical requirements of your Washington State Scaffold Standard and the comparable Federal OSHA Standard reviewed by the Regional Administrator. This standards review is required by and conducted pursuant to section 18(g) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) which among other things, requires a State under an approved plan to provide for the development and enforcement of safety and health standards, which are at least as effective as the comparable Federal safety and health standards, which are at least as effective as the comparable Federal standards or are not at least as effective as the comparable Federal standards.

This notice, as amended by the Regional Administrator, under a delegation of authority from the Assistant Secretary for Occupational Safety and Health (the Acting Assistant Secretary) (29 CFR 1953.4), determined that the State standards, for the reasons cited in the August 16, 1977 notice are not at least as effective as the comparable Federal standards. Consistent with 29 CFR 1953.23(d) (2), such a finding is followed by an opportunity for the State to submit a revised standards submission or, in the alternative, to show cause why a proceeding should not be commenced for rejection of the State standards. Although meetings and discussions between Federal and State personnel were held to resolve the differences in the scaffold standards, these discussions proved unfruitful, and by letter dated September 1, 1977, the State of Washington requested a hearing on the matter. The notice of Intent to Reject (42 FR 41335) included a summary of the differences between the State and Federal standards, the basis for rejection and an invitation for interested persons to submit written data, views and arguments by September 16, 1977, concerning whether the State standards should be approved. In response to this notice, comments were submitted.
NOTICES
58213

received from Lathers International Union Local No. 104, 2500 First Avenue, Seattle, Wash.; Plasterers Union Local No. 71 Labor Temple, Seattle, Wash. 98121; Northwest Labor and Plaster Bureau, Inc., 215 W. Harrison St., Seattle, Wash. 98119; Advance Scaffolding-Northwest, Inc., 3658 E. Marginal Way S., Seattle, Wash. 98134; Associated General Contractors of America, E. 4935 Trent Avenue, Spokane, Wash. 99220, requesting a hearing concerning the proposed rejection.

PUBLIC PARTICIPATION—NOTICE OF HEARING

Pursuant to section 18 of the Act, §§ 1953.4, 1953.23(d) (2) of Title 29, Code of Federal Regulations, notice is hereby given that a hearing will be held to resolve the issues with regard to the proposed rejection of the Washington scaffold standards at issue herein. The hearing granted herein will be convened on November 29, 1977 at 9:30 a.m., in the Federal Building, Court Room 514, 515 Second Avenue, Washington, D.C. 20414. Interested persons, including the State, may file a notice of intent to appear and request to present views, evidence, and arguments to participate in the hearing.

The notice of intent to appear and the data, views and arguments that are submitted must be postmarked on or before November 11, 1977 and submitted in quadruplicate to:

H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, Suite 720, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20210; and/or


The notices of intention to appear will be available for inspection and copying at the above addresses and must contain the following information:

1. The name, address, and telephone number of each person to appear;

2. The capacity in which the person will appear;

3. The approximate amount of time requested for the comment or argument; and

4. The specific scaffold standards provisions that will be addressed;

5. A statement of the position that will be taken with respect to each provision; and

6. Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

CONDUCT OF HEARING

The hearing will be presided over by Administrative Law Judge John Granchi, appointed by the Chief Administrative Law Judge of the United States Department of Labor who shall have all the powers necessary and appropriate to conduct a fair, full, and impartial hearing. Any interested person who has filed a request to appear, in accordance with the above requirements, may submit written and/or oral data, views, evidence, or arguments and call witnesses, submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the presiding Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious. The hearing shall be reported verbatim and a transcript will be available to any interested party on such terms as the presiding administrative law judge may provide.

Upon completion of the oral presentations, the transcript and all written submissions and arguments that are proposed rejection shall be certified by the presiding Administrative Law Judge to the Regional Administrator. The Regional Administrator shall within a reasonable period of time issue a tentative decision either rejecting the State standards as being not as effective as the comparable Federal standards or accepting the State standards as being as effective as the Federal standards. Within 30 days after receipt of notice that the transcript of the testimony and submissions has been certified from the Administrative Law Judge to the Regional Administrator, the Regional Administrator shall issue a final decision, interested persons may file with the Regional Administrator proposed findings of fact, conclusions of law, and a proposed order, together with a supporting statement or argument on the matters in issue. The tentative decision, unless waived by the State and other interested persons participating in the hearing, shall be published in the Federal Register, and shall become final upon the 30th day after service thereof unless exceptions are filed thereto.

Unless the initial decision is waived, interested persons may file with the Regional Administrator exceptions to the tentative decision. Such exceptions shall refer to the specific findings of fact and conclusions of law and proposed order contained in the decision and the exceptions and four copies of any exceptions shall be filed. If exceptions are filed the Regional Administrator shall transmit the record of the proceeding to the Assistant Secretary for review. Thereafter the Assistant Secretary shall issue a final decision ruling upon each exception filed. The final decision may affirm, modify, or set aside in whole or in part the decision of the Regional Administrator.

Section 18(g) of the Act provides, in connection with the judicial review of withdrawal of approval or rejection of a State plan that the decision of the Secretary shall be conclusive if supported by substantial evidence in the record. Although the proceeding is not directly concerned with either withdrawal or rejection of the Washington plan as a whole, Section 18(g) in conjunction with §§ 1902.17 and 1953.23(d) (2) of Title 29 CFR, indicates this evidentiary basis as a proper basis for review of the Assistant Secretary's final decision on whether any State plan component is as effective as its Federal counterpart. Only a final decision by the Assistant Secretary shall be deemed final agency action for purposes of judicial review.


Signed at Washington, D.C., this 21st day of October 1977.

Jack Jones,

Regional Administrator.

[FE Docket No. 77-214]

[7520-01]

NATIONAL CAPITAL PLANNING COMMISSION

TENTATIVE AGENDA ITEM

The following addition is made to the list of agenda items tentatively scheduled for consideration by the Commission at its meeting on November 3 and 10, 1977, at 9:30 A.M. in the Commission's Tenth Floor Conference Room at 1325 G Street NW.

File

77-214

1. Consideration of a recommendation by the Commission to the Secretary of the Interior to recommend to Congress the changes recommended in the draft national capital plan for the National Mall.

The Commission will afford interested and affected organizations and individuals an opportunity to present their views on this item in writing prior to and/or in person at the meeting at which the item is considered, with such limitations on the number and length of oral presentations as the item and the length of the agenda appear to warrant.

Organizations and individuals desiring to make a statement or otherwise communicate their views on this item should advise Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 724-0174.

Copies of the Executive Director's Recommendation on the item may be obtained from Mr. Frazier on or after November 1. If no organization or individual has advised Mr. Frazier by Thursday, October 27, 12:00 Noon, of a desire to present views in person to the Commission and the Executive Director recommends approval or a favorable report, this item may be placed on the "consent calendar" and acted upon by the Commission, with public discussion, by consent of the Commission, at a future meeting.

The Commission will consider this item at its meeting on November 3. To ensure that written comments on the item are placed before the Commission prior to Commission action thereon, written statements must be received by Mr. Fra-
NOTICES

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 21, 1977 (42 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

[3110–01 ]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 21, 1977 (42 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

[4510–30 ]

NATIONAL COMMISSION FOR MANPOWER POLICY

ROLE OF LABOR MARKET INTERMEDIARIES IN MANPOWER

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a working conference on the Role of Labor Market Intermediaries in Manpower on November 17, 1977. The conference will be held in the Federal Ballroom (North) of the Capitol Hill Quality Inn, 415 New Jersey Avenue, NW, Washington, D.C. The conference will commence at 9:00 a.m. and conclude at 5:00 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92–203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agencies on national manpower issues.

The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda will cover the following areas:

A. What is the conceptual justification for the existence of Labor Market Intermediaries (LMI) in general and in differing economic environments?
B. What is the nature of LMI output and how can this be measured?
C. What are the types of LMI and how do they affect the overall workings of the labor market?
D. How and why do job seekers and employers use LMI?

Members of the general public or other interested individuals may attend the Commission conference. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so provided such statements are in reproducible form and are submitted to the Director not later than two days before and seven days after the meeting.

Additionally, members of the general public may request that oral statements to the Commission be made when the agenda permits. Such oral statements must be directly germane to the announced agenda items and written application must be submitted to the Director of the Commission three days before the meeting.

This application shall identify the following: the name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting.

All presentations shall be limited to two minutes and shall not include any question of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection five working days after the conference at the Commission's headquarters located at 1522 K Street, NW, Suite 300, Washington, D.C.

Signed at Washington, D.C., this 25th day of October 1977.

ISABEL V. SAWEILL,
Director, National Commission for Manpower Policy.

[FR Doc.77–31498 Filed 10–27–77; 8:45 am]
DELPHINE L. LARSEN, Budget and Management Officer.

[7555-02] OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and its implementing regulations, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering and Technology Advisory Panel—Human Resources Task Force

PLACE: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

DATE: Wednesday, November 16, 1977; 1:30–5:30 p.m.; Thursday, November 17, 1977; 9 a.m.–4 p.m.

CONTACT PERSON:

Mr. Louis Blair, Office of Science and Technology Policy, Executive Office of the President; telephone 202-355-4509. Anyone who plans to attend should contact Mr. Blair by November 14, 1977.

The purpose of the meeting is to be briefed by the appropriate officials of the Department of Health, Education and Welfare on: FY 79 Intergovernmental R&D budget priorities; FY 78 Intergovernmental research plans; Intergovernmental research utilization activities in DHEW.

Minutes of the meeting: Summary minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

Opening remarks by Representative Thomas Jensen, Task Force Chairman. Briefings by HEW officials from the following organizations:

DEPARTMENT OF HOUSING AND MORTGAGE

Housing Production and Mortgage Credit, Processing Form—Housing for the Elderly, FHA-2013-E, on occasion, profit motivated sponsors, cooperatives, housing, veterans and labor divisions, 395-3332.

DEPARTMENT OF TRANSPORTATION

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14072; File No. 81-29966]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934 (the “Act”), 15 U.S.C. 78s (b) (1), as amended by Pub. L. No. 94-29, 94 Stat. 1831 (June 4, 1979), notice is hereby given that on October 14, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE’S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (“Amex”) proposes to amend its Constitution, Rules and policies to facilitate the offering of 150 options memberships and to expand the rights and privileges of existing options members. The requirement of $50,000 minimum capital requirement for a registered trader in options would be lowered from $25,000 to $15,000, and the minimum capital maintenance requirement lowered from $15,000 to $10,000 (Rule 110(c)).

The basis and purpose of the foregoing proposed changes are as follows:

The Amex proposes to broaden access to the Amex options markets, provide more personnel for the market-making function, and foster competition among options exchanges. This will be accomplished through an offering of 150 options memberships pursuant to a plan approved by the Amex Board of Governors, entitling the holder to trade as principal in options and, upon payment of an annual fee and proper qualifications, to specialize in options. Under the Plan, new options members and present options principal members would form a single class of membership with identical rights and obligations.

The basis under the Act for adopting the proposed changes is to carry out the purposes of the Act; to remove unnecessary restrictions on the ability of persons to become members or to be affiliated with members of the Exchange; and to remove impediments to the mechanism of a free and open market, as exemplified by the following:

The amendments to Article IV, Section 1(b) (2); and Section 50, Commentary .01, Rules 172 and 183, which would enable options members to specialize in options, are consistent with Section 6(b) (5) of the Act in that they would broaden access to membership and remove impediments to a free and open market.

The amendments to Article IV, Section 1(d) (4), Rule 50, Commentary .01, Rules 172 and 183, which would enable options members to specialize in options, are consistent with Section 6(b) (5) of the Act in that they would broaden access to membership and remove impediments to a free and open market.

The amendment to Article IV, Section 1(c) (2), which would delete the “primary occupation” requirement, is consistent with Section 6(b) (2) of the Act in that it would remove restrictions on the Floor of the Exchange would be deleted (Article IV, Section 1(b) (3)).

Suspension and Disposal of Membership. Provisions would be made to assure that failure to make timely payment of options membership purchase price installments will constitute grounds for suspending an options member for a period of not more than ninety days by transferring his membership in the same manner as now applicable for failure to pay dues, fees, and other charges (Article IV, Section 1(c) (2)).

Minimum Capital Requirements. The minimum capital requirement for a registered trader in options would be lowered from $25,000 to $15,000, and the minimum capital maintenance requirement lowered from $15,000 to $10,000 (Rule 110(c)).

EXCHANGE’S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed changes are as follows:

The Amex proposes to broaden access to the Amex options markets, provide more personnel for the market-making function, and foster competition among options exchanges. This will be accomplished through an offering of 150 options memberships pursuant to a plan approved by the Amex Board of Governors, entitling the holder to trade as principal in options and, upon payment of an annual fee and proper qualifications, to specialize in options. Under the Plan, new options members and present options principal members would form a single class of membership with identical rights and obligations.

The basis under the Act for adopting the proposed changes is to carry out the purposes of the Act; to remove unnecessary restrictions on the ability of persons to become members or to be affiliated with members of the Exchange; and to remove impediments to the mechanism of a free and open market, as exemplified by the following:

The amendments to Article IV, Section 1(b) (2); and Section 50, Commentary .01, Rules 172 and 183, which would enable options members to specialize in options, are consistent with Section 6(b) (5) of the Act in that they would broaden access to membership and remove impediments to a free and open market.

The amendments to Article IV, Section 1(d) (4), Rule 50, Commentary .01, Rules 172 and 183, which would enable options members to specialize in options, are consistent with Section 6(b) (5) of the Act in that they would broaden access to membership and remove impediments to a free and open market.

The amendment to Article IV, Section 1(c) (2), which would delete the “primary occupation” requirement, is consistent with Section 6(b) (2) of the Act in that it would remove restrictions on
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[Federal Register Volume 42, No. 208--Friday, October 28, 1977]

[56817]

[8010-01]

[Release No. 14083; SR-BSE-77-5]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

October 21, 1977.

On September 1; 1977, the Boston Stock Exchange, 58 State Street, Boston, Massachusetts 02109, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to reduce the time in which the Exchange can take action for non-payment of dues, fees, fines or assessments.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13941 (September 8, 1977)) and by publication in the Fennal Register (42 FR 45659 (September 21, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b) (2) of the Act, that the proposed rule change filed with the Commission on September 1, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-31397 Filed 10-27-77; 8:45 am]


[8010-01]

[Filed Nos. 2-52263, (28-8125)]

BRITISH PETROLEUM COMPANY LTD.
AND BP PIPELINES INC.

Application and Opportunity for Hearing

October 21, 1977.

Notice is hereby given that the British Petroleum Company Limited (an English corporation) ("BP") and BP Pipelines Inc. (a Delaware corporation) ("BP Pipelines") have filed an application under clause (ii) of Section 31Q(b) (1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission ("Commission") that the trusteeships of Morgan Guaranty Trust Company of New York (the "Bank") under a certain indenture which is qualified under the Act and under a new indenture which is not qualified under the Act, and under a new indenture which is not qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under such qualified indenture.

Section 31Q(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Act), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign.

Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), a trustee is not deemed to have a conflicting interest if it is acting as trustee under another indenture or indentures under which other securities of such obligor are outstanding, if the trustee is or shall have no further burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteehip under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

BP Pipelines allege that:

1. The Bank, as Trustee, has entered into an indenture dated as of December 1, 1974 (the "1974 Indenture") with Sohio/BP Trans Alaska Pipeline Finance Inc. (which name has been changed to Sohio/BP Trans Alaska Pipeline Capital Inc.), a Delaware corporation ("Capital"), pursuant to which there has been issued $250,000,000 principal amount of Capital's 9 3/4 percent Debentures, due 1999 (the "Capital Debentures"). The 1974 Indenture was filed as Exhibit 4 to Registration Statement No. 2-52263 under the Securities Act of 1933, and such Indenture has been qualified under the Act.

2. Capital is owned 32.2 percent by BP Pipelines, a wholly-owned subsidiary of BP, and 67.8 percent by Sohio Pipe Line Company ("Sohio Pipe Line"), a wholly-owned subsidiary of The Standard Oil Company ("Sohio"). Simultaneously with the issuance and sale of the Capital Debentures, Capital applied the proceeds thereof to the purchase of a note of BP Pipelines (the "BP Pipelines Note") in a principal amount equal to 32.2 percent of the Capital Debentures and a note of Sohio Pipe Line in a principal amount equal to 67.8 percent of the Capital Debentures. The BP Pipelines Note is guaranteed by BP and has been pledged to the Bank, as Trustee under the Capital Indenture, to secure payment of the Cap-

the ability of any registered broker or dealer, or associated natural person, to become a member of the Amex.

The amendments to Article IV, Sections 4(b), 7(a) and (b), Article V, Sections 3(d) and 4(b), which provide for suspension and disposal of membership for default in making purchase price installment payments, are consistent with Section 6(b)(6) of the Act in providing appropriate sanctions for violations of the provisions of the Constitution and Rules of the Amex.

The amendment to Rule 110(c), relating to the minimum capital requirements which must be maintained by registered traders in options, is consistent with Section 6(b) (2) of the Act in removing restrictions on the ability of any registered broker or dealer or associated natural person to become a member of the Amex.

No written comments were solicited or received from Exchange members or others.

The Amex has determined that the proposed rule changes will impose no burden on competition.

On or before December 2, 1977, or within such longer period (i) as the Commission may designate, up to 90 days of such date if it finds such longer period to be appropriate, and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-31397 Filed 10-27-77; 8:45 am]

level

To provide for suspension and disposal of membership for default in making purchase price installment payments, are consistent with Section 6(b)(6) of the Act in providing appropriate sanctions for violations of the provisions of the Constitution and Rules of the Amex.

The amendment to Rule 110(c), relating to the minimum capital requirements which must be maintained by registered traders in options, is consistent with Section 6(b) (2) of the Act in removing restrictions on the ability of any registered broker or dealer or associated natural person to become a member of the Amex.

No written comments were solicited or received from Exchange members or others.

The Amex has determined that the proposed rule changes will impose no burden on competition.

On or before December 2, 1977, or within such longer period (i) as the Commission may designate, up to 90 days of such date if it finds such longer period to be appropriate, and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-31397 Filed 10-27-77; 8:45 am]
Agreement, dated as of August 15, 1977 (the "1977 Indenture") pursuant to which the City issued $315,000,000 aggregate principal amount of its 6.65% Marine Terminal Revenue bonds (the "Bonds") to the Bank and Sohio, together with a guarantee of the Bonds by BP Pipelines. The Bonds are being issued to provide funds for the acquisition, construction and equipping of certain docks, wharves and facilities directly related thereto and real property and interests therein constituting a portion of the Trans Alaska Pipeline System Marine Terminal (the "TAPS Marine Terminal"), August 15, 1977 in Port Valdez in the City. The City has acquired a leasehold interest in a portion of the undivided interest of BP in the TAPS Marine Terminal (the "TAPS Project") pursuant to a Lease, dated as of August 15, 1977 (the "BP Pipelines Lease"), between the City and BP Pipelines, and the City has acquired a leasehold interest in a portion of the undivided interest of Sohio in the Sohio Pipe Line pursuant to a Lease, dated as of August 15, 1977 (the "Sohio Pipe Line Lease"), between the City and Sohio.

5. No default has at any time existed under the 1974 Indenture or the 1977 Indenture. Each of the Capital Debentures and the Bonds are wholly unsecured and rank equally pari passu. BP Pipelines' obligations in respect of the Capital Debentures and the Bonds are guaranteed to the Trustee, for the benefit of the Holders of the Bonds and of the coupons appertaining thereto, the payment of 32.2 percent of the principal of, premium, if any, and interest on the Bonds and pursuant to a Guarantee Agreement, dated as of August 15, 1977, Sohio has guaranteed to the Trustee, for the benefit of the Holders of the Bonds and of the coupons appertaining thereto, the payment of 67.8 percent of the principal of, premium, if any, and interest on the Bonds. The obligations of BP and Sohio under the Guarantee Agreements are several and not joint obligations of BP and Sohio, respectively. The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a) (2) thereof, and the 1977 Indenture has not been qualified under the Act on the basis of the provisions of Section 304(b) thereof.

4. Under Section 8.00(c)(1) of the 1974 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1977 Indenture. The Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1977 Indenture if BP and BP Pipelines included in the 1977 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1977 Indenture if BP and BP Pipelines included in the 1977 Indenture if

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**CHICAGO BOARD OPTIONS EXCHANGE, INC.**


Self-Regulatory Organizations; Proposed Rule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") (15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 16, 1977, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

On April 28, 1977, the Board of Directors of the Chicago Board Options Exchange, Inc. ("CBOE"), having been advised that American Electric Power Co., Inc. ("AEP") proposes to make a Subscription Offer to the holders of its common stock ("AEP common stock") to subscribe to up to 5,000,000 shares of AEP common stock beginning on May 31, 1977, and continuing through June 24, 1977, and that
the underwriters (the "underwriters") for such distribution may affect stabilizing transactions in AEP common stock, deems it advisable, in the public interest and for the protection of investors to prohibit opening writing transactions in any CBOE option contract for AEP common stock at a premium which is, at the time of the transaction, less than the amount by which the Subscription Price per share of AEP common stock exceeds the exercise price of the option contract. Such prohibition shall only become effective at the time the underwriters shall have advised CBOE in writing that they have placed or transmitted a stabilizing bid for or effected a stabilizing transaction in AEP common stock at the Subscription Price on a national securities exchange (but no earlier than 15 minutes after it has been announced on the floor of the CBOE) and shall terminate upon the termination of stabilizing transactions by the underwriters. Provided, That such prohibition shall not be effective unless and until the underwriters shall have given to CBOE written notice of the date on which they propose to commence distribution and written undertaking to advise CBOE immediately upon termination of their stabilizing transactions. Such prohibition shall not apply to (1) any equal writing transaction that is and remains covered in the account on a share-for-share basis by a long position in AEP common stock (or in a security including an option contract) that is immediately exchangeable or convertible without restriction, other than the payment upon money, into AEP common stock; or (2) any transaction entered into by a Market-Maker in the account in the resulting to the maintenance of a fair and orderly market.

CBOE'S STATEMENT OF BASIS AND PURPOSE, COMMENTS RECEIVED, AND BURDENS ON COMPETITION

The purpose of the Board of Directors' action is to maintain a fair and orderly market in the securities underlying AEP option contracts and to protect the public interest.

The Board of Directors' action is based upon that provision of Section 6(b) (5) of the Act which requires that CBOE's rules "**"** protect investors and the public interest ** **.

CBOE does not intend to solicit comments on the proposed rule change.

CBOE believes there will be no burden upon competition as a result of the proposed rule change.

The foregoing rule change became effective upon filing with the Commission, pursuant to Section 19(b) (3) of the Act and Rules 19b-4 thereunder. Notice of the filing of the proposed rule change was not given prior to this date due to certain inadvertent delays in administrative processing. At any time within sixty days of the filing of the proposed rule change, the Commission could have summarily abrogated the Rule Change pursuant to Section 19(b) (3) (c) (A) of the Act if it appeared to the Commission that such action was necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced on the caption above and should be submitted on or before November 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

October 20, 1977.

[8010-01 ]

CONSOLED SERVICES INC.

Suspension of Trading

October 21, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Consolidated Services Inc, being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors; Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:55 p.m. (EDT) on October 21, 1977, through October 30, 1977.

By the Commission.

George A. Fitzsimmons, Secretary.

October 20, 1977.

[8010-01 ]

IDS LIFE INSURANCE CO. AND IDS VARIABLE ANNUITY FUND B

Application of Act for an Order of Exemption

October 21, 1977.

Notice is hereby given that IDS Life Insurance Co. ("IDS Life"), a Minnesota stock life insurance company, and IDS Variable Annuity Fund B ("Fund B"), IDS Tower, Minneapolis, Minn. 55402, a separate account of IDS Life registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company (hereinafter collectively referred to as "Applicant") filed an application on July 18, 1977, and amendments therein on September 19, 1977, and October 17, 1977, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c) (1), and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application and file with the Commission for a statement of the representations therein and questions concerning such representations.

Fund B was established pursuant to the Insurance Code of the State of Minnesota on June 10, 1973. Among the variable annuity contracts offered by Fund B, life annuity contracts are offered which provide for the payment of annuity payments upon the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death, or total disability. Thus, these contracts are qualified to do business in Texas. In 1973, the Texas Life and Annuity Department and the Internal Revenue Service approved the proposed variable annuity contracts of Fund B.

In 1977, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain participants in each institution the Texas Educational Retirement Program ("Program"), codified as Subchapter C of Chapter 41 of the Texas Education Code. The Program provides for the use by the State and media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas Life and Annuity Department approved the variable annuity contracts of Fund B.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted Section 51.335 to prohibit provisions 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas.

Notice is hereby given that IDS Life Insurance Co. ("IDS Life"), a Minnesota stock life insurance company, and IDS Variable Annuity Fund B ("Fund B"), IDS Tower, Minneapolis, Minn. 55402, a separate account of IDS Life registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company (hereinafter collectively referred to as "Applicant") filed an application on July 18, 1977, and amendments therein on September 19, 1977, and October 17, 1977, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c) (1), and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application and file with the Commission for a statement of the representations therein and questions concerning such representations.

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NOTICES

Section 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, the Program has never had the right to redeem its annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

Sections 27(c) (1), 23(e), and 27(d)

Section 27(c) (1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2 (a) (32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender it at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 19 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 27(c), 27(c) (1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to (i) redemption values under Contracts issued to participants in the Program subsequent to the date of such contract, or (ii) redemption values under Contracts issued prior thereto but attributable to payments made subsequent to the date of such order.

Applicants assert that if such exemptions are not granted, persons participating in the Program will be denied an opportunity to select as a funding medium for their retirement benefits one or two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to redemption might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) The limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each Prospectus to the restrictions on redemption of these Contracts, as well as requiring each participant, as a part of the determination that the sale of these Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Contract when it is issued. In addition, IDS Life will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespersons involved in solicitation of this market to bring this restriction to the attention of the potential participants.

Section 6(c) authorizes the Commission upon release of securities or transactions or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the provisions of the Act.

Notice is further given that any interested person may, not later than November 15, 1977, at 5:30 p.m. submit to the Commission a written request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be permitted to participate in any hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 5-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 15, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any posthearing thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc.77-31309 Filed 10-27-77; 8:45 am]

[8010-01]

[Release No. 14091; SR-MSLI-77-31]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

October 21, 1977.

On August 26, 1977, the Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Ill. 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to clarify the practice that bids for memberships are accepted upon preliminary determination that a statutory disqualification to membership exists.

Notice of the proposed rule change together with the terms of substance of the proposed rule change were given by publication of a Commission Release (Securities Exchange Act Release No. 13910 (September 1, 1977)) and by publication in the Federal Register (42 FR 49401 (September 9, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b) (2) of the Act, that the proposed rule change filed with the Commission on August 26, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc.77-31310 Filed 10-27-77; 9:45 am]
Order Approving Rule Change Relating to Deposited Securities Available for Loans

October 21, 1977.

On June 10, 1977, the Midwest Clearing Corp. ("MCC"), 120 South LaSalle Street, Chicago, Ill. 60603, submitted, pursuant to Rule 15b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would provide for the automatic allocation of securities held in loan free positions to long value positions.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the Federal Register (42 FR 32602, June 27, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13640, June 17, 1977. No letters of comment were received.

The Commissioners, who have reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to Section 19(b) (2) of the Act, that the proposed rule change contained in File No. SBCC-77-3 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc.77-31311 Filed 10-27-77; 8:45 am]

Order Approving Rule Change Relating to Deposited Securities Available for Loans

October 21, 1977.

Notice is hereby given that Money Market Management, Inc. ("MMM"), and Trust for Short-Term U.S. Government Securities ("Trust"); 421 Seventh Avenue, Pittsburgh, Pa., 15219, collectively, "Applicants," both registered under the Investment Company Act of 1940 (the "Act") as diversified, open-end management investment companies, filed an application on August 15, 1977, and amendments thereto, on September 6, 1977, and October 5, 1977, for an order of the Commission, pursuant to Section 6 (c) of the Act, exempting Applicants from the provisions of Section 2(a) (41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicants to value their assets in the manner set forth in the application, which, generally, is referred to as the "amortized cost" method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that they are "money market funds" designed to invest in vehicles for temporary investment for investors with temporary cash balances or cash reserves, and that their investment objectives are to provide current income consistent with safety of principal. They also state that Cash Management Research Corp. and Institutional Research Corp., both wholly-owned subsidiaries of Federated Investors, Inc., act as investment advisors to MMM and the Trust, respectively, and that Federated Research Corp., another wholly-owned subsidiary of Federated Investors, Inc., acts as subinvestment adviser to both Applicants.

Applicants further state that the portfolio of MMM may be invested in a variety of money market instruments including U.S. government securities, mutual fund associations, and other money market instruments maturing in one year or less; that the portfolio of the Trust is invested in certificates of deposit of commercial banks and money market securities maturing in one year or less; and that in actual practice MMM has invested almost exclusively in the certificates of deposit of banks which are among the largest commercial banks in the United States.

According to the application, these policies have been followed by Applicants: (1) As a matter of fundamental investment policy, investments are made only in instruments having a remaining maturity of one year or less; (2) the average portfolio maturities of Applicants' portfolios are 120 days or less; (3) portfolio securities are not sold prior to maturity; (4) portfolio securities are valued at "amortized cost"; and (5) in the case of the Trust, redemptions may at the option of the Trust be made in kind. Applicants state that these policies evolved because two features were deemed necessary to attract investments from bank trust departments and other institutions: (1) Absolute stability of principal, and (2) steady flow of investment income. According to the application, by utilizing high quality money market instruments of short maturities priced at amortized cost, it has been possible for Applicants to provide these features. Applicants state that, on the other hand, money market funds which trade their portfolio securities and use a "mark-to-market" valuation technique have not attracted substantial investments from bank trust departments and other institutional investors.

Applicants assert that their experience has shown that market prices and operations there is a negligible discrepancy between prices obtained by amortized cost and those obtained through the use of market valuation techniques, or other mechanical devices, and that the directors of Applicants have determined in good faith that, in view of the characteristics of Applicants, their use of the amortized cost method of valuation of portfolio securities is appropriate and preferable to the use of other methods.

According to the application, as of May 31, 1977, MMM had approximately $185 million in net assets, and the Trust approximately $184 million. As of the same date, approximately 90 percent of MMM's assets were held by bank trust departments, broker-dealers, and investment advisers; approximately 91 percent of the Trust's assets were held by those classes of shareholders together with municipalities. Individuals held 4.5 percent of MMM's assets and none of the Trust's. Applicants assert that their investors are sophisticated and that, while these investors are not concerned with differences which might occur between yield computed by pricing to a market value and the "current net asset value" of their investment at amortized cost, they are adamant that the yield not exhibit volatility which may occur through use of "mark-to-market" valuation methods.

As here pertinent, Section 2(a) (41) of the Act defines "value" to mean: (1) With respect to securities for which market quotations are readily available, the mean of the best bid and asked prices therefor; and, (2) With respect to other securities, fair value as determined in good faith by the board of directors.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security at the time of such transaction, as determined in good faith by the board of directors. Applicants assert that their over-the-counter securities, fair value as determined in good faith by the board of directors.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security at the time of such transaction, as determined in good faith by the board of directors. Applicants assert that the current net asset value of each redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule, with estimates used where necessary or appropriate. Rule 2a-4 funds have generally invested in securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary to provide a system of securities regulation consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants have requested an order of the Commission pursuant to Section 6(c) of the Act exempting them from the provisions of Section 2(a) (41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent that the amortized cost valuation method employed by Applicants...
may be deemed not fully to comply with the requirements of Section 2(a) (41) and Rules 2a-4 and 23c-1.

Applicants state that their request for exemption is made based upon their existing management policies, and have agreed that they seek may be conditioned upon the following:

1. That they will continue their fundamental investment policy that investments will be made only in instruments having a remaining maturity of one year or less, and that their portfolios will continue to be managed so that (1) the average maturity of all instruments in the portfolio (on a dollar-weighted basis) will be 120 days or less, and (2) so that redemptions of shares of the Applicants in the largest foreseeable volume may be made without the necessity of disposing of portfolio instruments. In accomplishing these policies, Applicants will typically maintain overnight liquidity through investments in instruments such as repurchase agreements, and will schedule maturity dates of the instruments which they purchase in consideration of sufficient regular and systematic cash availability.

2. That they will not sell instruments in their portfolios prior to maturity unless such sale or other disposition is mandated by redemption requirements, changes in creditworthiness of issuers, or other extraordinary circumstances not presently foreseen by the Applicants, and that they will disclose such policies in their prospectuses.

3. That they themselves will offer their shares only to present shareholders and to institutional investors, with a required minimum initial purchase of $50,000.

4. That they will describe in their respective prospectuses their policies and practices set forth in the application and the concept and impact upon reported yield and net asset value of valuation of instruments using the amortized cost method as compared to mark-to-market.

5. That their Executive Committees shall continuously review this method of valuation and recommend changes to their directors (in the case of the Trust) which may be necessary to assure that their portfolio instruments are valued at their fair value, as determined by their boards of directors in good faith. In their review, the Executive Committees shall consider the relevant factors which may affect the value of portfolio instruments. These shall include such things as maturity, yield, stability, special circumstances of trading markets, the creditworthiness of the issuers whose instruments are owned (as indicated by dissemination of unfavorable financial information), and the ability of the leading agencies, association of trading in securities or default in the payment of principal or interest (not applicable in the case of the Trust, which invests only in U.S. government and agency securities), and economic, social and political factors which may cause unusually large and precipitous changes in prevailing short-term interest rates. Any one or more of these factors may indicate the need to change the method of valuation of a portfolio instrument. If such a change is indicated, the board of directors will review the method of valuation in order to approximate more closely that instrument's market value.

6. That MMM will limit investments in commercial paper to investment grade issues rated A–1 or A–2 by Standard & Poor's Corp., Prime 1 or Prime 2 by Moody's Investors Services, Inc., or F–1 or F–2 by Fitch Investors Service, and to the extent that it invests in instruments of banks and savings and loan associations it will limit its investments to those institutions which as of the date of investment have capital, surplus and undivided profits as of the date of their most recently published financial statements in excess of $100,000,000.

7. That MMM will institute a redemption policy (which the Trust already has) which will enable MMM to redeem shares in kind, subject to the election provided for by Rule 18f-1 under the Act.

8. That to the extent an Applicant has initiated or maintained a policy of redeeming the right to honor redemption requests in the form of distribution in kind of portfolio securities in lieu of cash, such policy will be implemented if management of a particular Applicant determines that a material adverse effect would be experienced by the remaining investors of that Applicant if a redemption request was satisfied wholly or partly in cash.

Applicants submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 14, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted. Applicants may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: The Commission, in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted. Applicants may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: The Commission, 1704 H Street, N.W., Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 6–5 of the Exchange Act, a hearing on the application will be held at the principal office of the Commission or at such other place as the Commission may determine.

Applicants submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.
NOTICES

series of the Bonds at a later time, which may be before or after November 23, 1977. The respective purchasers of Bonds, underwriters by telegraphic or other written notice of its decision, not less than 72 hours prior to the day the Bonds are to be offered.

It is stated, that the Bonds will be redeemable at any time at the option of Monongahela, except that prior to December 1, 1962, the Bonds shall not be redeemable directly or indirectly, at the regular redemption price, described in the Indenture, with, or in anticipation of, monies borrowed at an interest cost to Monongahela of less than the money to Monongahela in respect of such Bonds.

Monongahela proposes to publicly invite sealed written proposals for the Bonds at least 6 days prior to entering into any contract or agreement for the issuance and sale of the Bonds. It is expected that bids will be submitted for the Bonds on or as soon after December 1, 1977, as possible, and Monongahela to be appropriate. It is expected that the successful bidder will make a public offering of the Bonds.

Monongahela proposes to use the proceeds from the sale of the Bonds, together with other funds of the Company, to pay or prepay short-term debt, to finance its construction program which, as of September 30, 1977, was expected to have expenditures aggregating $173,000,000 for 1977 and 1978, and to reimburse its treasury for the payment at maturity of $7,600,000 of Monongahela's 3 percent First Mortgage Bonds on September 1, 1977. Monongahela expects that approximately $44,000,000 of short-term debt will be outstanding at the time of issuance of the Bonds.

The fees and expenses to be incurred in connection with this transaction are to be filed by amendment. It is stated that the Public Utility Commission of Ohio has jurisdiction over the proposed transaction. It is further stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 15, 1977, request in writing that a hearing be held on such matter, stating the nature of the interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by certified mail upon the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after such date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.77-35135 Filed 10-27-77; 8:45 am]

50823

[8010-01]

[Release No. 34-14076; File No. SR-NYSE-77-29]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

October 20, 1977.

On July 29, 1977, the New York Stock Exchange, Inc. ("NYSE"), Eleven Wall Street, New York, N.Y. 10005, filed with the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Exchange Rules 350, 355 and 360, to conform those rules to the provisions of Rule 10c-1 under the Act, and Exchange Rule 54, to clarify the scope of that Rule.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-13925 (September 2, 1977)) and by publication in the Federal Register (42 FR 46442 (September 15, 1977)). By letter dated October 7, 1977, the NYSE has confirmed that Exchange Rule 54, as amended, would limit members to members' transactions on the NYSE floor and that these rules are intended to protect the public from unfair trading practices in members' transactions on the NYSE.

Notice is hereby given that the Commission has received four written submissions concerning the proposed rule change. Persons desiring to submit written data, views and arguments concerning the foregoing. Persons desiring to submit written data, views and arguments concerning the foregoing.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.77-35134 Filed 10-27-77; 8:45 am]

FEDERAL REGISTER, Vol. 42, No. 208—FRIDAY, OCTOBER 28, 1977

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78t(b)(1) (as amended by Pub. L. No. 94-59, 16 (June 4, 1975), notice is hereby given that on October 13, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NEW YORK STOCK EXCHANGE'S ("NYSE") STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change eliminates the requirement that members and member organizations report transactions of 3,000 shares or more effected on regional exchanges in NYSE-listed stocks on Form 10 to the Exchange (hereinafter referred to as "the reporting requirements").

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The Commission in its review of Exchange rules conducted in accordance with Section 31(b) of the Securities Acts Amendments of 1975 has cited the reporting requirement as being inconsistent with the Act.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

As cited by the Commission in its review of Exchange rules conducted in accordance with Section 31(b), the proposed rule change relates to Section 6 (b) (8) of the Act and item (v) (D) of Item 4 of Form 19b-4. Notice states that the Exchange has not solicited comments regarding the proposed elimination of the reporting requirement.

The NYSE believes the proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to submit written data, views and arguments concerning the foregoing.

[FR Doc.77-35135 Filed 10-27-77; 8:45 am]
spect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions and order refer to the file number referenced in the caption above and should be submitted on or before November 18, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

October 20, 1977.

[FR Doc. 77-31321 Filed 10-27-77; 8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

October 20, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Columbia Pictures Industries, Inc., Common Stock—$2.50 Par Value; File No. 1-5693.

Upon receipt of a request, on or before November 5, 1977, from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc. 77-31315 Filed 10-27-77; 8:45 am]

POTOMAC EDISON CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that The Potomac Edison Co. ("Potomac"), Downsville Pike, Hagerstown, Md. 21740, a wholly owned electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commis-
NOTICES

[8010-01]

[FR Doc 75-31317 Filed 10-27-77; 8:45 am]

PUBLISHER SERVICE CO. OF OKLAHOMA AND TRANSOK PIPE LINE CO.


OCTOBER 19, 1977.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, an electric utility subsidiary of Central and South West Corporation ("CSW"), a registered holding company, and Transok Pipe Line Company ("Transok"), P.O. Box 3008, Tulsa, Oklahoma 74101, a subsidiary pipeline company of PSO, have filed a post-effective amendment to their application-declaration, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b) and 12(d) of the Act and Rules 43 and 45 thereunder, as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

Transok is an intrastate pipeline company with operations limited to its state of incorporation, Oklahoma. All of its common stock is owned by PSO. Transok is engaged in the purchase, transportation and sale to FSO of natural gas pursuant to a contractual arrangement to supply the FSO's electric generating stations with boiler fuel on a long-term basis.

By order dated May 13, 1975 (HCAR No. 18894), Transok was authorized to issue and sell from time to time, as needed, promissory notes to PSO in an amount not to exceed at any time $25,000,000 outstanding, with each note to mature not later than two and one-half years from the date of the first such borrowing. That authorization expires on November 17, 1977.

PSO and Transok now propose, via this post-effective amendment, to extend the authorization for such borrowings by Transok from PSO through June 30, 1979, in an aggregate amount of one time not to exceed $31,000,000 outstanding. PSO also proposes to make, in the first quarter of 1978, a $2,000,000 capital contribution to Transok.

Proceeds of the two financings will be used (a) to repay existing borrowings from PSO by Transok made pursuant to the authorization in HCAR No. 18894, which borrowing aggregated $8,750,000 at June 30, 1977 and which are estimated to aggregate about $8,750,000 at November 17, 1977 and (b) to pay a portion of estimated construction expenditures for the last quarter of 1977, all of 1978 and the first two quarters of 1979, which are as follows:

<table>
<thead>
<tr>
<th>Term</th>
<th>Amount</th>
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<tbody>
<tr>
<td>First half of 1978</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Second half of 1978</td>
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<tr>
<td>All of 1978</td>
<td>$2,000,000</td>
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<tr>
<td>First half of 1979</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Second half of 1979</td>
<td>$2,000,000</td>
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<tr>
<td>All of 1979</td>
<td>$2,000,000</td>
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</tbody>
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For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,

Secretary.

[FED Register Vol. 42, No. 208—FRIDAY, OCTOBER 28, 1977]
FSO and Transok state that principal construction advances during this period include the construction of a 12-inch transmission line from the Bradley-Thomas 20-inch line running north of Gracemont to FSO's Southwestern station at Watauga in Caddo County; the restoration and modification of the transmission line that extends from Gracemont to FSO's Tulsa Power Station in Tulsa County and FSO's Northeastern Station in Rogers County; the construction of a transmission line into Watauga County to connect newly discovered reserves; the construction of an additional underground gas storage facility; the gathering lines and compressors necessary to connect additional reserves during this period; and the construction of gas processing plants within Gracemont's gathering system.

FSO and Transok state that the proposed borrowings will be in the form of open-account advances although FSO would be entitled at any time to receive upon demand a promissory note evidencing any loan. Each loan would mature not later than June 30, 1979 and would bear interest at a rate equal to the daily average interest rate then being paid by FSO for its short-term borrowings. If at any relevant time FSO has no short-term borrowings outstanding, the loans will bear interest at the prime rate for commercial loans then in effect at The First National Bank and Trust Company of Tulsa. The loans will be subject to prepayment at any time without penalty or premium.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transactions.

Notice is further given that any interested person may, not later than November 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by the post-effective amendment, if it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant extended time as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any posthearings thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fittsimmons, Secretary.

[FR Doc.77-31083 Filed 10-27-77;8:45 am]

STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA

Filing of Application Thereunder for Order Permitting Proposed Acquisition of Certain Notes

October 19, 1977.

Notice is hereby given that State Mutual Life Assurance Company of America ("Applicant"), 440 Lincoln Street, Worcester, Massachusetts 01605, a mutual life insurance company organized under the laws of Massachusetts, filed an application on July 12, 1977, and an amendment thereto on September 23, 1977, for an order pursuant to Section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder permitting Applicant to acquire $1,000,000 in principal amount of a new issue of 9½% Senior Notes due in 1990 of A. B. Dick Company ("Dick"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Commission has no present reason to object to any of the matters described in the application which would be inconsistent with the provisions of an Order granted thereon. Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(1) Each investment will be made by Applicant and the Fund at the same unit price in securities of the same class (except that Applicant's investment may include non-voting securities which are, except for voting rights, identical with those purchased by the Fund).

(2) Unless otherwise permitted by order of the Commission, Applicant will invest an amount equal to the amount invested in the issue by the Fund, and Applicant and the Fund will exercise warrants, conversion privileges and other rights at the same time and in the same amount.

(3) All securities which Applicant is prepared to purchase at direct placement and which would be consistent with the investment policies of the Fund will be shared equally by the Applicant and the Fund unless:

(a) in the judgment of the Fund's board of directors, concurred in by a majority of those directors who are not "interested persons" (as defined in the Act) of Applicant or Colonial Management Associates, Inc., a subsidiary of Applicant which advises the Fund with respect to its publicly traded securities, 122 or more by values of the assets of the Fund are invested, in accordance with the investment policies of the Fund, in long-term debt obligations or preferred stock purchased directly from the issuers or in equities acquired either in connection with such purchases or as a result of the exercise of rights or other options so acquired, (ib) there is insufficient cash to make the investment, and (iii) the sale of portfolio securities of the Fund to provide such cash is inadvisable;

(b) the security to be so purchased is a long-term debt obligation or preferred stock without equity participation;

(c) the purchase by the Fund would be inconsistent with the provisions of any Commission order granted on that Application or otherwise and then in effect;

(d) The Commission order otherwise permits;

(4) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(5) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(6) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(7) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(8) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(9) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.
the same proportion to the amounts it holds if the amounts held by each are different; and

(7) The expenses, if any, of the distribution of securities registered for sale under the Securities Act of 1933 and sold by Applicant and the Fund at the same time shall be incurred by Applicant and the Fund in proportion to the amount each is selling.

Applicant represents that it has made a commitment to purchase at direct placement $1,000,000 in principal amount of a new issue of 93/4% senior notes of Dick due 1993 ("Notes"). Applicant states that because Applicant and the Fund each currently hold $1,000,000 in principal amount of the outstanding senior notes of Dick due 1990 issued by Dick in September of 1975 ("Outstanding Senior Notes"). Applicant may not purchase the Notes unless it first obtains an order of the Commission permitting such purchase. Accordingly, Applicant's commitment is subject to the prior issuance of an order by the Commission permitting such purchase.

Applicant states that the current offering price of the Notes will be stated so as to result in net proceeds to Applicant and the Fund, including the expenses of the offering, of approximately $1,000,000. Applicant states that the Notes are not an appropriate investment for the Fund and the directors of the Fund have unanimously voted to decline participation in the proposed acquisition of the Notes. Applicant represents that its proposed acquisition of the Notes is in no way connected with the sale of the Outstanding Senior Notes to Applicant and the Fund in 1975 other than by virtue of the fact that Applicant established a relationship with Dick at that time through the acquisition of the Outstanding Senior Notes. Applicant further represents that neither Applicant nor the Fund is an affiliated person of Dick or an affiliated person of an affiliated person of Dick.

Section 17(d) of the Act and Rule 17d-1 thereunder, provide that the Commission must be notified if the Commission will be materially affected by or otherwise adversely affected by the proposed transaction. Accordingly, Applicant requests that the Commission be notified if the Commission shall become materially affected by or otherwise adversely affected by the proposed transaction.

Notice is hereby given that the Commission will consider the request for an order to dispose of the Notes and because the Outstanding Senior Notes owned by the Fund will not be disadvantageous to the Fund and would effectively obligate it to Senior Notes owned by the Fund each currently hold $1,000,000 principal amount thereunder, permitting the acquisition by Applicant alone of $1,000,000 principal amount of the Notes, notwithstanding the present ownership by Applicant and the Fund of the Outstanding Senior Notes.

In support of this request, Applicant represents that the proposed investment will not be disadvantageous to the Fund and is consistent with the purposes, policies and purposes of the Act. Applicant states that the Fund's investment in the Outstanding Senior Notes will not be adversely affected, because Dick will be receiving such amount. Applicant considers the proposed transaction to be materially advantageous to the Fund and will not materially affect the Fund's overall level of risk.

Notice is further given that any interested person, including a joint enterprise or arrangement for purposes of Section 17(d) of the Act and Rule 17d-1 thereunder, may be notified if the Commission shall become materially affected by or otherwise adversely affected by the proposed transaction. Applicant requests that the Commission be notified if the proposed transaction is materially adverse to the Fund and will not materially affect the Fund's overall level of risk.
The Advisory Board of the Saint Lawrence Seaway Development Corporation meeting scheduled for November 11, 1977, as published in Federal Register Vol. 42, No. 197, page 64973 was announced as an open meeting beginning at 10 a.m. The Advisory Board is responsible for advising the Administrator with respect to, among other things, the rates and charges and tolls on the St. Lawrence Seaway. A part of this meeting will deal with determining whether future negotiations with Canada with respect to proposed revisions to the U.S.-Canada Joint Seaway Tariff of Tolls are necessary, and if so the development and formulation of U.S. positions, the premature disclosure of which would be likely to significantly frustrate the implementation of the action which may be proposed.

The meeting is now scheduled to begin at 9 a.m., November 11, 1977, in the Office of the Corporation at 800 Independence Avenue SW., Washington, D.C. 20591, with that portion of the meeting from 9 a.m. to 10 a.m. to be closed. Additional information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation; 800 Independence Avenue SW., Washington, D.C. 20591, 202-426-9174.


D. W. Oberlin, Administrator.

[FR Doc.77-31324 Filed 10-27-77; 6:45 am]
[DEPARTMENT OF THE TREASURY]

[Delegation Order No. 28 (Rev. 4)]

Internal Revenue Service

DELEGATION OF AUTHORITY

Correction

In FR Doc. 77-30444, appearing at page 55557 in the issue of Tuesday, October 18, 1977, the signature at the end of the document on page 55558 should read “Jerome Kurtz” instead of “Jerome Kennedy.”

[DEPARTMENT OF THE TREASURY]

[Delegation Order No. 59 (Rev. 8)]

Internal Revenue Service

DELEGATION OF AUTHORITY

Correction

In FR Doc. 77-30444, appearing at page 55558 in the issue of Tuesday, October 18, 1977, the signature in the second column at the end of the document should read “Jerome Kurtz” instead of “Jerome Kennedy.”

[4810-25]

Office of the Secretary

ANIMAL GLUE AND INEDIBLE GELATIN FROM THE NETHERLANDS

Modification of Determination of Sales at Less Than Fair Value

AGENCY: Treasury Department.

ACTION: Modification of determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that the determination of sales at less than fair value under the Antidumping Act, 1921, as amended, on animal glue and inedible gelatin from the Netherlands has been reconsidered and certain modifications in that determination are determined to be appropriate. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than prices in the home market or to third countries. Accordingly, the determination is being modified to reflect the results of this reconsideration.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: A “Determination of Sales at Less Than Fair Value” with respect to animal glue and inedible gelatin from the Netherlands was published in the Federal Register of August 3, 1977 (42 FR 39289).

In the “Statement of Reasons” of that notice, paragraph two under the subheading (b) “Basis of comparison,” it was indicated that for determining the basis of home market price with respect to Trommelen, one of the two Dutch companies Investigated, sales to a distributor located in the Netherlands would be used. This distributor took title to the goods in the Netherlands and was free to resell the merchandise to whatever destinations the distributor chose. The distributor, however, “resold the merchandise principally for use within the neighboring countries of the European Community.” Using these sales, margins were found ranging from 0.8 to 21.5 percent on 100 percent of Trommelen’s sales. The weighted average margin for sales from the Netherlands as a whole, under that basis, was 7.5 percent.

Upon reconsideration, it has been determined that sales by Trommelen to this distributor referred to above are sales for home consumption within the meaning of section 205(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 1641(a)). It appears that most of the merchandise so sold was shipped directly by the distributors outside of the Netherlands, and further, that Trommelen knew or, on the basis of available information, should have known, at the time of making the sales, that most of the merchandise so purchased was destined for exportation. Accordingly, home market price, in accordance with §153.2, Customs Regulations (19 CFR 153.2), has been recalculated using only those sales to customers located in the Netherlands who purchased the merchandise for consumption within the Netherlands. As a result, the margin found with respect to all sales from the Netherlands now range from 4.8 to 46.8 percent, with a weighted average margin of 19.6 percent.

Accordingly, the “Notice of Determination of Sales at Less Than Fair Value” referred to above is modified to reflect the change in the basis of comparison and the results of comparisons made as discussed in the preceding paragraphs.

The United States International Trade Commission is being advised of this modification.

This notice is published pursuant to §153.42, Customs Regulations (19 CFR 153.42).

ROBERT H. MUNCHEN, General Counsel of the Treasury.

INTERSTATE COMMERCE COMMISSION

[Notice No. 512]

ASSIGNMENT OF HEARINGS

October 25, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to assure that they are notified of cancellation or postponement of hearings in which they are interested.

EL 23 No. 13-30529, Passenger Fare Increases, Pantexiut Valley Bus Lines, Inc., now assigned November 1, 1977, at Providence, R.I., will be held in Room 217(U), John O. Pasture, Federal Building and Post Office, 27 Exchange Towers.


MC 95331 (Sub-No. 4), Horace Simmons, d.b.a. Vacu Valley Bus Lines, now being assigned December 5, 1977, at San Francisco, Calif., in Room 510 Fifth Floor, 211 Main Street (1 week).

MC 164690 (Sub-No. 17). Osborn Transportation, Inc., now being assigned December 12, 1977 (1 week), at San Francisco, Calif., in Room 510, Fifth Floor, 211 Main Street.

MC 154765 (Sub-No. 107). Charter Express, Inc., now being assigned November 10, 1977 (3 days), for hearing in Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 114111 (Sub-No. 234). Warren Transport, Inc., now assigned December 16, 1977, at Memphis, Tenn., is cancelled and transferred to modified procedure.


H. G. Homme, Jr., Acting Secretary.
Hearing Room assignment published in Federal Register on October 14, 1977, showed Docket Number 113308 (Sub-No. 1) filed October 11, 1977, Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael F. Zell, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from the warehouse facilities utilized by General Electric Co. at or near Mount Vernon, Ind., as an off-route point in connection with applicant's currently authorized operations, for 180 days. Applicant intends to tack authority and interpolate with other applications, No. MC 107403 (Sub-No. 1041TA), filed October 7, 1977, Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Nickel oxide sinter and nickel granules, in bulk, in tank vehicles, from the International Boundaries of Michigan and New York States to Pittsburgh, Washington, and Houston, Pa., for 180 days. Supporting shipper: David A. Peterson, P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: R. J. Tate, Director, Bureau of Transportation, Interstate Commerce Commission, Bureau of Operations, Office Building, 1240 East Ninth Street, Lansing, Mich. 48933.

No. PC 77424 (Sub-No. 417TA) (Correction), filed August 15, 1977, published in the Federal Register issue of September 20, 1977, and republished as corrected this issue. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79 Street, P.O. Box 6931, Cleveland, Ohio 44106. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bicycles and tricycles, and parts and accessories for bicycles and tricycles, from Celina, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, Illinois south of U.S. Highway 24, Indiana, south of U.S. Highway 24 (except Indianapolis), Michigan north of U.S. Highway 15, New York east of a line beginning at Oswego, N.Y., extending along a line to Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, and Pennsylvania east of U.S. Highway 220 (except Scranton and Philadelphia, Pa.), for 180 days. Supporting shipper: Huffman Manufacturing Co., Ohio Bicycle Division, 410 Grand Lake Road, Celina, Ohio 45822. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Office Building, 1240 East Ninth Street, Cleveland, Ohio 44119. The purpose of this republication is to add the State of West Virginia, which was previously omitted. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East State Street, P.O. Box 3218, U.S.S. Springfield, Mo. 65804. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Part I—Alcoholic liquors and flavored syrups, in bulk, from ports of entry on the United States-Republic of Mexico Boundary Line located in Texas, New Mexico, Arizona and California, to Chihuahua, Mexico; Part II—Beverage liquor packaged in bulk, from ports of entry on the United States-Canada Boundary Line located in New York, Pennsylvania, Washington, Detroit, Port Huron, Michigan and Toledo, Ohio, to Delaware, Pennsylvania, Michigan, San Francisco, and Menlo Park, Cal.

No. MC 112998 (Sub-No. 52TA), filed October 11, 1977. Applicant: WEST COAST TRUCK LINES, INC., 86417 Highway 99 South, Eugene, Ore. 97406. Applicant's representative: Jerry A. Peterson, P.O. Box 1248, Amherst Road, Knoxville, Tenn. 37919. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry sodium sulfite, in bulk, from ports of entry on the United States-Canada Boundary Line located in New York, Pennsylvania, Washington, Detroit, and Port Huron, Michigan; and Toledo, Ohio, to Delaware, Pennsylvania, Michigan, San Francisco, Union City, and Menlo Park,
California, and Petersburg, Virginia; (B) alcoholic liquors, in bulk, from Sceby-ville, New Jersey; Pekin, Illinois; San Francisco, Union City, Menlo Park, Lampson, California; Cali, to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, and Texas, for 180 days. Supporting shippers: La-Z-Boy Midwest Co., 1005 Centennial Ct., P.O. Box 45850, Joplin, Mo. 64850. Authority sought to operate as a con-tract carrier, by motor vehicle, over irregular routes, transporting: new furniture, common equipment, building materials and supplies, from cities in California, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Oregon, Pennsylvania, and Texas; (B) alcoholic liquors, in bulk, (1) from points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and Delaware, to Pekin, Illinois; San Francisco and Union City, California; and Port Huron and Detroit, Michigan. Restriction: The op-erations authorized in (A) and (B) above are restricted to the transportation of traffic in foreign commerce only.

Part III—(A) alcohol, alcoholic liquors, neutral spirits, distilled spirits, wines, brandies, grape and citrus juice and concentrates thereof, from points in California, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Oregon, Pennsylvania, and Texas; (B) alcohol and alcoholic liquors, in bulk, (1) from points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and Delaware, to Pekin, Illinois; San Francisco and Union City, California; and Port Huron and Detroit, Michigan. Restriction: The op-erations authorized in (A) and (B) above are restricted to the transportation of traffic in foreign commerce only; (2) between the following points: Delavan and Pekin, Illinois; from San Francisco, California; and Detroit, Michigan; (3) between the following points: Chicago and Pekin, Illinois; Colonial Heights, Virginia; Union City, Califor-nia; Fremont, Texas; Chimney Rock and Tolo-do, Ohio; New Orleans, Louisi-a; Detroit, Michigan; and Boston, Massachu-setts; (4) from Pekin, Illinois to Balti-more, Maryland; Williamson, Pennsyl-vania; and points in New York and New Jersey; (5) from Schenley, Pennsyl-vania; Lawrenceburg, Indiana; Frankfort, Bardstown, and Paducah, Ken-tucky; Newark and Crosswick, New Jer-sey, to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are supporting shippers in (A) and (B) above. Applicant is to correct the commodity description; (1) to add those commodities which, because of size and weight, require special equipment; from Los Angeles, Calif. and Wilming-ton, Calif., and their commer-cial zone; and those requiring special equipment; (2) to correct the commodity distribution thereof (except in bulk and except those commodities which, because of size and weight, require special equipment) from Los Angeles, Calif. and Wilming-hton, Calif., and their commercial zone.


No. MC 114943 (Sub-No. 160TA) (Correction), filed August 22, 1977, published in the Federal Register issue of September 29, 1977, and repub-lished as corrected this issue. Applicant: MONSEM COMPANY, INC., West 20th St. Rd., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representa-tive: Lawrence E. Kline, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a common car-rier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classified by the Commission, and those requiring special equipment) in bulk, from Lexington, Ky., and return over the same route, serving all intermediate points; (1) between Pikeville, Ky., and South Williamson, Ky. (except those points in West Virginia and the South Williamson, Ky. commercial zone) from Pikeville, Ky., over U.S. 119 to South Williamson, Ky., and return over the same route, serving all intermediate points; (2) between Prestonburg, Ky., and Louisa, Ky.; from Prestonsburg, Ky., over U.S. Highway 23 to Louisa, Ky., and return over the same route, serving all intermediate points except those points in West Virginia; (3) between Salyersville, Ky., and the junction of U.S. High-way 460 and the U.S. Highway 23 near Paintsville, Ky., and returning over U.S. Highway 460 to the junction of U.S. Highway 23 near Paintsville, Ky., and return over the same route, serving all intermediate points; (4) between Lexington, Ky., and Salyersville, Ky., from Lexington, Ky., over Interstate Highway 64 to junction of Mountain Parkway, thence over Mountain Park-
way to Salyersville, Ky., and return over the same route, serving no intermediate points; (5) between Salyersville, Ky., and Pikeville, Ky., from Salyersville over Kentucky Highway 79 to Prestonsburg, Ky., then over U.S. Highway 460 to Pikeville, Ky., and return over the same route, serving all intermediate points; (6) between Salyersville, Ky., and Pikeville, Ky., over U.S. Highway 460 to Paintsville, Ky., and return over the same route, serving all intermediate points. Authority is sought to serve the commercial zones of all points and places set forth in routes (1) through (6) next above (except those points in West Virginia) for 180 days.

Applicant has also filed an underlying ETA seeking to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of hog homes, precut and knocked down, and hardware and accessories pertaining to the erection thereof, and pressure treated timbers, from the facilities of Lodge Log Homes, Inc., and Pressure Treated Timber Co., located at or near Boise, Idaho, to points in Arizona, California, Colorado, Oregon, Montana, New York, Pennsylvania, Indiana, Ohio, Illinois, Kentucky, and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lodge Log Homes, Pressure Treated Timber Co., Boise, Idaho, 83705.

NOTES

No. MC 128527 (Sub-No. 88TA), filed September 27, 1977. Applicant: MAI TRUCKING COMPANY, P.O. Box 398, Fayette, Idaho 83631. Applicant's representative: Marvin D. Proctor, c/o 310 Main Street, Lewiston, Idaho.

Applicant hereby applies for authority to engage in operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of hog homes, precut and knocked down, and hardware and accessories pertaining to the erection thereof, and pressure treated timbers, from the facilities of Lodge Log Homes, Inc., and Pressure Treated Timber Co., located at or near Boise, Idaho, to points in Arizona, California, Colorado, Oregon, Montana, New York, Pennsylvania, Indiana, Ohio, Illinois, Kentucky, and Utah, for 180 days.
NOTICES 56833

representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403, Note.—The purpose of this partial republication is (1) to show that applicant is Robert and Dorothy Muckenhirn, doing business as Triangle Trucking; and (2) China bath accessories, from Baltimore, Md., Newark, Salem, Trenton, East Brunswick, Roselle Park, and Keyport, N.J.; Newburgh, N.Y., Elmsford and Brooklyn, N.Y.; Minerva and Dalton, Ohio; and Gettysburg and Philadelphia, Pa., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, in part (2) above. The rest of the publication remains the same.

No. MC 143810TA, filed October 4, 1977. Applicant: SALCOM TRUCKING, INC., 3800 Independence Avenue, Bronx, N.Y. 10463. Applicant's representative: Bruce J. Robbins, Robbins & Newman, 118-31 Queens Boulevard, Forest Hills, N.Y. 11375. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Piece goods, and materials, equipment and supplies used or useful in the manufacture, sale and distribution of wearing apparel (except in bulk), between points in the New York, N.Y., Commercial Zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, Tarboro and Greensboro, N.C.; Heath Springs and Camden, S.C.; Atlanta, Ga.; Memphis, and Bruce ton, Tenn.; Faux Christian and Long Beach, Miss.; and El Paso and Dallas, Tex., under a continuing contract, or contracts, with Adam Lyon Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adam Lyon Industries, Inc., 1040 Avenue of the Americas, New York, N.Y. 10018. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 149822, filed October 3, 1977. Applicant: Y'S TRUCKING CO., INC., 2378 Caladium Drive NE., Atlanta, Ga. 30345. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Plastic articles, from the plant of Rehrig Pacific Co. at or near Doraville (Gwinnett County), Ga., to points in Alabama, North Carolina, South Carolina, Florida, Missouri, Louisiana, Arkansas, Oklahoma, Texas, Tennessee, Illinois, Indiana, Ohio, and St. Louis, Mo., under a continuing contract, or contracts, with Rehrig Pacific Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rehrig Pacific Co., 100 Piedmont Court, Atlanta, Ga. 30340. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

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[ 6320-01 ]

1 CIVIL AERONAUTICS BOARD.
TIME AND DATE: 10:00 A.M.—October 25, 1977.
PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.
STATUS: Open.
PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202-673-5068.
SUPPLEMENTARY INFORMATION: Item 1 concerns a filing by Duncan Travel. On October 19, 1977, Duncan Travel requested a waiver of the advance purchase requirements of Part 378a in order to sell five OTC's between Chicago and Las Vegas until the day of departure. On October 29, 1977, the staff denied Duncan's request, and by letter dated October 29, Duncan requested Board review. Because Duncan's first passenger list must be filed on October 25, 1977, and because Duncan must know on that date whether a waiver has been granted, the Board must meet as soon as possible.

[ 3410-05 ]

2 COMMODITY CREDIT CORPORATION:
TIME AND DATE: 3:00 p.m., November 3, 1977.
STATUS: Open except for agenda item 4 which will be closed to the public.
MATTERS TO BE CONSIDERED:
1. Minutes of CCC Board meeting on September 30, 1977.
3. Docket TMP 307 re: Purchase and payment programs.
4. Docket TCX 310a re: Commodities available for sale to foreign governments, international organizations and relief organizations during fiscal year 1978.
5. Docket IMP 397 re: Purchase and distribution of agricultural commodities and other foods for domestic distribution with FNS and Section 32 funds.

CONTACT PERSON FOR MORE INFORMATION:

[ 6351-01 ]

3 COMMODITY FUTURES TRADING COMMISSION.
TIME AND DATE: 10:00 a.m., November 1, 1977.
PLACE: 2033 K Street, N.W., Washington, D.C. 5th floor hearing room.
STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.
MATTERS TO BE CONSIDERED:
Portions open to the public:
Speculative Limits/Policy Discussion. Aggregation/Proposed Regulatory Strategy.
Portions closed to the public:
FOIA Appeal.

CONTACT PERSON FOR MORE INFORMATION:
James Stuckey, 254-6314.

[ 6570-06 ]

4 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern time), Wednesday, October 26, 1977.
CHANGES IN THE MEETING: Time of meeting changed to 9:00 a.m.
CONTACT PERSON FOR MORE INFORMATION:
Marie D. Wilson, Executive Officer, Executive Secretary, at 202-634-6748.

This Notice issued October 25, 1977.

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
SUNSHINE ACT MEETINGS

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern time), Tuesday, November 1, 1977.
PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columb ia Plaza Office Building, 2401 E. Street, NW., Washington, D.C. 20566.

STATUS: Part of the meeting will be open to the public, and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Part open to the public:

State and Local Agencies; FY '78 Contracts; Specific Allocation of Funds for Each Agency.

Part closed to the public:

Briefing on litigation matters, closed to the public under Sec. 1612.13 (a) (3) of the Commission's regulations (42 FR 15630, 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 Office, Executive Secretariat, at 202-634-6746.

This Notice Issued October 25, 1977.
[S-1699-77 Filed 10-26-77;2:30 pm]

[6714-01]

6 FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

At its open meeting held at 11:00 a.m. on Tuesday, October 25, 1977, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman George A. Lemaistre, seconded by Director John G. Helmamn, that Corporation business required its consideration at that meeting on less than seven days' notice to the public:

Resolution establishing an Office of Consumer Affairs and Civil Rights.

Memorandum and resolution extending to December 7, 1977 the comment period on the Corporation's proposed fair housing regulations.

Resolution adopting the revised salary rate schedule (Coordinated Federal Wage System) for application within the Washington Office to the Corporation's Messenger-Chauffeur and Laborer positions, effective October 23, 1977.

Resolution authorizing the conduct of a survey of all insured commercial banks in order to elicit information on bank stock loans, insider loans, and overdrafts.

The Board also determined that no earlier notice of a change in the subject matter of the meeting was practicable.


FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN F. MILLER,
Executive Secretary.

[5-1685-77 Filed 10-26-77;12:17 pm]

[6715-01]

7 FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, November 2, 1977 at 10:00 a.m.
PLACE: 1235 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance.

DATE AND TIME: Thursday, November 3, 1977 at 10:00 a.m.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
IV. Appropriations and budget.
V. Pending legislation.
VI. Classification actions.
VII. Procedures on non-fibers.
VIII. Liaison with other Federal agencies.
IX. Report on pending litigation.
X. Routine administrative matters.

Portions closed to the public (executive session):

A. Audit matters.
B. Compliance.
C. Personnel.

PERSON TO CONTACT FOR INFORMATION:
Mr. David Ficks, press officer, telephone 202-523-4055.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1695-77 Filed 10-26-77;12:20 pm]

[6740-02]

8 FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 10/25/77, 42 FR 56414).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., October 26, 1977; 10:00 a.m., October 27, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

G-37.—RP77-90, Kansas-Nebraska Natural Gas Company, Inc.

G-38.—RP77-140, Consolidated Gas Supply Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1687-77 Filed 10-26-77;12:17 pm]

[6740-02]

9 FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 10/25/77 42 FR 56414).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., October 26, 1977; 10:00 a.m., October 27, 1977.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

G-34.—CP77-403, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1673-77 Filed 10-25-77;12:04 pm]

[6740-02]

10 FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 10/25/77 42 FR 56414).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., October 26, 1977, 10:00 a.m., October 27, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company


G-36, CP77-384, Natural Gas Pipeline Company of America. CP77-616, Sea Robin Pipeline Company.

KENNETH F. PLUMB,
Secretary.

[S-1675-77;Filed 10-25-77;2:02 pm]

[6730-01]

11 FEDERAL MARITIME COMMISSION.

TIME AND DATE: November 2, 1977, 10:00 A.M.
SUNSHINE ACT MEETINGS

[6210-01] 12
FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)
TIME AND DATE: 10:00 a.m., Wednesday, November 2, 1977.
STATUS: Closed.
MATTERS TO BE CONSIDERED:
1. Federal Reserve Bank and Branch director appointments. This matter was originally announced for a meeting on October 12, 1977.
2. Any agenda items carried forward from a previously announced meeting.
CONTACT PERSON FOR MORE INFORMATION:
Mr. Joseph R. Coyne, Assistant to the Board: 202-422-3094.

[6750-01] 14
FEDERAL TRADE COMMISSION.
TIME AND DATE: 10 a.m., Wednesday, November 2, 1977.
STATUS: Open.
MATTERS TO BE CONSIDERED:
1. Consideration of whether to disclose the identity of persons under investigation.
2. Report from General Counsel on Congressional Matters.
CONTACT PERSON FOR MORE INFORMATION:
Wilber T. Weaver, Office of Public Information, recorded message: 202-522-3806.
[6-1677-77 Filed 10-25-77;3:03 pm]

[7020-02] 15
INTERATIONAL TRADE COMMISSION.
TIME AND DATE: 9:30 a.m., Friday, November 4, 1977.
STATUS: Open to the public.
MATTERS TO BE CONSIDERED:
1. Agenda.
2. Minutes.
3. Ratifications.
4. Further discussion of the comprehensive research plans for the agency.
5. Update on administrative matters.
6. Announcement of employee awards.
7. Petitions and complaints—If necessary:
   a. Skate boards.
   b. Cheese boards.
   c. Any items left over from previous agenda.
CONTACT PERSON FOR MORE INFORMATION:
Kenneth R. Mason, Secretary, 202-522-0181.
[8-1681-77 Filed 10-26-77;9:44 am]

[7035-01] 17
INTERSTATE COMMERCE COMMISSION.
TIME AND DATE: 9:30 a.m., Tuesday, November 1, 1977.
PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.
STATUS: Open Regular Conference.
MATTERS TO BE CONSIDERED:
1. Rail Abandonments—Commission Procedures and Options (Briefing by Office of Proceedings).
CONTACT PERSON FOR MORE INFORMATION:
[6-1685-77 Filed 10-20-77;9:44 am]

[7600-01] 18
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.
TIME AND DATE: 2 p.m., October 27, 1977.
PLACE: Room 1101, 1825 K Street NW., Washington, D.C.
SUNSHINE ACT MEETINGS

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:
Ms. Lottie Richardson. 202-534-7570.
Date: October 25, 1977.
[S-1682-77 Filed 10-26-77;9:44 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of October 31, 1977, in Room 225, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, November 2, 1977, at 10 a.m. An open meeting will be held on Thursday, November 3, 1977, at 11 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (a) (2) (i) (A) and (10) and 17 CFR 200.402(a) (8) (9) (i) (1) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, November 2, 1977, at 10 a.m., will be:

1. Formal orders of investigation.
2. Referral of investigative files to Federal, State, or Self-Regulatory authorities.
3. Chapter X proceeding.
4. Advisory report.
6. Institution of injunctive actions.
7. Settlement of injunctive actions.
8. Institution of administrative proceedings.
9. Settlement of administrative proceedings.
10. Other litigation matters.

Authorization of staff member to testify.

The subject matter of the open meeting scheduled for Thursday, November 3, 1977, at 11 a.m., will be:

1. Proposed adoption of Rule 24f-2 and Amendments to Rule 24f-1 and 24e-2 under the Investment Company Act of 1940, which would permit certain registered investment companies to elect to register an indefinite number of securities for sale.
2. Application filed by D. H. Baldwin Co. (Ohio), D. H. Baldwin Co. (Delaware), and The United Corp. requesting an exemption from certain provisions of the Investment Company Act of 1940, as related to the applicants' proposed plan of reorganization and merger.
3. Affidavit of action taken by Chairman Williams, as duty officer, in approving written testimony concerning S. 2008 and H.R. 9518, Amendments to the Shipping Act of 1913.
4. Exemption of Anthony C. Nuland from certain provisions of the Commission's Conduct Regulations to facilitate Mr. Nuland's temporary return to the staff as a special government employee.
5. Affirmation of an action taken by Commissioner Pollack, as duty officer, authorizing a staff attorney to be deposed and to submit, for in camera inspection, documents as to which Commission staff attorneys were responsible for the calendared matters.

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION.


LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Partly open to the public; partly closed.

MATTERS TO BE CONSIDERED:

A. Open to the public.
1. Recommendation to Accept Corrective Action Plan: Eltrinco Corp. under the cabinet fluorescent lights, ID 76-56—The staff has recommended that the Commission accept the corrective action plan, and close this case involving potentially-defective fluorescent light fixtures which might present a shock hazard.
2. Recommendations to Accept Corrective Action Plans: Four Importer/Retailers selling baby receiving blankets, ID 77-44, 77-45, 77-48 and 77-49—The staff has recommended that the Commission accept plans implemented by these four firms in connection with possibly flammable baby receiving blankets. The four firms are: Federated Department Stores, Inc. (77-44), Thalhimer Brothers, Inc. (77-45), Dayton Hudson Corp. (77-48), and Hutzel Brothers Co. (77-49).

[5-1635-77 Filed 10-26-77;7:42 pm]
[6720-01] 21
FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: November 2, 1977; 9:30 a.m.
PLACE: 320 First Street NW., Room 630, Washington, D.C.
STATUS: Open meeting.
CONTACT PERSON FOR MORE INFORMATION: Mr. Michael Scanlon, 202-376-3012.

MATTERS TO BE CONSIDERED:
Application for Permission to Organize a New Federal Association—Douglas C. Frugo, et al., Ville Platte, La.
Branch Office Application—Biscayne Federal Savings and Loan Association, Miami, Fla.
Change of Office Location Application—First Federal Savings and Loan Association of Lake County, Lutesburg, Fla.
Applications for Bank Membership and Insurance of Accounts—The Barnesville Building and Loan Association, Barnesville, Md.
Branch Office Application—Biscayne Federal Savings and Loan Association, Inc., Pasadena, Md.
Change of Name Application—Ellenbeek Savings and Loan Association, Midlothian, Ill.
Amendment of Charter—Change of Branch Office Application—Home Federal Savings and Loan Association of St. Petersburg, St. Petersburg, Fla.
Service Corporation Activity Application—Gibraltar Savings Association, Houston, Tex.
Branch Office Application—Greater Louisville Federal Savings and Loan Association, Louisville, Ky.
Amendment of Charter—Change of Name Application—El Reno Federal Savings and Loan Association, El Reno, Okla.
Preliminary Application for Conversion into a Federal Mutual Association—North Anne Arundel Savings and Loan Association, Inc., Pasadena, Md.
Concurrent Consideration of (1) Application for Permission to Organize a Federal Association—Billy G. Fallin, et al., Moultrie, Ga., and; (2) Limited Facility Application—Tifton Federal Savings and Loan Association, Tifton, Ga.
Consideration of Proposed Non-discrimination-In Lending Data Collection and Reporting Requirements.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 7:30 a.m., October 26, 1977.
PLACE: 320 First Street NW., Room 630, Washington, D.C.
STATUS: Open meeting.
CONTACT PERSON FOR MORE INFORMATION:

CHANGES IN THE MEETING: The following items have been added to the agenda for the open meeting:
- Preliminary Conversion Application; Cancellation of Charter, Membership and Insurance; Transfer of Stock; and Maintenance of Branches Re: Proposed Merger of Lincoln Federal Savings and Loan Association of Berwyn, Berwyn, Ill. into Midlothian Savings and Loan Association, Midlothian, III.
- Application for Preliminary Conversion to Federal Charter—Colchester Savings and Loan Association, Colchester, Ill.
- Proposal for a Temporary RSU Extension.
No. 87, October 25, 1977.
[S-1695-77 Filed 10-26-77;4:26 pm]

[6720-01] 23
FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 31, 1977.
PLACE: 320 First Street NW., Room 630, Washington, D.C.
STATUS: Closed meeting.
CONTACT PERSON FOR MORE INFORMATION: Mr. Michael Scanlon, 202-376-3012.

MATTERS TO BE CONSIDERED:
Consideration of Fair Lending Regulatory Proposal.
No. 69, October 26, 1977.
Announcement is being made at the earliest practicable time.
[S-1696-77 Filed 10-26-77;4:26 pm]

[7035-01] 24
OCTOBER 26, 1977.
INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, October 31, 1977.
PLACE: Room 5124, Interstate Commerce Commission Building, 15th Street and Constitution Avenue NW., Washington, D.C.
STATUS: Notice of open meeting.
MATTER TO BE CONSIDERED: Division 3, Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meet-

[S-1697-77 Filed 10-26-77;4:26 pm]

[7910-01] 27
RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, November 2, 1977; 1:30 p.m.
STATUS: Closed to public observation.

[S-1697-77 Filed 10-26-77;4:26 pm]

[4910-58] 26
NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 55987, October 20, 1977.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, October 27, 1977, 9:30 a.m. (NM-77-35).
CHANGE IN THE MEETING: The following item has been added for consideration as the seventh item on the agenda and will be closed to the public. A majority of the Board has determined by recorded vote that the business of the Board requires this change and no earlier announcement was possible.
Discussion.—Internal Personnel Matter.

[S-1697-77 Filed 10-26-77;4:26 pm]
SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:
GOODWIN CHASE, Chairman.

[5-1700-77 Filed 10-26-77; 1:26 pm]

[7910-01]

28

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, November 2, 1977; 9:00 a.m.

STATUS: Matters 1 through 9 are open to public observation. Matter 10 is closed to public observation. Status is not applicable to matters 11 and 12.

MATTERS TO BE CONSIDERED:
1. Approval of Minutes of meeting held October 26, 1977, and other Board meetings, if any.
2. Recommended Clearances Without Assignment (List No. 1886):
   C. AVX Corp. Fiscal year ended December 27, 1975.
   L. Segmentation.
3. Report of the Chairman concerning:
   A. Budget; B. Case Processing; C. Personnel Actions; D. Organization Progress of the Staff; and E. Rulemaking and Regulations.
5. Recommended Clearances Without Assignment (List No. 1886):
   C. Inland Steel Co. Fiscal years ended December 31, 1974 and 1975.
6. Action taken by the Chairman regarding Lockheed (1971) without any full Board participation.
7. Action taken by the Chairman regarding Lockheed (1971) where full Board participation was minimal due to time constraints placed on the Board.
8. Action taken by a Board Member regarding the failure to approve or disapprove of the data submitted to Lockheed pursuant to Lockheed's Freedom of Information claim.
10. Approval of Agenda for meeting to be held November 15, 1977.
11. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

GOODWIN CHASE, Chairman.

[5-1701-77 Filed 10-25-77; 4:26 pm]

[4110-39]

29

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

TIME AND DATE: 9:00 a.m. to 3:30 p.m., November 4, 1977.
PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: The meeting will be open to the public. Appropriate certification is being sought to close the meeting from 1:30-3:30 p.m. in order to discuss item six of the agenda. The public should call for information about whether that portion of the meeting will be closed.

MATTERS TO BE CONSIDERED:
1. Approval of September 16, 1977 Minutes.
2. Director's Report.
3. Staff Presentation on Testing Issues.
4. Presentation of Videotape Program "Freestyle" being developed under NIE contract.
5. NCER Committee Reports.

CONTACT PERSON FOR MORE INFORMATION:
Mrs. Ella L. Jones, Administrative Coordinator, telephone 202-254-7900.

PETER H. GIBBON,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[5-1708-77 Filed 10-27-77; 12:18 pm]
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Food and Drug Administration

NARCOTIC TREATMENT PROGRAM STANDARDS AND METHADONE IN MAINTENANCE AND DETOXIFICATION

Notice of Intent and Proposed Rule
PROPOSED RULES

Under the Narcotic Addict Treatment Act, practitioners who wish to engage in a narcotic treatment program must register with DEA. The practitioners must comply with the security and record-keeping requirements established by DEA and must be found to be qualified under treatment standards established by the Secretary of Health, Education, and Welfare (HEW) to be registered by DEA. Authority to establish the treatment standards has been delegated to the Secretary jointly by DEA and NIDA. These treatment standards, which will be incorporated into FDA's methadone regulation (21 CFR 310.550 (formerly §310.550)), are now being revised by FDA and NIDA.

Currently, the methadone regulations issued by FDA prescribing conditions for use of methadone (21 CFR 310.550 (formerly §310.550)) contain the only standards for the use of a narcotic drug in the treatment of narcotic addiction. No standards exist that prescribe the use of other narcotic drugs in the treatment of narcotic addiction because no other narcotic drug has been approved by FDA as safe and effective in the maintenance treatment of narcotic addiction. Therefore, methadone should normally be used as the narcotic drug of choice in the most appropriate modality of treatment.

The FDA and NIDA recognize, however, that for some persons who have become addicted to narcotic drugs other than methadone, it may be medically inappropriate to transfer such persons to methadone. In addition, there may be some patients who do not respond to methadone, and in whom methadone is contraindicated for some reason. Therefore, the two agencies plan to develop criteria within the narcotic treatment standards to be applied in determining when a practitioner may use a narcotic drug other than methadone in the treatment of narcotic addiction. It is expected that a practitioner who meets the criteria determined by FDA and NIDA would become the criteria for the use of methadone in the maintenance of narcotic addiction.
METHADONE IN MAINTENANCE AND DETOXIFICATION

Joint Proposed Revision of Conditions for Use

AGENCY: Food and Drug Administration and the National Institute on Drug Abuse.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration and the National Institute on Drug Abuse are proposing revision of the conditions for use of methadone to allow greater flexibility of clinical standards and also to provide more specificity in areas in which the proposed clinical standards mandate levels of performance. This action is taken because a review of the current regulation, based on experience from both a regulatory and clinical perspective, revealed that clinical standards are too rigid in some cases and that patient care responsibilities are sometimes ambiguous. The proposed revisions would indicate clearly the minimum standards for the appropriate methods of professional practice in the medical treatment of narcotic addiction with methadone.

DATES: Comments by December 27, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-203), Food and Drug Administration, Room 4–68, 500 Fishtown Lane, Rockville, Md. 20857.


SUPPLEMENTARY INFORMATION: Section 4 of Pub. L. 91–513 directs the Secretary of the Department of Health, Education, and Welfare (Secretary) to determine the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts. The Secretary’s authority under this section to determine the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts has been delegated to the Commissioner of the Food and Drug Administration (21 CFR 5.1). The Secretary’s authority under this section relating to the determination of the appropriate methods of professional practice in the treatment of narcotic addicts has been delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, who has delegated his authority to the Director, National Institute on Drug Abuse (NIDA).

The Food and Drug Administration’s (FDA) methadone regulation (21 CFR 291.505 (formerly § 310.505)) is the only regulatory standard which has been published under the Secretary’s authority respecting the use of a narcotic drug in the maintenance or detoxification of narcotic addicts. This standard was originally published under section 505, the new drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and section 4 of Pub. L. 91–513 in the Federal Register of December 15, 1972 (37 FR 26790) and recodified on March 29, 1974 (39 FR 11680).

Under the Controlled Substances Act (21 U.S.C. 801 et seq.), practitioners are required to be registered annually with the Drug Enforcement Administration (DEA) of the Department of Justice in order to prescribe or dispense controlled drugs in schedule II, III, IV, or V. This is a general registration requirement. In 1974, after FDA issued its methadone regulation, the Controlled Substances Act was amended (21 CFR Part 203) to require, among other things, that practitioners who dispense narcotic drugs for maintenance or detoxification treatment of narcotic-dependent individuals obtain a special registration from DEA separate and distinct from the general registration. Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) states that in order to be specially registered, these practitioners must comply with secure storage and recordkeeping requirements regarding these drugs established by DEA and must be found to be qualified under treatment standards established by the Secretary.

The legislative history of the Narcotic Addict Treatment Act makes it clear that the Secretary’s standards under the methadone regulation were too rigid and arbitrary under the laws then in effect. The Secretary’s standards published under the authority of section 4 of Pub. L. 91–513 in December 1972 (37 FR 26790) and recodified in March 1974 (39 FR 11680).

Supplementary Information: Section 4 of Pub. L. 91–513 directs the Secretary of the Department of Health, Education, and Welfare (Secretary) to determine the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts. The Secretary's authority under this section relates to the determination of the appropriate methods of professional practice in the medical treatment of narcotic addicts has been delegated to the Commissioner of the Food and Drug Administration (21 CFR 5.1). The Secretary's authority under this section relating to the determination of the appropriate methods of professional practice in the medical treatment of narcotic addicts has been delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, who has delegated his authority to the Director, National Institute on Drug Abuse (NIDA).

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Experience, from both a regulatory and a clinical perspective, has made it apparent that significant revisions should be proposed in the FDA methadone regulation. At the time the methadone regulation was first promulgated, small numbers of physicians in several cities were excessively prescribing, and in some cases selling, methadone to heroin addicts. The methadone regulation was published, in part, to alleviate this problem by restricting the use of methadone to FDA-approved treatment programs and hospitals. To obtain registration as a treatment program, it was necessary to show compliance with the requirements of the current regulation.

The regulation, by detailing admission standards, staffing patterns, and services, attempted to ensure that only bona fide patients who were addicted to methadone treatment and that those who were admitted to methadone treatment would be provided on-site care.

While the Secretary believes that the methadone regulation has been responsible for upgrading the quality of treatment and for limiting methadone diversion, he now recognizes many of the requirements that are inappropriate for many individual patients, are not universally applicable to all maintenance patients at the present time.

This proposal would allow more flexibility in clinical standards, and it would clarify patient care responsibilities by clearly indicating the minimum standards for the appropriate methods of professional practice in the medical treatment of narcotic addicts. The proposal also contains many recommendations which, although not specific require-
ments, represent what the Secretary considers to be sound medical practice in the safe and effective treatment of narcotic addicts with methadone. Thus, the Secretary urges that these recommendations be followed.

The Board's recommendation with treatment of narcotic addiction means that an applicant for admission to a maintenance program must have been physiologically addicted to a narcotic at a time at least 1 year prior to admission to a program and must have been so addicted, continuously or episodically, for most of the year immediately preceding admission to a program. This proposal would also allow the admission of persons who would meet the minimum standards for admission but for insufficient documentary evidence of addiction. The proposal requires the program physician, from the evidence presented, observed, and recorded in the patient's chart it is reasonable to conclude that the patient was physiologically addicted during most of the year immediately preceding the date of application for admission.

Following are some program directives that have argued that the decision whether to admit an individual to maintenance treatment should be entirely within the individual judgment of the program physician, and the Federal Government should not require a minimum period of addiction for eligibility.

The Secretary has concluded, however, that a 1-year history of addiction should not be taken until the comments on this more extensive proposal are received and evaluated. The final regulations will summarize the comments of both proposals.

The current methadone regulation requires an applicant for admission to maintainance treatment within 14 days prior to release or discharge or within 6 months after release from a stay of 6 months or more. Accordingly, it is proposed to amend the current regulation to allow readmission treatment for up to 2 years after voluntary detoxification from maintenance treatment provided that prior maintenance treatment was for a duration of 6 months or more.

The current methadone regulation allows persons who return to drug use do so within the first 2 years. Available data suggest that 2 years is a critical point for relapse. Over 90 percent of the patients who return to drug use do so within the first 2 years. Accordingly, it is proposed to amend the current regulation to allow readmission to maintainance treatment for up to 2 years after voluntary detoxification from maintenance treatment provided that prior maintenance treatment was for a duration of 6 months or more. This was designed to encourage patients who want to detoxify without the fear that, if they are unable to remain drug free, they will have to revert to illicit drug use in order to be readmitted to methadone maintenance. The proposal expands this to 3 months.

The current regulation requires that a person be currently physiologically dependent before readmission to maintenance treatment. The proposal would expand the time to a duration of 6 months or more. There are many other differences between the current and proposed regulations.

The current methadone regulation requires a 2-year history of addiction for entry to maintenance. The proposed regulations are also based upon the belief that methadone maintenance treatment should be reserved for treatment of the hard-core, chronic narcotic addict and that it was a treatment of last resort. The statement was also based upon the fear that nonaddicted or those minimally dependent drug users would apply for treatment in the hope of obtaining free drugs. Experience has indicated that the feared situations have not occurred with any degree of frequency. Therefore, some program directives that have argued that the decision whether to admit an individual to maintenance treatment should be entirely within the individual judgment of the program physician, and the Federal Government should not require a minimum period of addiction for eligibility.

The Secretary has concluded, however, that a 1-year history of addiction should not be taken until the comments on this more extensive proposal are received and evaluated. The final regulations will summarize the comments of both proposals.

This proposal would authorize admission to maintenance treatment within 14 days prior to release or discharge or within 6 months after release from a stay of 1 month or longer in a penal or chronic care institution. The longer time period is designed to allow a person an adequate period in which to adjust to his changed environment and to assure himself that he can do so without drugs. The 1-year history of addiction would allow for readmission to maintenance treatment for up to 2 years after voluntary detoxification from maintenance treatment provided that prior maintenance treatment was for a duration of 6 months or more.

A review of the current situation leads us to believe that 30 days is not a sufficiently long period of time. The current situation requires that a person be currently physiologically addicted, prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution, provided that prior maintenance treatment was for a duration of 6 months or more. This proposal expands this to 3 months.

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The current regulation requires that a person be currently physiologically dependent before readmission to maintenance treatment. This proposal would also allow the admission of persons who would meet the minimum standards for admission but for insufficient documentary evidence of addiction. The proposal requires the program physician, from the evidence presented, observed, and recorded in the patient's chart it is reasonable to conclude that the patient was physiologically addicted during most of the year immediately preceding the date of application for admission.

The current methadone regulation allows persons who return to drug use do so within the first 2 years. Available data suggest that 2 years is a critical point for relapse. Over 90 percent of the patients who return to drug use do so within the first 2 years. Accordingly, it is proposed to amend the current regulation to allow readmission to maintenance treatment for up to 2 years after voluntary detoxification from maintenance treatment provided that prior maintenance treatment was for a duration of 6 months or more. This was designed to encourage patients who want to detoxify without the fear that, if they are unable to remain drug free, they will have to revert to illicit drug use in order to be readmitted to methadone maintenance. The proposal expands this to 3 months.

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It is recognized that there are advantages and disadvantages in mandating weekly drug urinalysis on all patients as is the current requirement. Some drug abuse clinicians believe that mandated weekly urine testing on all patients is a waste of money that could be more effectively used for additional counseling staff or other program needs. Furthermore, blind drug testing schedule would not preclude a probability regarding urinalyses for illicit drug urine testing, phase of treatment, i.e., during the initial, urinalysis should be performed on all patients. These clinicians contend that monthly drug urinalysis be utilized as is the current requirement. Some drug abuse clinicians believe that a number of specific laboratory tests need to be performed to properly assess a patient's current health status, e.g., a tuberculin skin test, a liver function profile, a complete blood count and differential. These clinicians contend that coupled with a comprehensive physical examination such tests are essential to an appropriate treatment plan for a patient as well as determining what supportive services a patient may need.

Other drug abuse clinicians believe that the decision for ordering any laboratory tests be left to the discretion of the program. These clinicians contend that many laboratory tests would not be necessary for each patient.

Despite these different views regarding mandatory laboratory tests, FDA and NIDA propose, as a minimum standard, to eliminate all mandatory urine testing, with the exception of an initial screening urinalysis for new patients. These clinicians contend that there are few reliable indicators to quantitatively evaluate illicit drug use among the patient population and that urine testing is one of these reliable indicators. Many clinicians believe that, as a minimum, urine testing should be performed on all new patients during the stabilization phase of treatment, i.e., during the initial stage of treatment.

These proposed changes are intended to provide clinicians with greater flexibility regarding urinalyses for illicit drug use. The proposed minimum required testing schedule would not preclude a narcotic maintenance program from: (1) testing urine for illicit drugs on all or some patients on a weekly or more frequent basis; (2) collecting urine on a weekly or more frequently, but performing analysis on some or all specimens on a less frequent basis; or (3) collecting and testing urine of anyone in the program suspect illicit drug use. No limitations are imposed to be used to force patients out of treatment.

PATIENT EVALUATION; MINIMUM ADMISSION AND PERIODIC REQUIREMENTS

This provision intends to define the responsibilities of the program's medical director. Essentially, under this proposal, the medical director or other authorized licensed physicians are responsible for ensuring that the program is in compliance with Federal, State, and local laws and regulations regarding medical treatment of narcotic addiction. In addition, the medical director or other authorized physician must ensure that (1) evidence of current physiological dependence, length of history of addiction, or exceptions to the admission criteria are documented in the patient's record before acceptance into the program; (2) medical evaluation including a medical history and physical examination have been performed before the patient receives the initial methadone dose (in an emergency the initial dose may be given before the physical examination); (3) prescribed laboratory tests have been performed and reviewed; and (4) all medical orders are signed; (5) treatment plans are reviewed and countersigned at least annually; and (6) authorization for take-home methadone is recorded in the patient's record. The proposed rule would not mandatorily serve a specific fixed patient ratio, the April 29, 1976 proposed revision allowing the time spent by these health-care professionals to count toward the required physician time has been deleted, mandates detailed staffing patterns for physicians, nurses, and counselors. This proposed regulation eliminates these detailed requirements. The decision of who will perform the physical examination is left to the judgment of the program physician or director. However, the proposal retains the requirement of a minimum of 4 counselors specified in Section 291.503(d)(4) of the current regulation. Another change is the proposal to provide opportunities for vocational rehabilitation and educational or employment activities, i.e., through referral to community resources.
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those rare cases where this maximum dose is insufficient to suppress withdrawal symptoms. This is the maximum permissible amount and is not intended to be a recommended dosage for all patients. In many instances, dosages one-half these amounts or less may be sufficient to mitigate abstinence syndromes. Daily dosages above 100 mg require prior approval of the State Methadone Authority and FDA. The current regulation allows up to 5 days of take-home medication if required, but the proposed rule specifies 2 days. If treatment exceeds 21 days, it is required to be reviewed continually under evaluation by the program physician and should be dealt with in the reevaluation of the treatment plan.

Maximum Take-Home Medication

The proposed rule would retain, with minor modifications, the substance of the current regulatory requirements regarding take-home medication. However, unlike the current regulation, the proposed rule lists a number of criteria which the program physician would be required to additionally consider, including patient handling of methadone.

The program physician would be required to consider whether the patient has satisfactorily adhered to the program's rules for at least 3 months and whether the patient has made substantial progress in rehabilitation. If these criteria are met and if the patient's rehabilitative progress would be enhanced by reducing the frequency of clinic attendance, the patient might be allowed up to 2 days of take-home medication earlier in the treatment course than is now the case.

The proposal retains the current provision that after 2 years of successful participation in the program, patients may be permitted twice-weekly visits to the clinic and 3-day take-home supplies. Individuals receiving more than 100 mg per day would not be eligible for more than 1 day per week take-home medication, as currently provided. In addition, the proposal includes a provision that would permit a patient to take home a 5-day supply under certain circumstances if the medical director has entered into the patient's record an evaluation that such patients have satisfactorily adhered to each of the criteria for measuring responsibility in handling methadone.

The proposal also retains the exceptions regarding take-home medications because in limited circumstances it may be difficult for some patients to adhere to the take-home schedule and pursue certain types of employment. As a result, some patients have been faced with discontinuing treatment because of their inability to take-home medications. The proposal also includes a specific provision permitting exceptions to the take-home limitations if, in the judgment of the program physician, the patient has a physical disability which makes it difficult for the patient to reasonably adhere to the required pick-up schedule or other exceptional circumstances arise which interfere with the patient's ability to conform to the applicable mandatory schedule.

The proposed revisions would eliminate the requirement in current § 291.505(d)(8) for a 2-year evaluation of whether the patient should remain on methadone maintenance treatment. Many people have incorrectly interpreted this provision as requiring that patients be detoxified after 2 years. No specific reevaluation requirement is contained in the program maintenance treatment. It is thought that this question of whether such a patient should remain on methadone maintenance treatment is one which should be continually evaluated by the program physician and should be dealt with in the reevaluation of the treatment plan.

Minimum Standards for Detoxification Treatment

Detoxification treatment would be required to be conducted over a period not to exceed 21 days. If treatment exceeds 21 days, it is required to be reviewed continually under evaluation by the medical director. In these circumstances, the proposed rules regarding detoxification treatment are substantially changed from the detoxification section of the current methadone regulation. All the proposed maintenance treatment requirements apply to detoxification treatment except that in those circumstances specifically excepted. The proposed rules on detoxification application would apply to both inpatient and ambulatory detoxification treatment.

Use of Methadone in Hospitals

The proposal would delete the reference to temporary maintenance in current § 291.505(f). This is proposed to make the regulation consistent with the regulations promulgated by DEA under the Narcotic Addict Treatment Act of 1974, which is proposed that § 291.505 be amended by revising paragraphs (a) (k) (2) (d) (1) (vi) through (vi) (21 U.S.C. 863(g)), and applicable delegations of authority thereunder (27 FR 27616, December 19, 1972: 38 FR 27315-25316). As of October 1973: (21 CFR 5.11). It is proposed that § 291.505 be amended by revising paragraphs (b) (2) (i) and (d) (1), (2) (i) and (vi) through (vi) (21 U.S.C. 863(g)) and adding paragraph (d) (14) through (16); and by revising paragraphs (f) (1) (2) (i) and (vi) through (vi) (21 U.S.C. 863(g)), and (k) to read as follows:

§ 291.505 Conditions for use of methadone.

(1) * * *

(b) * * *

(2) * * *

(iii) Responsibility for patient. After a patient is referred to a medication unit, the program sponsor retains responsibility for the patient's care. The program sponsor is responsible for assuring that the patient receives needed medical and social services at least monthly at the primary facility.

(iv) Services. Medication units are limited to the administering or dispensing of medication and the collection of urine samples for testing, following the procedures outlined in paragraph (d) (4) of this section. If a private practitioner

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wishes to provide other services in addition to administering or dispensing medication and collecting and urinalysis specimens, he shall be considered a program and shall be required to submit an application for separate approval.

(d) **Description of facilities.** Drug treatment services shall be provided through appropriate drug abuse treatment facilities at such site(s) as are approved by Federal, State, and local authorities. A program shall have ready access to a comprehensive range of medical and rehabilitative services. The name, address, and contact person of each hospital, institution, clinical laboratory, or other facility available to provide the necessary services shall be given to the Food and Drug Administration division, as well as on the application.

(2) **Minimum standards for admission—History of addiction andcurrent physical dependence.** (a) Each person selected as a patient for a maintenance program, regardless of age, shall be determined by a program physician to be currently physically dependent upon a narcotic drug and must have first become physically dependent at least 1 year prior to admission. A 1-year history of addiction means that an applicant for admission to a maintenance program must have been so addicted, continuously or episodically, for most of the year immediately preceding admission to the program. In the case of a person for whom the exact date on which physiological dependence began cannot be ascertained, the admitting program physician may, in his reasonable clinical judgment, determine that there was physiological dependence at a time at least 1 year prior to admission.

(b) Although daily use of a narcotic for an entire year could satisfy the definition, operationally one might be physically dependent without daily use during the entire 1-year period and still satisfy the definition. The following, although not exhaustive, are examples of applicants who would meet the minimum standard of a 1-year history of addiction and who, if currently physically dependent on the date of admission for application would be eligible for admission to a maintenance program:

(1) Physiological addiction began in January 1976, and persisted until October 1977. The date of application for admission was January 1977, at which time the patient had been re-addicted for 1 month prior to his admission. (2) Physiological addiction began in July 1975, and lasted until April 1977. Physiological addiction began again in July 1977 and persisted until April 1978. Physiological addiction began again in July 1977 and persisted until October 1977. This patient, who had been re-addicted for 1 month prior to his admission.

(3) Physiological addiction began in January 1976, and persisted until October 1977. The date of application for admission was January 1977, at which time the patient had been re-addicted for 1 month prior to his admission.

(4) Physiological addiction began in July 1976, and lasted until November 1977. This patient, who had been re-addicted for 1 month prior to his admission.

(c) In determining current physiological dependence, the physician should consider signs and symptoms of physical addiction, a positive urinalysis specimen for a narcotic drug, and old or fresh needle marks. Other evidence of current physiological dependence could be obtained by noting early signs of withdrawal (acclimation, rhinorrhea, pupillary dilatation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical, nursing, psychological, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are common withdrawal signs, but their detection may require inpatient observation. It is unlikely but possible that a person could be current dependent on narcotic drugs without having a positive urinalysis specimen. A urine sample that is positive for narcotics is not a requirement for admission.
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maintenance treatment, provided that such notification is in accordance with the Department of Health, Education, and Welfare's Confidentiality Regulations (42 CFR Part 2). In the event that a pregnant patient refuses direct treatment or appropriate referral for treatment, the program physician should consider the utilization of informed consent procedures, e.g., to have such patient acknowledge in writing that she had the opportunity for this treatment. The patient's continued treatment but refuses it. The program physician shall document in the record that she had the opportunity for this treatment. The patient's continued treatment but refuses it. The program physician shall document in the record that she had the opportunity for this treatment.

(iv) Special limitation: treatment of patients under 18 years of age. A person under the age of 18 shall have had two documented attempts at detoxification or drug-free treatment to be eligible for methadone maintenance. A total of 6 months must be reached before a patient is again physiologically dependent on narcotic drugs. No one under the age of 16 is eligible for methadone maintenance treatment without the prior approval of the food and Drug Administration and the State methadone authority. This shall not preclude a person under the age of 16 who is currently physiologically dependent on narcotic drugs from being detoxified with methadone if it is deemed medically appropriate by the program physician and is done in accordance with the requirements of paragraphs (d) (9) of this section. No person under the age of 18 may be admitted to a maintenance treatment program unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, form HCFA-4060, "Consent to Methadone Treatment."

(4) Minimum urine testing; uses and frequency. (i) The person(s) responsible for a program shall ensure that an initial drug-screening urinalysis for opiates, barbiturates, amphetamines, and other drugs as appropriate is completed for each prospective patient and that when urine is collected, specimens from each patient are collected in a manner that minimizes falsification. Each laboratory selected for urine testing must be in compliance with all applicable Federal proficiency testing and licensing standards regarding such laboratories. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

(ii) It is recommended practice that after the initial drug screening urinalysis, urine specimens for each patient be collected and analyzed on a randomly scheduled basis at least monthly for opiates, methadone, amphetamines, cocaine, and barbiturates, as well as other drugs as indicated. It is recommended practice that more or less frequent testing for a specific drug(s) as standards regarding such laboratories. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

(iii) When a person is readmitted to a program in addition to the required examination stated in paragraph (d) (5) (1) of this section. (1) Complete blood count and differential; (2) Routine and microscopic urinalysis; (3) Liver function profile, e.g., SGOT, SGPT, etc.

(iv) When the tuberculin skin test is positive, a chest X-ray; (5) Australian Antigen HB Ag Testing (HAA testing); (6) When clinically indicated, an EKG; and (7) When appropriate, pregnancy test and a pap smear.

(v) When a person is readmitted to a program, it is recommended practice that the decision for determining the appropriate laboratory tests to be conducted be based upon the intervention medical history and a physical examination.
(iii) Recordings of findings. The admitting program physician or an appropriately trained program staff member supervised by the admitting program physician shall record in the patient's chart all findings from an appropriate treatment medical evaluation. Both positive and negative results shall be recorded. In each case the admitting program physician shall date and sign these recordings, and the interviewee shall sign these recordings in the patient's chart to signify his review of and concurrence with the history and physical findings.

IV. Admission evaluation. (a) Each patient seeking admission or readmission for the purpose of obtaining treatment services shall be interviewed by a person who should be qualified by virtue of education, training, or experience to assess the psychological and sociological background of drug abusers to determine the appropriate treatment plan for the patient. To practice that an appropriate treatment plan for a patient, the interviewer shall obtain and document in the patient's record the patient's history.

(b) Each patient's history shall include information relating to his educational and vocational achievements. In the event a patient has no such history, i.e., he has no formal education or has never had an occupation, this requirement shall be met by writing this information in the patient's history.

(c) It is recommended practice that a patient's history include information relating to his psychosocial, economic, and family background, and any other information deemed necessary by the program which is relevant to his application. Such may be helpful in assessing the resources, e.g., psychological, economic, educational, and vocational strengths and weaknesses, that a patient brings to the treatment setting. It is recommended that the program establish its own methods for measuring such strengths and weaknesses to assess the severity of a patient's problem, establish realistic treatment goals, and construct an individualized treatment plan to achieve these goals. Such assessments shall be performed on admission or as soon as a patient is stable enough for appropriate interviewing.

Treatment plans should reflect individualization geared to a patient's needs.

(v) Initial treatment plan. (a) A primary person is one who shall be assigned by the program to each patient's program. The primary person shall be the source of the patient's initial and periodic treatment plans. The name of this person shall be recorded in the patient's chart.

The initial treatment plan shall contain realistic short-term goals which the patient may accept and which complement the patient's counseling plan for achieving these goals. Such a treatment plan should be formed prior to initiating any medication for emotional or physical problems.

(b) Minimum program services—(1) Access to a range of services. (a) A treatment program shall provide a patient a comprehensive range of medical and rehabilitative services to its patients. These services normally should be provided at the primary facility, but the program sponsor may enter into formally documented agreements with other public or private agencies, institutions, or organizations to render these services. Such facilities must be located so as to provide easy access to the patient. Also, for pregnant patients, a treatment program which did not agree to provide maternity services. The following regulations do not apply to programs which did not agree to provide maternity services. The following regulations do not apply to programs which did not agree to provide maternity services.

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services shall be reported in triplicate to the Food and Drug Administration before such services are added or deleted.

(ii) Minimum medical services; designation of a patient's record for responsibilities. Each program shall have a designated medical director who assumes responsibility for the administration of all medical services performed by the program. The medical director and other authorized program physicians shall be licensed to practice in the jurisdiction in which the program is located. The medical director shall be responsible for ensuring that the program is in compliance with all Federal, State, and local laws and regulations regarding medical treatment of narcotic addiction. In addition, the medical director or other authorized physicians within the program shall include but not be limited to:

(a) Ensuring that evidence of current physiologic dependence, length of history of addiction, or exceptions to criteria for admission are documented in the patient's record before the patient receives the initial methadone dose. Therefore, it is important that the initial methadone dose be prescribed by the emergency situation the initial dose of methadone may be given before the physical examination.

(b) Ensuring that a medical evaluation including a medical history and physical examination have been performed before the patient receives the initial methadone dose. However, if a patient has been under the care of another medical director or other authorized physicians, the initial methadone dose may be administered to the patient.

(c) Ensuring that appropriate laboratory studies have been performed and reviewed.

(d) Signing or countersigning all medical orders as required by Federal or State law. (Such medical orders include but are not limited to the initial medical order and all subsequent medication order changes, all changes in the frequency of take-home medication, and prescribing additional take-home medication for emergency situations.)

(e) Reviewing and countersigning treatment plans at least annually.

(f) Ensuring that justification is recorded in the patient's record that the frequency of visits for observed drug ingestion, providing additional take-home medication under exceptional circumstances or when there is physical disability, or prescribing an increased dose of methadone for physical or emotional problems.

(iii) Use of health-care professionals. Although the final decision to accept a patient for methadone treatment shall be made by the medical director or other designated program physician, it is recognized that physicians can train program personnel to perform certain functions—record medical histories, perform physical examinations, and prescribe, administer, or dispense certain medications—that are ordinarily performed by a licensed physician. These regulations do not prohibit these licensed or certified health-care professionals from performing those functions in narcotic treatment clinics which are authorized by Federal, State, and local laws and regulations and which are delegated to them by the medical director. However, if a health-care professional performs functions that the physician is required by the regulations or professional standards to perform by reviewing written comments and evaluations shall be reviewed, signed, and dated by the physician. For example, if, in accordance with State law, a health-care professional rather than the physician, records a medical history, performs a physical examination, or determines current physiological dependence and length of history of addiction, the physician shall review and countersign all work performed before the initial methadone dose may be administered to the patient.

In all instances the responsibilities and duties of the health-care professional shall be in accordance with State enabling legislation and regulations which govern the practice of health-care professionals.

(iii) Emergency or other medical services. Each program shall enter into a written agreement with a licensed and accredited hospital in the community for the purpose of providing necessary emergency medical care for program patients. Neither the program sponsor nor the hospital are required to assume financial responsibility for the patient's medical care.

(v) Vocational rehabilitation, education, and employment. (a) Each program shall provide opportunities directly, or through referral to community resources, for those who either desire or who have been deemed by the program staff ready to participate in educational job-training programs or to obtain gainful employment as soon as possible. Each program shall maintain a list of referrals that may be used for referral purposes if rehabilitative activities are not provided directly. The referrals shall include the opportunities for vocational rehabilitation, education, and employment as well as the community resources that may be available to provide assistance for such activities.

(b) The patient's needs and readiness for vocational rehabilitation, education, and employment shall be evaluated and recorded in the patient's record during the preparation of the initial treatment plan and reviewed and updated as appropriate in subsequent treatment plan evaluations. It is recognized that some patients are either not ready for or are not in need of these services. Such a statement in the patient's record shall suffice to meet the requirement in this paragraph (d)(6)(v). For those patients who are deemed ready and are referred for such services, a program staff member designated and supervised by the admitting program physician shall document in the patient's record the type of referral made and the results. These referrals shall be periodically updated as appropriate.

(T) Minimum staffing patterns. (1) Program personnel. The person(s) responsible for a program shall determine program personnel requirements after considering the number of patients who are voluntarily or involuntarily impaired; the number of patients with significant psychopathology; the number of patients who are also nonnarcotic drug or alcohol abusers; the number of patients with serious mental disease; the number of patients with serious medical problems.

(ii) Supportive services. The person(s) responsible for the program shall take notice, when considering the staffing pattern, that methadone maintenance treatment programs need to establish supportive services in accordance with the varying characteristics and needs of their patient populations. The person(s) responsible for a program shall also take notice of the availability of existing community resources which may complement or enhance the program's services. It is recommended practice that a staffing pattern be established based on the combination of patient needs and available, accessible community resources.

(f) Minimum staffing patterns. (1) Program personnel. The person(s) responsible for a program shall ensure that there are at least four counselors per 300 patients.

(g) Frequency of attendance: quantity of take-home medication dosage of methadone; initial and stabilization—

(1) Dosage and responsibility for administration. (a) The person(s) responsible for the program shall ensure that the initial dose of methadone does not exceed 30 mg and that the total dose for the first day does not exceed 40 mg, unless the program medical director documents in the patient's chart that 40 mg does not suppress opiate abstinence symptoms.

(b) It is recommended practice that the initial dose of methadone be given in attempts to control or mitigate drug withdrawal symptoms or withdrawal of narcotic drugs. Presently there is no absolute method available to determine individuals' narcotic tolerance. Therefore, it is recommended practice that the drug be given empirically in very small doses and the initial dose be adjusted on an individual basis to the patient's tolerance of the new patients. Methadone dosages which are less than equivalent to the patient's current level of narcotic tolerance will result in his experiencing withdrawal symptoms. Therefore, it is important that the initial dose be adjusted on an individual basis to the narcotic tolerance of the new patient. If the patient has been a heavy user of heroin, the initial dose may require an initial dose of 15 to 30 mg with additional smaller increments 4 to 8 hours later. It is recommended practice that if the patient has been treated for narcotic abstinence symptoms (e.g., recently released from jail or using poor quality heroin), the initial dose may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient may be kept under observation, and if the symptoms of abstinence

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nnence are distressing, an additional 5 to 10-mg dose should be administered as needed. Subsequently, the dosage should be adjusted individually as tolerated and required. The stabilization dose determined but not necessarily used higher than the dose needed to attenuate abstinence. The range of methadone maintenance dosages in the country today is between 5 and 100 mg daily.

(c) Licensed physician shall have responsibility for the amounts of methadone administered or dispensed and shall record and sign in each patient's chart each change in the dosage schedule.

(d) The administering licensed physician shall ensure that a daily dosage of 100 mg or more is justified in the medical record by being in which re-peated small incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation. Likewise, physicians should also be aware that according to the official labeling, concurrent administration of rifampin may possibly reduce the blood concentrations of methadone to a degree that is sufficient to produce withdrawal symptoms. The mechanism by which rifampin may decrease blood concentrations of methadone is not fully understood, although enhanced microsomal drug-metabolized enzymes may influence drug disposition.

(ii) Authorized dispensers of methadone; responsibility. Methodone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This record may be a medical, a registered nurse, or licensed practical nurse, or any other health-care professional authorized by Federal and State law to administer or dispense narcotic drugs. The licensed or registered practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule will be recorded and signed by the licensed practitioner.

(iii) Form. The methadone shall be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or psychiatric condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, syrup concentrations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce the frequency of clinic visits, the rationale for this decision shall be recorded in the patient's chart by the program physician or one of his designated staff. The patient's chart shall be reviewed, countersigned, and date the patient's record where this information is recorded. Additionally, take-home methadone shall be dispensed in a concentrated form so as to minimize its potential for abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with a safety lock to prevent tampering. The patient's chart shall be reviewed, countersigned, and date the patient's record where this information is recorded. Additionally, take-home methadone shall be dispensed in an oral liquid vehicle be nonsweetened and contain a preservative so that patients can be provided with an oral/liquid form so as to minimize its potential for abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with a safety lock to prevent tampering.

(iv) Maximum take-home medication; evidence in support of a finding of responsibility in the handling of methadone and frequency of take-home medication shall only be given to a patient who, in the reasonable clinical judgment of the program physician, is responsible in the handling of the medication. Prior to reducing the frequency of clinic visits, the rationale for this decision shall be recorded in the patient's chart by the program physician or one of his designated staff. In the event that a patient demonstrates exacerbation of the symptoms or general behavior, the frequency of clinic visits, the rationale for this decision shall be recorded in the patient's chart by the program physician or one of his designated staff.

(v) Maximum take-home medication; evidence in support of a finding of responsibility in the handling of methadone and frequency of take-home medication shall only be given to a patient who, in the reasonable clinical judgment of the program physician, is responsible in the handling of the medication. Prior to reducing the frequency of clinic visits, the rationale for this decision shall be recorded in the patient's chart by the program physician or one of his designated staff.

(vi) Maximum take-home medication; evidence in support of a finding of responsibility in the handling of methadone and frequency of take-home medication shall only be given to a patient who, in the reasonable clinical judgment of the program physician, is responsible in the handling of the medication. Prior to reducing the frequency of clinic visits, the rationale for this decision shall be recorded in the patient's chart by the program physician or one of his designated staff.

(b) It is recommended practice that a regular review of each patient's dosage schedule be made by the responsible physician with careful consideration given for both increasing or decreasing the dosage as indicated. It should be noted that the official labeling, therapeutic doses of meperidine have precipitated severe reactions in some patients currently receiving monoamine oxidase inhibitors or those who have received such agents within 14 days. Similar reactions thus far have not been reported with methadone, but if the use of methadone is necessary in such patients, it is recommended that a sensitivity test be performed in which repeated small incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation.

(c) It is recommended practice that a regular review of each patient's dosage schedule be made by the responsible physician with careful consideration given for both increasing or decreasing the dosage as indicated. It should be noted that the official labeling, therapeutic doses of meperidine have precipitated severe reactions in some patients currently receiving monoamine oxidase inhibitors or those who have received such agents within 14 days. Similar reactions thus far have not been reported with methadone, but if the use of methadone is necessary in such patients, it is recommended that a sensitivity test be performed in which repeated small incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation.

(d) Take-home medication shall be dispensed in an oral/liquid form so as to minimize its potential for abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with a safety lock to prevent tampering. The patient's chart shall be reviewed, countersigned, and date the patient's record where this information is recorded. Additionally, take-home methadone shall be dispensed in an oral liquid vehicle be nonsweetened and contain a preservative so that patients can be provided with an oral/liquid form so as to minimize its potential for abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with a safety lock to prevent tampering. The patient's chart shall be reviewed, countersigned, and date the patient's record where this information is recorded. Additionally, take-home methadone shall be dispensed in an oral liquid vehicle be nonsweetened and contain a preservative so that patients can be provided with an oral/liquid form so as to minimize its potential for abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with a safety lock to prevent tampering.

(e) It is recommended practice that a regular review of each patient's dosage schedule be made by the responsible physician with careful consideration given for both increasing or decreasing the dosage as indicated. It should be noted that the official labeling, therapeutic doses of meperidine have precipitated severe reactions in some patients currently receiving monoamine oxidase inhibitors or those who have received such agents within 14 days. Similar reactions thus far have not been reported with methadone, but if the use of methadone is necessary in such patients, it is recommended that a sensitivity test be performed in which repeated small incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation.

(f) It is recommended practice that a regular review of each patient's dosage schedule be made by the responsible physician with careful consideration given for both increasing or decreasing the dosage as indicated. It should be noted that the official labeling, therapeutic doses of meperidine have precipitated severe reactions in some patients currently receiving monoamine oxidase inhibitors or those who have received such agents within 14 days. Similar reactions thus far have not been reported with methadone, but if the use of methadone is necessary in such patients, it is recommended that a sensitivity test be performed in which repeated small incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation.
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to a mandatory schedule shall be based on the reasonable clinical judgment of the program physician and shall be recorded in the patient’s chart by the program physician or by program personnel supervised by the program physician. In the latter situation the physician shall review, countersign, and date the patient’s chart where this rationale is recorded. In any event, a patient shall not be given a 2-week supply of methadone at one time. If in the reasonable clinical judgment of the program physician:

(a) A patient is found to have a physical disability which interferes with his ability to conform to the applicable mandatory schedule, he may be permitted a temporarily or permanently reduced schedule provided he is also found to be responsible in the handling of methadone.

(b) A patient, because of exceptional circumstances such as illness, personal or family problems or other exceptional circumstances, is unable to conform to the applicable mandatory schedule, he may be permitted a temporarily reduced schedule provided he is also found to be responsible in the handling of methadone.

Minimum standards for detoxification treatment. (i) For detoxification from narcotic drugs (not the gradual withdrawal of methadone from patients on methadone maintenance), methadone shall be administered by the program physician daily under close observation in reducing dosages over a period not to exceed 21 days. All requirements pertaining to maintenance treatment apply to detoxification treatment with the following exceptions:

(a) Take-home medication shall not be allowed during detoxification.

(b) A history of 1 year physiologic dependence shall not be required for admission to detoxification.

(c) Patients who have been determined by the program physician to be currently physiologically narcotic dependent may be detoxified with methadone, regardless of age.

(2) The recommended initial dose is 15 to 20 mg.

(ii) A waiting period of at least 1 week shall be required between detoxification attempts. Before a detoxification attempt is repeated, the program physician shall document in the patient’s record that the patient continues to be or is again physiologically dependent on narcotic drugs. The provisions of these requirements, except as noted in paragraphs (d) and (i) of this section, are applicable to both inpatient and ambulatory detoxification treatment.

(10) Discontinuation of methadone use—(i) Criteria for discontinuation from treatment. The person(s) responsible for a program shall develop and prominently post about the program premises at least one copy of a written policy establishing criteria for involuntary termination from treatment which describes patients’ rights as well as the responsibilities and rights of the program staff. At the time a patient enters treatment, an appropriate program staff member designated by the person(s) responsible for the program shall inform the patient where such copy is posted and shall inform him of the reasons for which he might be terminated from treatment, his rights to due process under involuntary termination procedure, and the fact that information about him shall be kept confidential.

(ii) Voluntary withdrawal from methadone treatment shall be given careful consideration for discontinuation of methadone use. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug free whenever possible. Upon successfully reaching a drug-free state, the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted as the discretion of the medical director.

(iii) Inspections of programs; patient confidentiality. Inspection of a program may be undertaken by the State authority, by the Federal Public Health Service and its successor, and by the Drug Enforcement Administration, Department of Justice, and in the case of federally funded programs, by the Department of Health, Education, and Welfare, in accordance with Federal controlled substances laws and Federal confidentiality laws.

(14) Research. When a program conducts research on human subjects or provides subjects for research, there shall be written policies and review to assure the rights of the patients involved. Appropriate informed consent forms must be signed and must be present in the patient’s records. All research, development, and related activities in which human subjects are involved which are funded by the Department of Health, Education, and Welfare grants or contracts must comply with the Department, Public Health Service, and Welfare regulations on the protection of human subjects, 45 CFR Part 46.

(15) Patient record system—(i) Patient care. The person(s) responsible for a program shall establish for that program a record system to document and monitor patient care. This system shall comply with all Federal and State requirements relevant to methadone. All records and Drug Enforcement Administration security shall be maintained over stocks and storage of controlled substances as required by the Drug Enforcement Administration, 21 U.S.C. §§ 871.72-871.76 of this title shall be met by the program.

(1) Conditions for use of methadone in hospitals for detoxification treatment—(1) Form. The drug may be administered or dispensed in either oral or parenteral form.

(2) Use of methadone in hospitals—(1) Approved uses. Methadone for narcotic addict treatment is permitted to be administered or dispensed only for detoxification treatment of hospitalized patients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his stay or whose enrollment in a program which has approval for maintenance treatment using methadone has been terminated while he is in the hospital which already has received approval under this paragraph (f) may be permitted to serve as a temporary methadone treatment program when an

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proposed methadone treatment program has been terminated and there is no other facility immediately available in the area to provide methadone treatment for the patients. The Food and Drug Administration may give this approval upon the request of the State authority or the hospital, when no State authority has been established.

(vi) Inspection. The Food and Drug Administration and the State authority may inspect supplies of the drug and evaluate the uses to which the drug is being put. The identity of the patient will be kept confidential in accordance with confidentiality requirements of 42 CFR Part 2. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(vii) Hospital pharmacy. Application for a hospital pharmacy to provide methadone for detoxification treatment will be submitted to the Food and Drug Administration and the State authority. The application received from both, except as provided for in paragraph (h) (5) of this section. Within 60 days after receipt of the application by the Food and Drug Administration and the State authority, Form FD-2636, "Hospital Request for Methadone for Detoxification Treatment" set forth in paragraph (k) (5) of this section and shall receive a notice of approval or denial of a request for additional information, when necessary.

(viii) Approval of shipments to hospital pharmacies. Before a hospital pharmacy may lawfully receive shipments of methadone for detoxification treatment, a responsible official shall complete, sign, and file in triplicate with the Food and Drug Administration and the State authority Form FD-2636, "Hospital Request for Methadone for Detoxification Treatment" set forth in paragraph (k) (5) of this section and shall receive a notice of approval or denial of this application from the Food and Drug Administration.

(g) Confidentiality of patient records. (1) Except as provided in paragraph (g) (2) of this section, disclosure of patient records maintained by any program shall be governed by the provisions of 42 CFR Part 2, and every program shall comply with the provisions of that part. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel. In addition to the restrictions upon disclosure in 42 CFR Part 2, and in accordance with the rules and regulations promulgated under 42 CFR Part 2 and 21 CFR 500, every program is hereby further authorized to protect the privacy of patients therein by withholding from all persons not employed by such program or otherwise connected with the conduct of its operations the names or other identifying characteristics of such patients under any circumstances under which such information has been revealed to believe that such information may be used to conduct any criminal investigation or prosecution of a patient. Programs may not be compelled by any Federal, State, or local civil, criminal, administrative, or other proceedings to furnish such information, but this sub-paragraph does not authorize the withholding of information authorized to be furnished under § 635.202 of this subpart or to 42 CFR Part 2 nor does it invalidate any legal process to compel the furnishing of information in accordance with 42 CFR Part 2. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(2) A treatment program or medication unit or any part thereof, including any facility that dispenses, stores, or administers methadone treatment, shall provide to the Food and Drug Administration a duly authorized employee of the Food and Drug Administration to have access to and to copy all records relating to the use of methadone in accordance with the provisions of 42 CFR Part 2 and shall reveal them only when necessary in a related administrative or court proceeding.

Program forms—(1) Treatment program application. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Food and Drug Administration Form FD-2633 Application for Approval of Use of Methadone in a Treatment Program Name or other identification of program

Address

Name of program sponsor

Commissioneer, Food and Drug Administration, Bureau of Drugs (HFD-106), Rockville, MD 20857.

Due sir: As the person responsible for this program, I submit this request for approval of a treatment program using methadone to provide detoxification and maintenance treatment for narcotic addicts in accordance with § 291.205 of the regulations. I understand that failure to abide by the requirements described herein may cause revocation of approval on my application, seizure of my drug supply, an injunction, and criminal prosecution.

I, Attach is the name, complete address, and summary of the scientific training and experience of each physician and all other professional personnel having major responsibilities for the program and rehabilitation efforts, and a signed Form FD-2636 "Medical Responsibility Statement for Use of Methadone in a Treatment Program" by each licensed practitioner authorized to prescribe, dispense, or administer methadone under the program. (If the Medical Director of this program has been listed as a program in a previous application, the feasibility of serving as Medical Director for this program must be documented and this documentation attached to this application.)

III. Attached is a description of the organizational structure of the program, including the name and complete address of any central administration or larger organizational structure to which this program is related.

IV. Attached is a listing of the sources of funding for this program. (The name and address of each provider must be provided; funding must be provided.)

V. The program shall have ready access to a comprehensive medical and rehabilitative services. Attached is the name, address, and description of each hospital, institution, clinical laboratory facility, or any other facility to provide the necessary services and a statement for each facility as to whether or not methadone will be administered or dispensed at that facility. These facilities shall comply with any guidelines established by Federal or State authorities.

This listing should include the address of each medication unit, if any medical or rehabilitative service is not available at the primary facility, there must be a formal, documented agreement with private or public agencies, organizations, or institutions for these services.

VI. Attached is a statement of the approximate number of addicts to be included in the program.

VII. The following minimum treatment standards shall be followed:

A. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

B. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

C. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

D. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

E. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

F. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

G. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

H. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

I. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

J. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

K. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

L. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.

M. A statement shall be given to the addicts to inform them that addiction cannot be cured, that treatment is a lifelong process, and that addicts may have a relapse.
(see § 291.605(d)(3)(i)(B)). Within 3 months after the termination of the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's record. The patient should remain in a maintenance program or be detoxified. Justification for any such change shall be noted on the patient's record.

D. Persons under 18 years of age may be eligible for maintenance treatment after two documented attempts at detoxification or drug-free treatment (see § 291.605(d)(3)(iii)). In addition, no one under the age of 18 is eligible for maintenance treatment without the prior approval of the Food and Drug Administration and the State methadone authority.

No person under the age of 18 may be admitted to a maintenance treatment program unless a parent, legal guardian or responsible adult designated by the State authority complete and signs consent form, Form FD-2835 "Consent to treatment."

VII. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall convey information concerning the patient's personal and family history, physical examination, and laboratory examinations as indicated in § 291.605(d) (5).

A. A patient's history record will include at least age, sex, educational level, employment history, military record, and arrest record. In addition, a history should be recorded for opiate abuse of all types, and prior treatment for drug abuse as that required by § 291.605(d) (3) (iii) (b).

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

VIII. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. Therefore, except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in § 291.605(d)(4). This form information that could identify the patient will be kept confidential in compliance with 42 CFR Part 2.

IX. The following minimum procedures will be used for ongoing care.

A. Dosage and administration for detoxification or maintenance treatment shall be administered by the program physician daily under close observation in reducing dosages over a period not to exceed 21 days. All requirements pertaining to maintenance treatment or detoxification treatment with the following exceptions:

i. Take-home medication shall not be allowed during detoxification treatment.

ii. A history of 1 year physiologic dependence shall not be required for admission to detoxification treatment.

iii. Patients who have been determined by the program physician to be currently physically narcotic dependent may be admitted to a maintenance treatment program without the prior approval of the Food and Drug Administration and the State methadone authority.

v. The recommended initial dose is 15 to 20 mg. Stabilization may be continued for 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily or in 2-day intervals, but the total dose for the first 3 days should be insufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 10 percent of the daily dose is recommended, unless there is evidence that may cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is reduced more rapidly, within 3 to 5 weeks, the procedure is considered to have progressed from detoxification or treatment of the patient who is fully dependent to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the opiate abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxication. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. (The person(s) responsible for the program shall ensure that the quantity of methadone does not exceed 30 mg and that the total dose for the first day does not exceed 40 mg, unless the program medical director documents in the patient's chart that 40 mg did not suppress opiate abstinence symptoms.) If the patient has been a heavy user of heroin up to the day of admission, he may require an initial dose of 15 to 20 mg with additional smaller increments 4 to 8 hours later. It is recommended that the initial dose be increased until patient is comfortable with little or no narcotic tolerance (e.g., recently released from jail or using poor quality heroin), the initial dose may be one-half the patient's history record will include at least age, sex, educational level, employment history, military record, and arrest record. In addition, a history should be recorded for opiate abuse of all types, and prior treatment for drug abuse as that required by § 291.605(d)(3)(iii)(b)). Within 3 months after the termination of the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's record.

The treatment center's name, address, and telephone number. Exceptions may be granted when any of the provisions of the subsections are in conflict with State law or the program operated by the administering or dispensing of drugs.

2. In detoxification, the patient may be placed on a substituted methadone administration while symptoms of withdrawal. The methadone should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. The new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in maintenance treatment of pregnant patients. Dosage levels may not be maintained if continued methadone treatment is deemed necessary. It is the responsibility of the program to arrange that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the drug.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may be a pharmacist, registered nurse, or licensed practical nurse, or any other health care professional authorized by Federal and State law to order and dispense narcotic drugs. The licenced practitioner shall assume responsibility for the quantities of methadone administered or dispensed, all charges for such administration or dispensing, and the absence of major behavioral problems, a 6-day supply of take-home medication from the clinic for self-administration by the patient. It is also recognized, however, that daily attendance at a program facility may be incompatible with patient's employment situation, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program's activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education, or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to 3 times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2 day take-home supply. With continuing adherence to the program's requirements and substantial progress in rehabilitation, at the discretion of the medical director, these patients may be permitted twice weekly visits to the program for drug ingestion under observation.

In calculating 2 years of methadone maintenance treatment, the period shall be considered to be any continuous period of care. In the event of a program's administration of methadone, or upon readmission of a patient who has had a continuous absence of 30 days or more, cumulative time spent by the patient in more than one program shall be counted toward the 2 years of treatment unless there has been a continuous absence of 60 days or more. For patients maintained on methadone for 3 consecutive years who have demonstrated for at least the last year rapid stabilization, handling of methadone, and the absence of major behavioral problems, a 6-day supply of take-home medication may be granted providing the medical director has entered into the patient's record an evaluation that such patients have satisfactorily adhered to each of the criteria for measuring responsibility in handling methadone as set forth in § 291.605(e)(8)(iv)(c)-(d)(12). Each patient whose daily dose is about 100 mg shall ingest the medication under observation for a period of 8 to 12 weeks irrespective of the length of time in treatment, unless the program has received
prior approval from the State authority and the Food and Drug Administration.

The rationale for an exception to a mandatory schedule shall be based on the reasonable clinical judgment of the program physician and shall be recorded in the patient's chart by the program physician. In the latter situation the physician shall review, countersign, and date the patient's chart where this rationale is recorded. A patient shall not be given more than a 2-week supply of methadone at one time.

If in the reasonable clinical judgment of the program physician a patient is found to have a physical disability that interferes with the patient's ability to conform to the applicable mandatory schedule, he or she may be permitted a temporarily or permanently reduced schedule provided he or she is also found to be responsible in the handling of methadone; or a patient, because of exceptional circumstances such as illness, personal or family crises, travel, or other hardship, is unable to conform to the applicable mandatory schedule, he or she may be permitted a temporarily reduced schedule provided he or she is also found to be responsible in the handling of methadone; or a patient, because of exceptional circumstances such as illness, personal or family crises, travel, or other hardship, is unable to conform to the applicable mandatory schedule, he or she may be permitted a temporarily reduced schedule provided he or she is also found to be responsible in the handling of methadone.

3. In maintenance treatment an initial drug-screening urinalysis will be performed upon admission for opiates, cocaine, barbiturates, and other drugs as appropriate. The urine shall be collected in a manner which minimizes falsification of the sample. This procedure shall be demonstrated. Those patients receiving their doses of the drug from the pharmacy may also take an initial minimum standard. Each laboratory selected for urine testing must be in compliance with all applicable Federal proficiency testing and licensing standards and all State standards regarding such laboratories. Any changes in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each analysis, a detailed account of any adverse reactions, which will also be recorded within 2 weeks of the Food and Drug Administration. (See Form FD-1659, Experience Report, any significant physical or psychologic disability, the type of rehabilitation and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recording missing appointments ascribed to the ease of detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., a patient receives no medication for several days or more and upon return receives the usual stabilization dose). An annual report on the treatment program will be recorded in the clinical record and signed by the program physician (see § 291.505(d) (6) (vii)).

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone, especially after reaching a reasonable level of attendance. Sporadic attendance and becoming completely drug-free. Upon reaching a 10-20 milligram dosage level. So long as this dosage level continues to be maintained showing dates, quantity, and batch or code marks of the drug used. These records shall be retained for a period of 3 years.

XII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at one time. Only patients who have been stabilized at their optimal dosage level need be retained in a medication unit. Subsequent to such referral, the program director shall retain continuing responsibility for the patients referred. The patients referred shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide care in addition to administering and dispensing medication and collecting urine samples, the practitioner must be considered as a component of a separate program, depending upon the type of services provided. In such cases the restrictions on the number of patients served shall be determined by the existing pattern and resources available.

XIII. All statements in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

XIV. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Drug Enforcement Administration and the Federal Government. In the event that the drug is distributed, as required by law to administer or dispense drugs and allowable under the above identified program and to abide by the minimum standards for methadone detoxification and maintenance treatment.

XV. The name of each patient treated at a facility and the frequency of visits shall be recorded with the medical director. An annual report Form FD-2694 "Annual Report for Treatment Program Using Methadone" shall be submitted to the program sponsor for submission to the Food and Drug Administration. The patient shall always report to the same facility unless prior approval is obtained from the medical director for treatment at another location.

V. The following minimum standards shall be followed:

A. A statement shall be given to the addict to inform him about the program. A voluntarily consent to the treatment program, under the program designation "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. Methadone must be administered in the non-narcotic form, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs. At least 1 year prior to admission to maintenance treatment (see § 231.65(d)(3) (ii)), this drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (including rhinorrhea, pupillary dilation, piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, palpitations, and increased or decreased respiration rate are also signs of withdrawal, but their detection may require patient observation.

It is unlikely that an individual would be currently dependent on these drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of so-called fresh needle marks, and by obtaining additional history from relatives and friends.

C. An exception to the requirement for evidence of current physiologic dependence on narcotics or to the age limitations will be provided under the following exceptional circumstances: (1) Methadone treatment may be initiated within 14 days of a stay of 1 month or more in a federal or chronic care institution, or within 6 months of release from such institution if an individual would have been eligible for admission prior to institutionalization (see § 231.65(d)(3) (ii) (i)), (2) in the case of (a). 

D. The state of active addiction shall be considered to exist when the patient is classified as an active addict, or evidence justifies such classification (see § 231.65(d)(3) (iii) (i)). Within 3 months after the termination of

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the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's record. The patient's chart shall be labeled with the treatment center's name, address and telephone number.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The methadone shall be administered by the program physician daily under close observation in reducing dosage. All requirements pertaining to maintenance treatment apply to detoxification treatment with the following exceptions:

- 4. Take-home supply shall not be allowed during detoxification.
- 11. A history of 1 year physiologic dependence shall be required for admission to detoxification.

3. In maintenance treatment the initial dosage of methadone should control the adverse symptoms of withdrawal. Maintenance dosage of methadone for narcotic drug dependence shall be controlled by the attending physician, a responsible adult designated by the State authority completes and signs consent form, Form FD-2035 "Consent to Methadone Treatment IV.

An admission evaluation and record shall be made and maintained for each patient upon admission to the program. The findings of a comprehensive physical examination will be recorded.

V. Dosage and administration for detoxification and maintenance treatment:

1. Methadone shall be administered or dispensed in oral form or in an oral liquid formulation. The dosage shall be for at least 30 days or until the patient is judged to be physiologically narcotic dependent. The dosage shall be adjusted as necessary by the attending physician and shall be recorded and signed by the licensed practitioner.

2. In detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient will initially ingest the drug under the observation of the medical director or dispensing of drugs. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and shall maintain records of the amounts administered. The dispensing of methadone shall take place daily, unless the patient has satisfactorily adhered to the program regulations for at least 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic without returning for dispensation of methadone. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, or homemaking activities, those patients whose employment, education or homemaking responsibilities would be hindered by daily administration may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program requirements and progressive rehabilitation for at least 2 years, the patient may receive a 4-day take-home supply. Each patient who has satisfactorily adhered to the program regulations for at least 3 years and who has a continuous absence of 90 days or more may be permitted to receive a 7-day take-home supply.

In calculating 3 years of methadone maintenance treatment, the period shall be considered to begin upon the first day of administration of methadone, or upon readmission of a patient who has had a continuous absence of 90 days or more. Cumulative time spent by the patient in more than one program shall be counted toward the 3 years of treatment unless there has been a continuous absence of 60 days or more. For patients maintained on methadone for 3 consecutive years who have demonstrated for at least 2 years a stable methadone administration schedule, and the absence of major behavioral problems, a 5-day supply of take-home medication may be provided.

The attending physician shall ensure that a daily dose of 100 mg or more is justified in the medical record of each patient. A daily dose of methadone greater than 100 mg of methadone is not given to a new patient admitted to a program after effective detoxification without the prior approval of the State methadone authority and the Food and Drug Administration. A regular review of dosage level shall be made by the responsible program personnel with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage control shall be maintained if continued methadone treatment is deemed necessary. It is the responsibility of the program physician to periodically review the progress of the patient and to make an assessment of the patient's stability. In the event of such an assessment, the patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone shall be administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence. The practitioner is responsible for the amounts administered or dispensed.

6. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

7. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

8. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

9. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

10. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

11. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

12. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

13. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

14. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

15. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.

16. If methadone is administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for the treatment of narcotic drug dependence, the practitioner is responsible for the amounts administered or dispensed.
treatment, unless the program has received prior approval from the State authority and the Food and Drug Administration.

The rationale for an exception to a mandatory schedule shall be based on the reasonably clinical judgment of the program physician and shall be recorded in the patient’s chart by the program physician or by program protocol used by the program physician. In the latter situation the physician shall review, counter-sign, and date the patient’s chart whcre this rationale is recorded. In any event a patient shall not be given more than a 2-week supply of methadone at one time.

In reasonable clinical judgment of the program physician: a patient is found to have a physical disability which interferes with the purpose of the program, an exception to the applicable mandatory schedule, he may be permitted a temporarily or permanently reduced schedule provided he is also found to be responsible in the handling of methadone; or a patient, because of exceptional circumstances such as illness, personal or family crises, travel, or other hardship, unable to conform to the applicable mandatory schedule, he may be permitted a temporarily reduced schedule provided he is also found to be responsible in the handling of methadone (see § 291.505 (d) (8) (ii)).

B. In maintenance treatment an initial drug-screening urinalysis will be performed upon admission for opiates, cocaine, barbiturates, amphetamines and other drugs as appropriate to stabilize the patient in a manner which minimizes falsification of the samples. The reliability of this collection procedure for detecting drugs in urine has not been established. Patients receiving their doses of the drug from medication units will also adhere to this minimum standard. Each laboratory selected for urine testing in connection with all applicable Federal proficiency testing and licensing standards and State standards regarding laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form (s), a detailed account of any adverse reactions, which will also be reported within 3 weeks to the Food and Drug Administration on Form FD-1639, “Drug Experience Report,” or medical illness, physical or psychological disability, the type of rehabilitative and counseling efforts employed, an account of the patient’s progress, and other relevant aspects of the treatment program. For record-keeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered to have terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This record of record-keeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the treatment plan will be recorded in the clinical record and signed by the program physician (see § 291.505 (d) (5) (iv)).

D. All patients in maintenance treatment will be given careful consideration for discontinuation of the program when reaching a 10 to 20 milligrams dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and the FDA's stabilization program. Upon successfully reaching a drug-free state the patient should be retained in the program for a minimum of 90 days to stabilize in the drug-free state, with the frequency of required visits adjusted at the discretion of the program physician. To prevent diversion into illicit channels, adequate security should be maintained over stocks of medication on the premises in which it is distributed, as specified by the Drug Enforcement Administration, Department of Justice. For the purposes of this program, this is considered a readmission and is accepted into the program physician at one time.

For the purposes of this program, this is considered a readmission and is accepted into the program physician at one time.

VI. Census of patients provided methadone maintenance treatment

A. Number under care at the beginning of the year being reported

B. Number of those in treatment at the beginning of the year

C. Number admitted to care during the year, previously treated in this program

D. Number admitted to care during the year, previously not treated in this program

E. Number discharged or transferred to other types of programs and not readmitted

F. Number discharged or transferred to other types of programs and readmitted

G. Number discharged or transferred to other types of programs and readmitted (still under care)

H. Number discharged or transferred to other types of programs and not readmitted

I. Number discharged or transferred to other types of programs and not readmitted (still under care)

VII. Demographic and treatment characteristics of patients under care at the end of the year being reported

A. Age by sex

B. For the year being reported, give the number of patients who have been under continuous care for the following periods of time:

Under 3 months
3 months to 1 year
1 to 2 years
2 to 5 years

C. Total number of patients treated to date

D. For the year being reported, give the number of patients stabilized at each dosage level:
PROPOSED RULES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD-2836 Hospital Request for Methadone for Detoxification Treatment

Name of hospital: ____________________________

Address: ____________________________

Commissioner, Food and Drug Administration, Bureau of Drugs (HFD-106), Rockville, Md. 20857.

Dear Sir: As hospital administrator, I submit this request for approval to receive supplies of methadone to be used for detoxification treatment in accord with § 291.555 of the regulations, I understand that the failure to abide by the requirements described below may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

I. The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone is _______________.

II. There are a total of ___________ beds in the hospital.

III. A general description of the hospital and nature of patient care undertaken is attached.

IV. The anticipated quantity of methadone needed for narcotic addict treatment per year is _____________ (Gms.).

V. Methadone for narcotic addict treatment is permitted to be administered or dispensed only for detoxification treatment of hospitalized patients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his or her stay or whose enrollment in a program which has approval for maintenance treatment using methadone has been verified.

VI. Accurate records shall be maintained showing dates, quantity, and batch or code marks of the drug for inpatient treatment. The records shall be retained for a period of 3 years.

VII. Inspections of supplies of the drug and an evaluation of the use to which the drug is being put may be undertaken by the State authority, by the Food and Drug Administration, by the Drug Enforcement Administration, Department of Justice, and, when appropriate, by the National Institute on Drug Abuse, in accordance with Federal controlled substances laws and Federal confidentiality laws.

Signature: ____________________________

(Hospital Official)

Interested persons may, on or before December 27, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-55, 5000 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 and the National Institute on Drug Abuse have determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-101. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.


DONALD KENNEDY,
Commissioner, Food and Drug Administration.


ROBERT DUFONT,
Director, National Institute on Drug Abuse.
DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

[DOCKET NO. 77N-02521]

METHADONE IN MAINTENANCE AND DETOXIFICATION
Joint Proposed Revision of Conditions for Use

CROSS REFERENCE: For a document setting forth the Food and Drug Administration and the National Institute on Drug Abuse proposed revision of the conditions for use of methadone to allow greater flexibility of clinical standards and to provide more specificity in areas in which the proposed clinical standards mandate levels of performance, see FR Doc. 77-31163 appearing at page 56897 in this issue of the FEDERAL REGISTER.

[DOCKET NO. 77N-02531]

NARCOTIC TREATMENT PROGRAM STANDARDS
Use of Narcotic Drugs Other Than Methadone by Narcotic Treatment Programs; Joint Notice of Intent To Propose Regulations and Request for Data, Information, and Views

CROSS REFERENCE: For a document announcing the intent of the Food and Drug Administration and the National Institute on Drug Abuse to propose regulations and their request for data, information, and views on several specific issues concerning the use of narcotic drugs other than methadone, see FR Doc. 77-31071 appearing at page 56898 in this issue of the FEDERAL REGISTER.
DEPARTMENT OF
HEALTH, EDUCATION, AND
WELFARE

Public Health Service

HOSPITAL AND MEDICAL
FACILITIES

Standards of Construction and
Equipment
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

STANDARDS OF CONSTRUCTION AND EQUIPMENT FOR HOSPITAL AND MEDICAL FACILITIES

Notice of Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Proposed rules.

SUMMARY: Section 1602(2) of the Public Health Service Act (42 U.S.C. 300o-1 (2)) requires the Secretary of Health, Education, and Welfare to prescribe "general standards of construction, modernization, and equipment" for medical facilities projects assisted under Title XVI of the Act. The rules proposed below would establish such standards.

DATES: Comments must be received on or before December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry P. Cain II, Ph. D., Director, Bureau of Health Planning and Resources Development, Center Building, Room 6-23, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-8870.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Assistant Secretary for Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish a new Subpart B of Part 124 of Title 42, Code of Federal Regulations. The new Subpart B, entitled "Standards of Construction and Equipment," will implement section 1602(2) of the Public Health Service Act (42 U.S.C. 300o-1(2)), which requires the Secretary to prescribe general standards of construction, modernization, and equipment for all facilities assisted under Title XVI of the Act.

The proposed rules closely resemble those published under Title VI of the Act, as 42 CFR Part 53, Subpart K. Like Subpart K, the proposed Subpart B incorporates by reference a technical publication which sets forth in detail specific construction and equipment standards. The technical publication referred to in the proposed rule in a proposed revision of the document referenced in Subpart K, "Minimum Requirement of Construction and Equipment for Hospital and Medical Facilities," DHEW Publication No. (HRA) 74-4000. The major revisions of the standards set forth in HRA 74-4000 will be as follows:

1. Section 12A of HRA 74-4000 is revised to clarify special design features to meet the needs of the handicapped (patients, staff, and visitors). This section is in addition to other requirements that may be issued by the Department.

2. Energy conservation features are emphasized, including reference to ASHRAE Standard No. 59-75 or equivalent standards, and certain mechanical requirements are revised.

3. The importance of adequate program narrative is stressed.

4. Section 7.28(6) of HRA 74-4000 is clarified to require 3' x 8' doors for rooms needing access for beds, but allow 2' x 10' doors for rooms requiring access only by wheelchairs or stretchers.

5. Where local codes prohibit the use of recirculated air in operating rooms and require an all-outside air system, the number of air changes required by these revised construction requirements for operating rooms is reduced from 25 to 15.

6. Water temperature required for laundry is reduced from 180 degrees to 160 degrees F. to emphasize energy conservation.

7. Attention is called to the potential explosive hazard created by the reaction of sodium azide solutions with copper or lead such as may occur in certain laboratory drain lines.

8. In order to reduce costs in required building areas, public corridors in outpatient areas may be as narrow as 5' x 0", except where it may be necessary to transport patients in beds.

9. A new section is added establishing standards for small primary health care centers (frequently called "neighborhood" or "storefront" centers) because these centers have become eligible for funding under section 1604(b)(2) of the Act.

10. The present section covering general outpatient facilities has been clarified to avoid, whenever possible, having these facilities classified as hospitals for purposes of code requirements.

11. A new section is added to cover surgical facilities used primarily for performance of surgical procedures on an outpatient basis, whether integrated within an existing hospital or located in a separate freestanding structure.

Requests for copies of the proposed document containing these revisions should be directed to the Director of the Office of Policy Coordination at the above address. The proposed document will also be available for public inspection at the above address during regular business hours.

Interested persons are invited to submit written comments, suggestions, or objections to the proposed rules to the Director of the Office of Policy Coordination on or before December 12, 1977. All comments received in timely response to this Notice will be considered and will be available for public inspection at the above address during regular business hours.

It is therefore proposed to amend 42 CFR Part 124 by adding a new Subpart B as set forth below.

NOTES:—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 11283 and OMB Circular A-107.


JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: October 17, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart B of 42 CFR Part 124 is added, to read as follows:

Subpart B—Standards of Construction, Modernization, and Equipment

§ 124.10 Applicability.

The provisions of this subpart apply to all applications for construction, modernization, or conversion assistance under this part.

§ 124.11 General requirements.

Plans and specifications for each project submitted to the Secretary of Health, Education, and Welfare shall be prepared in accordance with "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (DHEW Publication No. (HRA) 77-___), which is hereby incorporated by reference and deemed published here in. Said document will be provided to all applicants for assistance under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Division of Facilities Development, Bureau of Health Planning and Resources Development, Health Resources Administration, Department of Health, Education, and Welfare or to the Department's regional offices as listed in 45 CFR 5.31. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed therein if he is satisfied that the purposes of such requirements have been fulfilled.
§ 124.12 Conformity to State and local requirements.

The design and construction covered by the plans and specifications must conform to the applicable State and local laws, codes, and ordinances and to the approved State medical facilities plan. The plans and specifications must be complete and adequate for contract purposes and, except for projects assisted under section 1625 of the Act, have the approval and recommendation of the State health planning and development agency designated under section 1521 of the Act.

§ 124.13 Equipment.

Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

[FR Doc 77-31051 Filed 10-27-77; 8:40 am]
ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Maleic Hydrazide
NOTICES

ENVIRONMENTAL PROTECTION AGENCY

[FRL 607-7; OPP-30000/21]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Maleic Hydrazide

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing maleic hydrazide.1

I. REGULATORY PROVISIONS

A. General. Title 40, §162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 781, 7 U.S.C. 136 et seq.), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in §162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. The Agency has determined that the public should also be given notice of the bases for the presumption to provide for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence relates to risk criteria set forth in §162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of the use(s) of a pesticide are carefully considered and it is determined that the use(s) of the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a) (4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice and, in the case of oncogenicity to submit information which relates to the assessment of oncogenic risks as set forth in the Agency’s Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 28, 1976; 41 FR 21402). Registrants and other interested parties may also submit for consideration data on adverse effects to the environment which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel its current registration pursuant to Section 6(a) (1) of FIFRA.

B. Rebuttable Criteria. Section 162.11(a) (4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on use and directions for use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment that may result in any significant acute adverse effects" (40 CFR 162.11(a) (4) (i));

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment that may result in any significant chronic adverse effects" (40 CFR 162.11(a) (4) (ii)); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" (40 CFR 162.11(a) (4) (iii)).

C. Benefits Information. In addition to submitting evidence to rebut the presumption of risk, §162.11(a) (6) (iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide or its substitution outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant, applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically, §162.11(a) (5) (iii) provides that if the "benefits appear to outweigh the risks," the Administrator may issue a notice of intent to hold a hearing pursuant to Section 6(b) (2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to Section 3(e) (6) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks," the Administrator shall issue a notice pursuant to Section 3(6) (9) or Section 6(b) (1) of the Act, as appropriate. Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to Section 6(c) of the Act.

Stated below are the §162.11(a) (3) risk criteria which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing maleic hydrazide. The Agency has done so for concluding that these risk criteria have been met or exceeded is set out in "Maleic Hydrazide: Position Document 1," which follows. Copies of attachments to the position document which have not been published with this notice are available for public inspection in the Office of Special Pesticide Reviews. Information protected from disclosure pursuant to FIFRA Section 19 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Project Manager Bipin Gandhi, Ph.D., Office of Special Pesticide Reviews (WH-566), EPA, Rm. 447, East Tower, 401 M St. SW., Washington, D.C. 20460 (202-755-8000).

II. PRESUMPTIONS

A. Oncogenicity. 40 CFR 162.11(a) (3) (i) (A) provides that a rebuttable presumption shall arise if a pesticide "induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure .... ." As further clarification of the provision, the preamble to the Agency’s Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 28, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

In the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for total output) from using available substitute pesticides or from using no other pesticides.

1. A registrant or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.

3. Identification of submitted alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.

5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or the storage of pesticide products containing pre-mixed pesticides or from using no other pesticides.

2. If the impacts upon user costs or productivity are significant, a qualitative assessment of the regulation’s impact on expected trends in crop yields, livestock feeds and retail food prices of such commodities.
registration of pesticide products containing maleic hydrazide and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

B. Mutagenicity, 40 CFR 162.11(a) (3)
   (d) (A) provides that a rebuttable presumption shall arise if a pesticide "(d) produces mutagenic effects, as determined by multityst evidence."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that the risk index has been exceeded by all registrations and applications for registration of pesticide products containing maleic hydrazide, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

C. Other chronic or delayed toxic effects, 40 CFR 162.11(a) (3) (d) (B) provides that a rebuttable presumption shall arise if a pesticide "(B) produces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially greater than that which humans can reasonably anticipate to be exposed, taking into account ample margins of safety..." On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that the risk index for this effect has been exceeded by all registrations and applications for registration of pesticide products containing diethanolamine salt of maleic hydrazide, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. GROUNDS FOR PESTICIDE REVIEW IN ADDITION TO REBUTTABLE PRESUMPTION CRITERIA

A. General. In addition to the risk criteria set forth in 40 CFR 162.11(a) (3) which require the issuance of a notice of rebuttable presumption against registration or continued registration and a determination to cancel or suspend registration or cancel a pesticide, 40 CFR 162.11 (a) (6) provides that the Administrator may determine that a pesticide should be cancelled or that a hearing should be held if the pesticide poses a substantial question of safety to man or the environment because studies show that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing diethanolamine salt of maleic hydrazide, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

IV. INFORMATION SOUGHT ON REPRODUCTIVE EFFECTS AND TRANSLATION OF DEA-MH

The information concerning the reproductive effects of diethanolamine salt of maleic hydrazide (DEA-MH) is summarized in the Position Document. DEA-MH caused adverse reproductive effects in test animals at a dose level of 100 mg/kg. However, the maximum level was the only level tested in the study, and there is no information to indicate a no observable effect level or to determine dose-response relationships, it is not possible at the present time to make conclusions concerning the reproductive risks associated with the uses of DEA-MH. Adverse reproductive effects are of concern to the Agency because studies show these effects to be irreversible.

For these reasons, the Agency solicits comments on the available evidence. Further, the Agency is requiring that registrants and applicants conduct an additional reproductive effects study and submit the results of the study within one year of the publication of this notice. This study must be conducted by EPA and information on the study must be available for public inspection.

V. REGISTRATION AND PRODUCTS SUBJECT TO THE NOTICE

All registrants and applicants for registration listed below are being notified of the presumption against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until December 14, 1977 to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, agree to an extension of 30 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.
to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of maleic hydrazide, its impurities, metabolites and degradation products, particularly on animals with metabolism similar to man, is solicited. Similarly, any studies or comments on the benefits from the use of maleic hydrazide are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to §162.11(a)(6).

All comments and information should be sent to:
Federal Register Section Technical Services Division (WH-569), Rm. 401 East Tower, 401 M Street SW., Washington, D.C. 20460.

Three copies of the comments or information should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation “OPP—30000/21.”

Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR §162.11(a)(5)

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR §162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since (1) all of the information received may serve as a basis for final determination pursuant to §162.11(a)(6) and (2) the Agency will not generally publish a summary of information received in the Federal Register at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the Federal Register, but rather handled by mail with affected parties. Omissions will be corrected by notice in the Federal Register.


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

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**NOTICES**

**MALEIC HYDRAZIDE: Position Document 1**

**MALEIC HYDRAZIDE WORKING GROUP BIPIN GANDHI, Ph.D., PROJECT MANAGER, OFFICE OF SPECIAL PESTICIDE REVIEWS, U.S. ENVIRONMENTAL PROTECTION AGENCY.**

**I. BACKGROUND**

A. GENERAL CHEMISTRY

Maleic hydrazide or MH (1,2-dihydro-6-pyridazine 3,6-dione (Structure A) or 6-hydroxy-3(2H)-pyridazinone (Structure B) is a plant-growth regulator in the heterocyclic class of pesticides. MH has an empirical formula of C,H,N,O, and a molecular weight of 112.09. Its structural formulae are:

![Structure A](attachment:structure_a.png)

![Structure B](attachment:structure_b.png)

MH is slightly acidic and may be titrated as a monobasic acid. It forms salts with diethanolamine (DEA), triethanolamine, and alkalies; but it is stable in acidic and basic solutions. The 6-hydroxy-3 (2H)-pyridazinone isomer can exhibit phenolic properties under physiological conditions.

B. PHYSICAL CHARACTERISTICS

MH is an odorless white crystalline powder. It melts at 256° to 258°C and decomposes above 300°C. It is not decomposed by ultraviolet radiation. MH is soluble in water at concentrations as great as 49/100 ml at 20°C MH is also soluble in alkaline solutions. The sodium, potassium, and diethanolamine (DEA) salts are soluble in water and hot alcohol. The solubility of MH in other solvents at 25°C is shown in Table 1.

**Table 1—Solubility of MH**

<table>
<thead>
<tr>
<th>Solvent</th>
<th>Solubility (parts per million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetone</td>
<td>1,000</td>
</tr>
<tr>
<td>Ethyl alcohol</td>
<td>1,000</td>
</tr>
<tr>
<td>Dimethyl formamide</td>
<td>20,400</td>
</tr>
<tr>
<td>Dimethyl sulfoxide</td>
<td>50,000</td>
</tr>
<tr>
<td>Xylene</td>
<td>&lt;1,000</td>
</tr>
</tbody>
</table>

MH has no vapor pressure at room temperature.

C. ENVIRONMENTAL CHARACTERISTICS

The ecological monitoring branch (EMB) of the technical services division within the office of pesticide programs is not currently monitoring for MH in human tissues, agricultural or urban soil, air, or estuarine and ocean organisms (1).

We have seen no evidence that MH persists in water, although it may occur there as a result of runoff. Since MH is not volatile, it is not found in air. Level and Crafts studied the persistence of MH in heavily treated soils by measuring plant growth in successive harvests (2). The half-life of MH in soil treated with MH in concentrations of 1 to 4 ppm is 40, 7, and 4 days in clay, sand, and muck soils, respectively (3).

The effects of MH on soil bacteria, fungi, and plant pathogens have been extensively researched. In most cases MH slightly inhibits soil bacteria, but it can stimulate soil microflora and fertilizer soils. The effects on fungi range from inhibition to stimulation; in some cases MH has no effect. Stimulation occurs indirectly because MH degradation products may be used as a nitrogen source. The fact that no effect is sometimes seen may result from the competition of inhibitory and stimulating effects. Generally, microorganisms in the soil rapidly degrade MH (4). We have seen no reports of other data on environmental chemistry.

D. METABOLISM

MH, which is generally translocated from the treated leaves down into the rest of the plant, is relatively stable. Residues occur in potatoes and roots of turf grasses as long as 8 months after treatment (5).

Despite substantial research, the mechanisms of MH metabolism in plants and animals are not well known. Initially, MH was thought to degrade to either maleic or fumeric diamide, which might yield the ammonium salts of the corresponding acids on hydrolysis (6). Towers later concluded that MH in leaf segments of wheat becomes detoxified by the formation of a glycoside (7).

When 14C-MH was applied to specific leafy plants, it migrated from the phloem to the xylem; and mature leaves above the treated leaf became radioactively labelled. Extracts of young wheat seedlings treated with 14C-MH exhibited two radioactive spots on chromatograms and autoradiograms. One spot contained 16 percent of the total radioactivity and was identified and confirmed as the benzamide of MH (7, 8). MH also forms complexes in other plants (9).

There is no clearly documented evidence that hydrazine, a known carcinogen (10), is a metabolite of MH. Blum and co-workers (11) postulated that when 14C-MH was applied to tea plants it was degraded to lactic acid, aicains acid, maleic acid, and hydrazine. However, their data were inadequate to support this conclusion.

Rates of MH absorption vary only moderately among plant species (12). The tomato plant was selected in studies of the effects of plant turbidity, appli-
cation rate, temperature, light, humidity, and formulation on MH absorption. Tests with alkali salts, volatile amines, and nonvolatile salts of MH showed that the nonvolatile amines salts, such as the DEA salt, were absorbed to the greatest extent, followed by the potassium salt to which sorbitol was added in the formulation (12).

Recently, it was reported that tobacco treated with the DEA salt of MH contained as much as 173 ng of N-nitrosodiethanolamine per gram of tobacco, whereas tobacco treated with the potassium salt of MH contained only 0.1 ng of N-nitrosodiethanolamine per gram of tobacco (13). This finding indicates that DEA may have been the source of N-nitrosodiethanolamine, which is reported to be oncogenic (14).

MH binds in vitro with ribonucleic acid and with proteins such as egg albumin, zein, and hexokinase. Stronger bonds are formed and more MH is bound by the diethanolamine salt of MH than by the potassium salt of MH (9).

When C-MH was administered to rats in a single dose, they excreted 77 and 12 percent of the compound in urine and feces, respectively, in 6 days. The products excreted in urine were MH (62 to 84 percent) and a conjugate of MH (2 to 13 percent). Only trace amounts of MH (<0.001 percent) were detected in tissues or blood samples after 3 days. Only 0.2 percent of the radioactive MH was excreted through the lungs (15).

El Masri (16) administered single oral doses of MH to rabbits. About 50 percent of the dose was excreted unchanged in the urine. Neither hydrazine, conjugated glucuronic acid, nor ethereal sulfate was detected. Barnes and co-workers (17), in a study that substantiates that of El Masri, administered oral doses of MH (100 mg/kg) to rabbits. From 43 to 62 percent of the dose was excreted within 24 hours. The authors did not describe the mode of excretion. Similar results were obtained with a single oral dose of MH glucuronic acid and ethereal sulfates were detected. The authors speculated that the 40 percent of MH which could not be accounted for may have been more slowly excreted or broken down (17).

E. MONITORING

The Market Basket Survey of the Food and Drug Administration (FDA), which monitors pesticide residues in a sample daily diet of an average 16- to 19-year-old American male in various regions of the country, has not analyzed foods for MH and its formulations (18). FDA officials stated in 1974 that "FDA cannot justify surveillance for MH because practical resource constraints, relative risks and the myriad of possible pesticide/food combinations force FDA to make a careful choice of the pesticides and foods which are included in its pesticide program." * * * FDA further stated that it will seriously consider including pesticide/food combinations of EPA to make a careful choice of the pesticides and foods which are included in its pesticide program.* * * EPA concludes that the toxicity of MH is of such magnitude that periodic testing is needed to protect public health" (18). The MH Working Group knows of no other Federal program to monitor MH.

F. RESIDUES

(1) Potatoes and onions. Unilroy Chemical, one of the primary producers of technical grade MH, has reported EPA that MH residues in potatoes and onions harvested from 1969 through 1973 (18). The residue data reported for potatoes and onions were within the established tolerance limits (50 ppm and 15 ppm, respectively) when MH-30 (88 percent DEA salt of MH in an inert vehicle) was applied according to label directions (18). Tobacco, tobacco and cigarettes analyzed for MH residues after the 1970 growing season contained residues of 19 to 31 ppm and 18 to 30 ppm, respectively (20). The Department of Agriculture found average residues of 60 to 100 ppm on tobacco, although in rare cases MH residues exceeded 500 ppm (21).

(2) Meat, milk, poultry, and eggs. Dehydrated potato tubers used as feed for beef and dairy cattle, swine, lambs, horses, and poultry can make up 7 to 50 percent of the animal's diet, depending on the animal. It is assumed that there is no loss of male hydrazine in the dehydration process, quantities of MH as low as 15 ppm or as high as 90 ppm could appear in the diets of turkeys or broilers and beef cattle, respectively (12).

The Chemistry Branch of the Registration Division of EPA is not aware of any metabolic studies on large animals or of feeding studies on livestock or poultry (12). Therefore, we are unable to assess the potential for the appearance of secondary residues of MH in meat, milk, poultry, and eggs.

G. PRODUCTION

Section 7(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires manufacturers and formulators to submit information on production, distribution, and sales of MH and its formulations to EPA. Under Sections 7(d) and 10 of FIFRA, this information may not be made available to the public. The information is available to the Administrator in a confidential appendix to this report (22).

H. REGISTERED USES AND SUPPLY

(1) Products. The diethanolamine salt of MH is registered for use on tobacco, potatoes, onions, and nonbearing citrus trees; it is also registered for use on commercial turf areas that are difficult to mow and not used for grazing, such as golf courses, industrial areas, and golf course roughs. The potassium salt of MH is registered only for use on tobacco.

<table>
<thead>
<tr>
<th>Compound</th>
<th>Federal Products</th>
<th>Applicants for Federal registrations under 49 CFR 1587</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methylene hydrazide</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Diethanolamine salt of MH</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Potassium salt of MH</td>
<td>10</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Average total pounds per acre</th>
<th>Site rating applications (numbers)</th>
<th>Site rating (numbers)</th>
<th>Tolerance (ppm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal year</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>1.24</td>
<td>7</td>
<td>1.48</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>1.25</td>
<td>8</td>
<td>1.59</td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>1.22</td>
<td>8</td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>1968</td>
<td>1.25</td>
<td>8</td>
<td>2.23</td>
<td></td>
</tr>
<tr>
<td>1969</td>
<td>1.25</td>
<td>8</td>
<td>1.54</td>
<td></td>
</tr>
</tbody>
</table>

(3) Tolerances. MH tolerances of 50 ppm in potatoes and 15 ppm in onions (40 CFR. 180.175), and a tolerance of 160 ppm for MH as a food additive in potato chips (21 CFR 123.270) have been established. The establishment of tolerances for MH on various foods, particularly potatoes and onions, was necessary because MH is translocated into these foods before harvest. These residues cannot be removed after harvest by washing or any other process.
I. HUMAN EXPOSURE

Humans are most likely to be exposed to maleic hydrazide in treated potatoes and onions, which are consumed at the rate of one pound of potatoes and one half pound of onions per year, respectively (23). However, all potatoes and onions may not be treated with MH, and there are no figures available that show the percentage of potatoes and onions that are treated with MH. Users of smoking or chewing tobacco would be further exposed to MH (12).

II. REGULATORY HISTORY

A. Registration and tolerances. MH was originally synthesized in 1956, but its ability to regulate plant growth was not discovered until 1949, when Schoene and Hoffman (24) reported that MH has a pronounced, although temporary, inhibitory effect on plant growth, but causes little apparent damage to the plants.

On July 13, 1955, Unroyal (then the United Co.) petitioned FDA to establish tolerances for MH on potatoes, onions, and tobacco of 20, 10, and 10 ppm, respectively. However, this petition was not accepted under Section 408 of the Federal Food, Drug, and Cosmetic Act (FDCA), because FDA did not think that the use of MH on onions and potatoes to prevent sprouting fit the definition of an economic poison, as defined in FFRA. Unroyal requested a public hearing under Section 701(e) of the FDCA to determine if MH was an economic poison. A new petition, submitted October 28, 1956, proposed tolerances of 30, 15, and 75 ppm for potatoes, onions, and potato chips, respectively; it was denied because Unroyal failed to show that MH was required in the production of potatoes and onions. Tobacco was not included because it is not regulated under FDCA. In 1958, in response to another petition submitted April 20, 1959, tolerances of 30, 15, and 160 ppm on potatoes, onions, and potato chips, respectively, were established under the amended FDCA.

A petition submitted December 10, 1960, by Unroyal to establish MH tolerances on lemons, peaches, and cranberries of 5, 15, and 20 ppm, respectively, and a petition filed on June 10, 1962, requesting a tolerance of 20 ppm on cranberries were withdrawn because Unroyal could not provide enough data to support the petitions.

The products containing sodium salt of MH were registered in 1953 through 1967. The registrant, Unroyal Chemical, did not apply for reregistration. The first registrations of the products containing the DEA and the potassium salt of MH were issued in 1952 and 1960 respectively.

B. INVESTIGATIONS OF ADVERSE EFFECTS

The suspicion that MH may have adverse effects on animals first arose in 1951 when it was claimed that MH is toxic to and retards the growth of frogs, toad, and salamander larvae (25).

Between 1951 and 1969 several studies appeared relating MH to oncogenicity, mutagenicity, and productive effects. These studies were closely watched by the Agriculture Research Service (ARS), USDA. A major source of concern was a study by Dickens and Jones (26) linking MH to onogenicity. In response to Dickens and Jones' study, meetings were held October 8 and 9, 1955, to discuss whether MH is onogenic. The scientists present concluded that MH was only suspect and that more studies with larger numbers and different strains of animals were needed (27). Furthermore, both oil and aqueous solutions of MH were used in the studies by Dickens and Jones, and they did not use a control group. In an FDA conference on MH held on October 14, 1955, it was decided that the results reported by Dickens and Jones had no relevance to the safety of MH as a food additive (28).

Although Epstein's research (29) showing that tumors were induced in an area other than the site of injection indicated that MH is carcinogenic, USDA recommended that regulation be sought because FDA did not consider the route of administration in these studies appropriate (31). However, the Director of ARS later requested cancellation of the registration of MH-20 (DEA-MH formulation) because another pesticide had been cancelled on the basis of results of studies in which it was administered parenterally (32). However, no regulatory actions were taken on registrations of products containing MH.

On July 13, 1973, The Honorable Julia Butler Hansen, House of Representaives, requested GAO to provide her with information on Federal testing of MH. The GAO report on MH, published October 23, 1974, reviewed the published scientific findings related to the adverse effects and described three hazards believed to be associated with MH: carcinogenicity, mutagenicity, and reproductive effects (33). GAO recommended that additional testing and research be carried out on MH because it adversely affects humans or the environment. GAO also recommended that FDA periodically test potatoes and onions to make sure that the levels are below the established tolerances (18). Since publication of the GAO report, several more studies of the possible adverse effects of MH on animals have been published.

The 1969 HEW Msrle Report listed MH as a possible oncogenic agent but did not conclude that it was oncogenic (32). MH was among the 120 compounds tested earlier for tumorigenicity by the National Cancer Institute, but it was not found to be carcinogenic (34). More recently, MH, as well, was listed as a suspected carcinogen by the Department of Health, Education, and Welfare (35).

C. PESTICIDE EPISODE RESPONSE BRANCH REPORT

Sixteen episodes involving MH have been reported to EPA, two of which were solely related to MH. In the other episodes MH had been used in combination with other pesticides. The Pesticide Episode Response Branch, EPA, stated that there is no significant history of accidents associated with MH and that it is too inappropriate to identify MH as the active agent in these poisonings (36).

D. REFERRAL TO THE OFFICE OF SPECIAL PESTICIDE REVIEWS

MH was referred to OSPR because 40 CFR 162.11(a)(3)(ii)(A) provides that "a rebuttable presumption shall arise if a pesticide's ingredient(s) * * * induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation, or dermal exposure * * *." Section 162.2(b)(2) defines the term oncogenic as "the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formation in living animals." There are also several studies of MH's oncogenic properties cited in the literature. MH, either as the sodium or potassium salt or as the DEA salt has been applied to rats or mice by injection and by dermal and oral administration. This Agency's Carcinogen Assessment Group (CAG) has evaluated these studies and concluded that MH possesses oncogenic potential. The Working Group concurs with CAG's position. CAG's evaluation of the carcinogenicity of Maleic Hydrazide (37) is summarized below.

1. MOUSE STUDIES. Epstein and co-workers (29) found evidence of excess tumor induction in male but not female mice. Their study showed a statistically significant increase in the incidence of liver tumors, when mice were injected subcutaneously with 0.1, 0.2, and 0.3 ml containing 5, 10, 20 and 20 mg of MH suspended in tricaprylin 1, 7, 14, and 21 days after birth, respectively. Implanted tumors were observed in 22 of 48 survivors in the control group which had hepatic tumors compared to 17 of the 26 survivors in the experimental group.

In a second study, Barnes and co-workers (17) found a statistically significant increase in the total number of tumors, including benign tumors, in female mice fed 1 percent sodium salt of MH (Na-MH) in the diet for 100 weeks. The incidence of tumors in the experimental population (7/8) was significantly higher than that in the control group (0/4) at a p-value of 0.001. Tumor incidences in control and experimental male populations were not statistically different.

In the same study, the number of skin tumors in mice to which MH and croton oil were simultaneously applied was not greater than that in mice treated with only croton oil. Furthermore, implantation of cholesterol pellets containing 20 percent MH in the bladders of mice did not cause any increase in the incidence...
of tumors in the mice that survived treatment (17).

Junes and co-workers (34) carried out feeding studies on mice for approximately 18 months. Upon completion of these studies, the authors concluded that MH did not cause a significant increase in tumors.

Mukabora (38) injected one group of mice with the DEA salt of MH (DEA-MH) and fed a second group a diet containing DEA-MH. In neither group was the incidence of tumor significantly above that in control groups.

(2) Rat Studies. Six 100-g rats were injected subcutaneously with 2 mg of MH per rat twice weekly for 65 weeks (26). Transplatable sarcomas developed at the site of injection in three of the six experimental animals. None of the six control rats had tumors. As judged by the authors, the study demonstrated that MH is oncogenic; however, the p-value of 0.091 is not significant.

In studies by Barnes and coworkers (17), who administered MH orally and by injection and studies by Hunter and coworkers, MH salt administered by injection, MH did not cause a statistically significant increase in tumor incidence. Data from other studies (40, 41, 42) were found to be inadequate (37, 43), and conclusions should be drawn from them.

(3) Conclusion. The Working Group has concluded from the studies described above that MH is oncogenic in mice. Consequently, the Working Group recommends that a rebuttable presumption be issued on pesticides containing MH pursuant to Section 162.11(a)(3)(ii)(A).

B. MUTAGENIC EFFECTS

40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide's ingredient produces any chronic or delayed toxic effect in test animals at any dosage up to a level of 50 times the AMPE of the chemical. The AMPE of any chemical, including maleic hydrazide, is 1.300 mg/kg.

(1) Chromosomal Mutation. Maleic hydrazide was tested for mutagenic effects in barley, wheat, and potato tubers grown in soil treated with MH (62). Kang described reduced egg production in pea aphids that were greatly in excess of those which might occur in the environment. Also, the development of a gastropod was not related to maleic hydrazide in any way (59). Gretlack and co-workers (23) saw no dose-related effects on embryonic growth of amphibians.

(2) Gene Mutations. Nasrat (51) reported that maleic hydrazide induced a significant increase (p<0.0003) in the incidence of sex-linked recessive lethals in male A. F1 hybrids. However, there are two possible drawbacks to this study: The number of X chromosomes tested was only 1024, and the raw data are not available to rule out clustering of mutations with respect to treated males. Clustering of mutations is probably not a problem, because the increase in mutations was noted only in the first brood which samples postmeiotic cells. Only when prametetic cells of rats affected could multiple mutant sperm arise from a single mutant cell.

There is not much evidence that MH is mutagenic in mammalian systems. The Salmonella typhimurium histidine reversion test was negative both with (52) and without (53) microsomal activation. Likewise, MH was not mutagenic in Escherichia coli (54). On the other hand, in a phage-beating strain of Bacillus megatherium MH doubled both the frequency of mutation to streptomycin resistance and the frequency with which the phage entered the lysogenic cycle (55). MH also induced mutations in chlorophyll loci in barley (56).

(3) Other tests bearing on mutagenicity. MH did not increase the frequency of other chromosomal exchanges in the chromosomes of a Chinese hamster cell line (57). It appears that in all but two mutagenicity studies MH was used and not its salt.

(4) Conclusion. Several published investigations of MH's mutagenic capacity reviewed above show that MH produces chromosome aberrations in plant and animal test systems. There is some evidence that MH induces point mutations in bacteria and plants. Accordingly, the working group recommends that a rebuttable presumption be issued on pesticides pursuant to § 162.11(a)(3)(ii)(A).

C. REPRODUCTIVE EFFECTS IN MAMMALIAN SPECIES

40 CFR 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a pesticide's ingredient produces any other chronic or delayed toxic effect in test animals at any dosage up to a level of 50 times the AMPE of the chemical. The AMPE of any chemical, including maleic hydrazide, is 1.300 mg/kg.

(1) Non-mammalian studies. Although Kang described reduced egg production and increased abnormalities in embryonic development in Drosophila melanogaster, the adults of a nephthia strain were not affected (58). Chromosome aberrations did not increase in rat or mouse tissues although a slight increase in the percentage of mitotic figures was observed in rats (59). However, the frequency of mitotic cells in adult rat liver is very low. Nasrat (51) does not inhibit mitotic cell division in the Wolf tumor (17). Results from other mammalian studies, including a dominant lethal test in mice with DEAMH (50) have not shown increases in chromosomal aberrations.

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(4) Conclusion. Several published investigations of MH's mutagenic capacity...
can be noted for rats fed from 0.5 percent to 5 percent Na-MH, significant decreases in reproductive effects can be estimated from data provided for rats fed control diets and for rats fed the single tested dose of 0.2 percent DEA-MH. The fertility (pregnancies/mating) viability (MH alive at 4 days/pups born) and the lactation (pups weaned/pups alive at 5 days) are significantly reduced for DEA-MH fed rats in this study. While the average number of pups/litter for DEA-fed rats was approximately half that of control rats (4.3 compared to 8.9), the Working Group cannot estimate from the study data whether this reduction is significant. The table below amplifies the statement above:

### Table 4—Statistics on reproductive effects due to DEA-MH

<table>
<thead>
<tr>
<th>Control DEA-MH Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>40/56</td>
</tr>
<tr>
<td>20/41</td>
</tr>
<tr>
<td>0.5</td>
</tr>
<tr>
<td>200/325</td>
</tr>
<tr>
<td>172/225</td>
</tr>
<tr>
<td>0.01</td>
</tr>
<tr>
<td>213/280</td>
</tr>
<tr>
<td>21/27</td>
</tr>
<tr>
<td>0.03</td>
</tr>
</tbody>
</table>

From the data in this table the Working Group concludes that a daily diet containing DEA-MH causes pronounced reproductive effects in rats. Such a diet is equivalent to a daily ingestion of 100 mg/kg of DEA-MH. A comparable diet for a 60 lb adult would result in an exposure of 6000 mg/person/day. Based on the consumption figures and tolerances for DEA-MH on onions and potatoes presented earlier in this document, the average daily intake of DEA-MH is calculated at 5.5 mg/person/day.

The Pesticide Chemical Review Committee (PCRC) is concerned about the proximity of this exposure level (5 mg/day) to the observed reproductive-effect level in rats extrapolated to man (6000 mg/day). Their concern is increased by the recognition that the study presents only data on one effect level without using other dosages to establish a dose-response relationship and a no-observable-effect level. If such a study had been performed, the resulting no-observable-effect level would have been lower than the 6000 mg/day dosage which produced significant decreases in three reproductive parameters. Thus, the no-observable-effect level for man would be even closer to one another than what is observed now for the effect and exposure levels. The PCRC concludes that (1) DEA-MH produces significant adverse effects on several reproductive parameters and (2) that an ample margin of safety has not been demonstrated as to the reproductive effects produced by DEA-MH. Therefore, the PCRC recommends that a RPAR be triggered for DEA-MH, but not for K-MH. It has been assumed that K-MH would be similar in its action to that of Na-MH.

### Conclusion

Even though the PCRC concludes that DEA-MH (but not Na-MH) meets or exceeds the risk criteria for reproductive effects (40 CFR 162.11(a) (3) (ii) (B)), additional data from the registrant is necessary so that the Agency may more precisely estimate the extent of risk caused by the use of DEA-MH. Consequently, the PCRC and Working Group recommend that affected registrants be required to perform a reproductive study from which dose-response relationships and a no-observable-effect level can be determined. In addition, registrants should also be required to submit information on the translocation of DEA-MH to onion bulbs and potato tubers. Further, the PCRC recommends that interested registrants meet with Agency scientists to discuss the adequacy of an RPAR and to develop a procedure to meet the above requirements.

### Other Studies

This section addresses a study which indicates that DEA-MH may produce an adverse effect on the reproductive system. The study indicates a finding that N-nitrosodiethanolamine, a metabolite of DEA, in amounts ranging from 1.5 to 173 mg/kg, has been isolated from tobacco treated with DEA-MH. Cigarette tobacco treated with a mixture of the diethanolamine and potassium salts of MH contained 104 ng of N-nitrosodiethanolamine per gram, whereas a flue-cured tobacco treated only with the potassium salt of MH contained 0.1 ng of N-nitrosodiethanolamine per gram (13). Schmelz and coworkers (13) in their study referenced the work of Schneidt and coworkers (14) which indicated a finding that N-nitrosodiethanolamine is oncogenic. However, this study is not presently available to enable the Working Group to evaluate the work. The Working Group therefore unanimously agrees that while they do not have enough information to issue an RPAR on N-nitrosodiethanolamine, the Agency should seek information related to oncogenicity. To other toxic effects of N-nitrosodiethanolamine and to the potential formation of N-nitrosodiethanolamine in other treated plants and in animals exposed to the diethanolamine salt of MH, Should evaluation of this or any other study that comes to our attention provide an adequate basis for an RPAR, a supplemental Position Document and Federal Register notice will be issued.

### List of Appendices


18. Committee General of the United States, 1974. Questions on the safety of the pesticide maleic hydrazide used in potatoes and other crops have not been answered. Unpublished.


44. Albert, R. E. June 27, 1977. Pre-EPA evaluation of the carcinogenicity of Maleic Hydrazide. Revised Maleic hydrazide report to B. C. Gandhi, Project Manager, O.SPR.


FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

****** PRODUCT SEARCH LISTING ******

PAGE 1

37/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

*****************************************************************************

*REGISTRANT*  NAME AND ADDRESS*
*  000372  MALINGKROOT INC
  SECOND AND MALINGKROOT STREETS
  ST LOUIS, MO 63110

*************** PRODUCT NAME **************
**000372** PD-SAN

*****************************************************************************

*REGISTRANT*  NAME AND ADDRESS*
*  000400  UNIROYAL CHEMICAL
  DIV UNIROYAL INC
  MANTY RDAC
  DETHURY CT 06252

*************** PRODUCT NAME **************
**000401** NH-30
**000679** SLO-GRO PLANT GROWTH RETARD LABOR SAVES FOR HEDGES, IVY & ROUGH GR
**039077** GRO-SLO
**000869** ROYAL NH-30 GRCH RETAR -PREV TOBACCO SUCKER GROWTH W/SORBTRAN
**00095** ROYAL SLO-GRO GROWTH RETARDANT
**00099** MALEIC HYDRAZINE TECHNICAL FOR MANUFACTURING USE ONLY

*****************************************************************************

*REGISTRANT*  NAME AND ADDRESS*
*  000407  IMPERIAL INC
  BOX 423
  SHENANDOAH IA 51601

*************** PRODUCT NAME **************

FEDERAL REGISTER, VOL. 42, NO 208—FRIDAY, OCTOBER 28, 1977
NOTICES 56929

000635 E-Z FLO CHEMICAL CO. CIV. OF GROOMER SERVICE CORP. P.O. BOX 600 LANSING, MI 48911

PRODUCT NAME
E-Z FLO MALEIC HYDRAZIDE (MH-30)

001258 OLIN CHEMICALS OLIN CORPORATION 121 LONG RIDGE ROAD STAMFORD, CT 06904

PRODUCT NAME
OLIN MALEIC HYDRAZIDE 3 LOS EMULSIFIABLE

001266 MATER INTERNATIONAL CORPORATION P.O. BOX 6992 NEW ORLEANS LA 70116

PRODUCT NAME
D-LAY

001526 NAVY BRAND INC COMPANY 5121 S. AVE ST LOUIS MO 63110

PRODUCT NAME
SLCS-IT (TO RETARD PLANT GROWTH)

000674 MONAR SLOW-MP

PRODUCT NAME
MONAR SLOW-MP

001760 NATIONAL CHEMSEARCH DIV USACEM INC 2727 CHEMSEARCH BLVD IRVING TX 75060

PRODUCT NAME
NATIONAL CHEMSEARCH CRO-TARD LIQUID GROWTH RETARDANT FOR GRASS

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
07/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

*****************************************************************************
#REGISTRANT#  *NAME AND ADDRESS*
* 002125  SCIENCE PRODUCTS COMPANY INC
   5031 N. TRIPP AVE
   CHICAGO, IL 60646

*****************************************************************************
#PRODUCT NAME ###############
#00031*  SCIENCE STOP GRASS
#00044*  SCIENCE HEDGE TRIP

*****************************************************************************
#REGISTRANT#  *NAME AND ADDRESS*
* 332155  SCHNEIDT INC.
   1429 FAIRCROFT AVE N W
   ATLANTA GA 30318

*****************************************************************************
#PRODUCT NAME ###############
#00082*  BITE HITE CONCENTRATE

*****************************************************************************
#REGISTRANT#  *NAME AND ADDRESS*
* 332169  PATTERSON CHEMICAL COMPANY INC
   1600 UNICK AVE
   KANSAS CITY, MO 64101

*****************************************************************************
#PRODUCT NAME ###############
#00235*  PATTERSONS GROWTH CONTROL

*****************************************************************************
#REGISTRANT#  *NAME AND ADDRESS*
* 332349  ACETO CHEMICAL COMPANY INC
   126-02 NORTHERN BLVD
   FLUSHING NY 11361

*****************************************************************************
#PRODUCT NAME ###############
#00044*  MALEIC HYDRAZINE TECHNICAL
#33340*  SUCKER CONTROL
#00049*  MALEIC HYDRAZINE SPROUT STOP
#00050*  STUNT MAN LIQUID GROWTH RETARDANT
#33124*  ACETO LIQUID LAMINATOR

*****************************************************************************
#REGISTRANT#  *NAME AND ADDRESS*
* 002653  VINELAND CHEMICAL COMPANY
   PO BOX 746
   VINELAND NJ 08360

*****************************************************************************
#PRODUCT NAME ###############
#332340*  MALEIC HYDRAZINE- 30% PLANT GROWTH REGULATOR

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
**PRODUCT SEARCH LISTING**

**FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE**

*REGISTRANT*  
*NAME AND ADDRESS*  
* 003743  
SOUTHERN AGRICULTURAL CHEMICALS INC  
PO BOX 527  
KINGSTREE SC 29556

********** PRODUCT NAME **********  
**32970** MALEIC HYDRAZIDE 30X

********** PRODUCT NAME **********  
**322740** SLOW GROW LIQUID GROWTH RETARDANT

********** PRODUCT NAME **********  
**32759** HC SPRAY LIQUID GROWTH RETARDANT

********** PRODUCT NAME **********  
**334185** SMITH DUGLASS SUCKER STYMIE

********** PRODUCT NAME **********  
**00459** GUCKER STYMIE PLUS

********** PRODUCT NAME **********  
**005250** # MALEIC HYDRAZIDE

**FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977**
NOTICES

FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

07/27/77

REGISTRANT

NAME AND ADDRESS

035905

HELENA CHEMICAL CO
CLARK TOWER, 9100 POPLAR AVE, SUITE 2904
MEMPHIS TN 38137

PRODUCT NAME

HELENA BRAND 30% MALEIC HYDRAZIDE

REGISTRANT

NAME AND ADDRESS

00224

HELENA CHEMICAL CO
13201 S E PEARL AVE
CHICAGO IL 60627

PRODUCT NAME

HELENA BRAND 30% MALEIC HYDRAZIDE

REGISTRANT

NAME AND ADDRESS

000424

MILLERS GROWTH RETARDANT

PRODUCT NAME

MILLERS GROWTH RETARDANT

REGISTRANT

NAME AND ADDRESS

008590

AGWAY INC
5885 CIV 3 CIV 333
SYRACUSE NY 13221

PRODUCT NAME

AGWAY INHIBITOR 3E

REGISTRANT

NAME AND ADDRESS

009913

ROSE CHEMICAL PROD INC
PD BOX 23275 565 STIMEL RD
COLUMBUS OH 43223

PRODUCT NAME

BRACE

REGISTRANT

NAME AND ADDRESS

009610

TRANS CHEM INDUSTRIES, INC
1 PENN PLAZA
NEW YORK, NY 10001

PRODUCT NAME

T C I MALEIC HYDRAZIDE 99

REGISTRANT

NAME AND ADDRESS

000063

CRYSTAL NFG CORP
1525 N PCIT CAN RD
HOUSTON TX 77039

PRODUCT NAME

MALEIC HYDRAZIDE 30E

REGISTRANT

NAME AND ADDRESS

003103

SUPREME SUCKER BAH


FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

PRODUCT NAME: RIVERSIDE CHEMICAL COMPANY
P.O. BOX 171199 885 RIDGE LAKE LTD
MEMPHIS TN 38117

PRODUCT NAME: RIVERSIDE D-+ 30% MALEIC HYDRAZIDE

PRODUCT NAME: LIVESTOCK GROWTH RETARDANT

PRODUCT NAME: GLUCHE CHEMICALS INC
45 BURBAK DR
TOLEDO OH 43607

PRODUCT NAME: GLUCHE CHECKMATE

PRODUCT NAME: DE-SPROUT

PRODUCT NAME: DE-CUT TO CONTROL & RETARD PLANT GROWTH IN AREAS DIFFICULT TO MAINTAIN

PRODUCT NAME: SUPER DE-SPROUT (FOR THE PREVENTION OF GROWTH OF TOBACCO SUCKERS)

PRODUCT NAME: DYNACHEM INDUSTRIES INC
430 11TH ST
CARLSTAD NJ 07072

PRODUCT NAME: DYNACHEM 300 PREVENTS GROWTH OF TOBACCO SUCCESS

PRODUCT NAME: REGULATE GROWTH REGULANT
FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

PRODUCT NAME: SHALCO GROWTH REGULATOR
REGISTRANT: SHALCO CHEMICAL CORPORATION
ADDRESS: 2621 LEWISPORT AVENUE
TOLEDO, OH 43606

PRODUCT NAME: NC 405 GROWTH RETARDANT
REGISTRANT: ABC CHEMICAL CORPORATION
ADDRESS: 17000 W. EIGHT MILE ROAD
SOUTHFIELD, MI 48037

PRODUCT NAME: LIQUID GROWTH RETARDANT
REGISTRANT: SNARE CORPORATION
ADDRESS: 7021 N. FOULKRAE RD. P. O. BOX 23053
MILWAUKEE, WI 53223
************ PRODUCT SEARCH LISTING ************

07/27/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING MALEIC HYDRAZINE

******************************************************************************
*REGISTRANT*    *NAME AND ADDRESS*
*  001812*  GRIFFIN CORP.
P.O. BOX 1847
VALDOSTA, GA 31601

*************** PRODUCT NAME **************
==03676* MALEIC HYDRAZINE 30

******************************************************************************
*REGISTRANT*    *NAME AND ADDRESS*
*  001926*  NAVY BRAND MFG COMPANY
911 SW AVE
ST LOUIS, MO 63110

*************** PRODUCT NAME **************
==33526* SLOWS IT

******************************************************************************
*REGISTRANT*    *NAME AND ADDRESS*
*  007267*  DRAKE CHEMICAL COMPANY
700 FIREFIGHTER ROAD
PERRY, OH 43060

*************** PRODUCT NAME **************
==09123* DRAKE SLO-UP

[FR Doc 77-30770 Filed 10-27-77; 8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977
FRIDAY, OCTOBER 28, 1977
PART V

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions
NOTICES

[4510–27]  
DEPARTMENT OF LABOR
Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERAFLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law, 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 38 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor pursuant to the provisions of the Davis–Bacon Act of March 3, 1931, as amended (40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 305 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 therein prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract (46 pat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 305 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 foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and Supersedeas Decisions to General Wage Determination Decisions are effective from their date of publication in accordance with information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis–Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 305 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 numbers of the decisions being superseded and their dates of publication in the Federal Register are listed in parentheses following the numbers of the decisions being issued.

Alabama:  

Louisiana:  

Maryland:  
MD77–3139  Do.

Montana:  

Nevada:  

Pennsylvania:  

Tennessee:  

Texas:  
TX77–4256.

Virginia:  

Washington, D.C.:  
DCT7–3108  Do.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State.

Supersedeas Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Alabama:  

Louisiana:  

Maryland:  
MD77–3139  Do.

Supersedeas Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Declaration of Wage Rates, Procedures 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 therein prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.
### Modifications P. 1

<table>
<thead>
<tr>
<th>Decision # AL77-1040 - Mod. 4</th>
<th>Fringe Benefits Payments</th>
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<tbody>
<tr>
<td>(42 Fr-37752 - April 1, 1977)</td>
<td>Madison County, Alabama</td>
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<td>Changes</td>
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<tr>
<td>Asbestos workers</td>
<td>10 51</td>
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<tr>
<td>Bollermakers</td>
<td>9 30</td>
</tr>
<tr>
<td>Bricklayers</td>
<td>9 75</td>
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<tr>
<td>Plasterers</td>
<td>9 25</td>
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<tr>
<td>Plumbers, pipefitters</td>
<td>10 00</td>
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<td>Sheet metal workers</td>
<td>10 05  .69  .82  .09</td>
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<td>(42 Fr-39810 - August 9, 1977)</td>
<td>Colbert &amp; Lauderdale County, Alabama</td>
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<td>Robotic workers</td>
<td>10 51 45  40  .05</td>
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<td>Bollermakers</td>
<td>9 30 95  1 00  .02</td>
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<td>Sheet metal workers</td>
<td>10 05  .69  .82  .09</td>
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<th>Decision # AL77-1085 - Mod. 2</th>
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<td>(42 Fr-37745 - July 22, 1977)</td>
<td>Mobile County, Alabama</td>
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<tr>
<td>Bollermakers</td>
<td>9 30 95  1 00  .02</td>
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<tr>
<td>Electricians</td>
<td>10 49 40  3+25  1 125  1/104+ 05</td>
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<tr>
<td>Cable splicers</td>
<td>10 74 40  3+25  1 125  1/104+ 05</td>
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### Modifications P. 2

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<td>(42 Fr-40681 - September 23, 1977)</td>
<td>Baltimore County, Maryland</td>
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<tr>
<td>Electricians</td>
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<tr>
<td>Linemen</td>
<td>7 87</td>
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<td>Power Equipment Operators</td>
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<td>Water patrol-grader</td>
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<td>Scraper, pan &amp; scoop</td>
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<th>Decision No. AL77-5073 - Mod. 01</th>
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<td>Stoughton, Montana</td>
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<td>Laborers</td>
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</table>

| Group 1                        |                          |
| Group 2                        |                          |
| Group 3                        |                          |
| Group 4                        |                          |
| Group 5                        |                          |
| Group 6                        |                          |
| Group 7                        |                          |
| Group 8                        |                          |

### Notes

FEDERAL REGISTER, VOL. 42, NO 208—FRIDAY, OCTOBER 28, 1977
### LABORERS (Cont'd)

<table>
<thead>
<tr>
<th>Group</th>
<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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### Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Dawson and Teton Counties

<table>
<thead>
<tr>
<th>Group</th>
<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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<td>Group 8</td>
<td>8 70</td>
<td>55</td>
<td>45</td>
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</tbody>
</table>

**Laborers**

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No 2

**Group 1:** Asphalt raker; Concrete Laborers, (wet or dry) bucket man and signalmen; Drills, air-tract, self-propelled, cat or truck mounted air operated drills; Drills, air-tract self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine nozzleman; Power saw (falling); Sandblaster

**Group 2:** Axeman; Carpenter Tender; Calcson worker (free air); Chuck tender and nippers (above ground); Cosmolene applying and removing; Drumman (spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guard post); Flagman; Form strippers; Form setters; General laborer; Crusher and batch plant laborers; Hester (tender not covered by joint board decision such as the radiant type or butane fire, without blowers or fans); Landscape laborer; Riprap helpers; Sandblaster tall man; Pot tender; Scaleman; Sed cutter, hand operated (general laborers); Stake jumper for equipment; Tool checker, toolhouseman

**Group 3:** Burning bar; Carb machine; Drumman (grademans); Pipelayer (all types); laser equipment; Powderman helper; Spike driver, single or dual hand; Switchman

**Group 4:** Cement mason tender and hod carriers; Powderman

**Group 5:** Cement handlers; Concrete or asphalt crew; Hand feller; Nonsteam-air water; Gunite and place machine; Pipe wrapper; Post hole digger (power auger); Riprappor

**Group 6:** Choker setter: Jackhammer; Pavement breaker; Wagon drillers; Concrete vibrator; Mechanical tampers; Vibrating roller; hand steered and other power tools; Power saw (bonch); Power driven wheelbarrow; Riprappor; Grout, concrete pumps and nozzleman

**Group 7:** Concrete vibrator (3" and over); Drills, air-tract with dual Motors

**Group 8:** Core drill operator, welder, air arc, cutting torch

**Group 9:** Tar Pot Operator

**Laborers**

Broadwater, Lewis & Clark, Missoula, North half of Jefferson County including the City of Boulder that portion of Powell County lying east of a North-South line at west edge of the town of Elliston

**Group 1:** Asphalt raker; Drillers; Air-tract, self-propelled, cat or truck mounted air operated drills; Drills, air-tract self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine nozzleman; Power saw (falling); Sandblaster
NOTICES

FEDERAL REGISTER, VOL. 42, NO. 208—FRIDAY, OCTOBER 28, 1977

MODIFICATIONS P 5

LABORERS

Group 2: Mason; Carpenter tender; Car and truck loaders; Scissorman; Carpenters, laborers (free air); Choker tender and nipper (above ground); Concrete laborers (wet or dry); Bucketmen and signalmen; Concrete applying and removing; Dumper (spotter); Fences Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guard posts); Flagman; Form strippers; Form setters; General laborer, crane and batch plant laborers; Heater tender-not covered by joint board decision-such as the radiant type of furnace, without blowers or fans; Landscape laborers; Riprap helper; Sandblaster tail houseman; Pot tender; Scaler; Sod cutter, hand operated (general laborer); Stake jumper for equipment; Tool checker, toolhouseman.

Group 3: Burner; Carb machine; Dumper (grade man); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, single or dual hand; Switchmen.

DECISION NO. M77-5073 (Cont'd)

MODIFICATIONS P 6

LABORERS

Group 4: Cement Mason tender and hod carriers; Powderman.

Group 5: Cement hoppers; Concrete or asphalt saws, hand fallers; Nesselman-air water; Mixer Operator gunite and place machine; Pipe staplers; Power hose digger (power auger); Riprap.

Group 6: Choker setter; Jackhammer; Pavermen breakers; Pipeman drillers; Concrete vibrators; Mechanical tampers; Vibrating roller, hand steered and other power tools; Power saw (bucketing); Power driven wheelbarrow; Riggers; Tar pot operator; Grout; Concrete pump and nozzle men.

Group 7: Concrete vibrators (3rd and over); drill, air track with dual masts.

Group 8: Core drill operator; Holder, air arc, cutting torch.

LABORERS

Conceal, Chateau, Forgem, Glazier, Judith-marin, Pondera, Toton and tools counting.

Group 1: Asphalt rakers; Drills (air-track, self-propelled, or electric operated drill); Drills (air-track self-propelled, truck type and similar); Grader; High pressure machine nozzlemen; Power saw (falling); Sandblaster.

Group 2: Mason; Carpenter tender; Car and truck loaders; Scissorman; Carpenters, laborers (free air); Choker tender and nipper (above ground); Concrete laborers (wet or dry); Bucketmen and signalmen; Concrete applying and removing; Dumper (spotter); Fences Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guard posts); Flagman; Form strippers; Form setters; General laborer, crane and batch plant laborers; Heater tender-not covered by joint board decision-such as the radiant type of furnace, without blowers or fans; Landscape laborers; Riprap helper; Sandblaster tail houseman; Pot tender; Scaler; Sod cutter, hand operated; Stake jumper for equipment; Tool checker, toolhouseman.

Group 3: Burner; Carb machine; Dumper (grade man); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, single or dual hand; Switchmen.

Group 4: Cement Mason tender and hod carriers; Powderman.

Group 5: Cement hoppers; Concrete or asphalt saws, hand fallers; Nesselman-air water; Mixer Operator gunite and place machine; Pipe staplers; Power hose digger (power auger); Riprap.

Group 6: Choker setter; Jackhammer; Pavermen breakers; Pipeman drillers; Concrete vibrators; Mechanical tampers; Vibrating roller, hand steered and other power tools; Power saw (bucketing); Power driven wheelbarrow; Riggers; Tar pot operator; Grout; Concrete pump and nozzlemen.

Group 7: Concrete vibrators (3rd and over); drill, air track with dual masts.

Group 8: Core drill operator; Holder, air arc, cutting torch.
### Decision NW77-5050 - Mod. #2

**Change:**
- **Fence Erectors:** $8.06
- **Structural:** $11.55
- **Sheet Metal Workers:** $13.67

### Decision NW77-5059 - Mod. #2

**Change:**
- **Laborers:**
  - Zone 1: Area within 5 miles of the following communities:
    - Carson City, Lovelock, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of the Stad Air Force Base.
    - Group 1: $8.00
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.00
    - Group 2: $8.60
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.60
    - Group 3: $9.00
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.00
    - Group 6-A: $9.60
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.60
    - Group 6-B: $9.80
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.80
    - Group 6-C: $10.00
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $10.00
  - Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities named in Zone 1:
    - Group 1: $8.00
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.00
    - Group 2: $8.60
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.60
    - Group 3: $9.00
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.00
    - Group 6-A: $9.60
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.60
    - Group 6-B: $9.80
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.80
    - Group 6-C: $10.00
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $10.00

### Decision NW77-5099 (Cont'd.)

**Change Laborers (Cont'd.):**

- Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:
  - Group 1: $9.00
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $9.00
  - Group 2: $9.10
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $9.10
  - Group 3: $9.20
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $9.20
  - Group 6-A: $9.80
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $9.80
  - Group 6-B: $9.90
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $9.90
  - Group 6-C: $10.00
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $10.00

### Decision NW77-5410 - Mod. #3

**Change:**
- ELEVATOR CONSTRUCTORS:
  - Anselmo, Carson, Colfax, Mora, Curry, Doña Ana, Guadalupe, Quay, Harding, Lincoln, Los Alamos, McKinley, Rio Arriba, Roosevelt, Santa Fe, Socorro, Taos, Valencia,
  - Torrance and Valenzuela Counties:
    - Elevator constructors:
      - Charges, wildfires, roadblocks, etc., $9.90
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $9.90
  - Grants, Los Alamos, Otero, and Sierra Counties:
    - Elevator constructors:
      - Charges, wildfires, roadblocks, etc., $8.50
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.50

### Decision NW77-5450

**Change:**
- RESIDENTIAL AND BUILDING CONSTRUCTORS:
  - Zone 1:
    - Group 1:
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.00
  - Zone 2:
    - Rates:
      - H&W: 80
      - Pensions: 90
      - Education: 10
    - Total: $8.00

### Decision NW77-5459 - Mod. #3

**Change:**
- POOR EQUIPMENT OPERATORS:
  - Residential and Building Const.: Zone 1:
    - Group 1:
      - Rates:
        - H&W: 80
        - Pensions: 90
        - Education: 10
      - Total: $8.00

### Footnote:
- 1.6 months; 6 months to 5 years 6%; over 5 years 8% of basic hourly rate
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<thead>
<tr>
<th>DECISION #PA77-3043 - Mod. #7</th>
<th>MODIFICATIONS P 9</th>
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<td>(42 FR 19783 - April 6, 1977)</td>
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<tr>
<td>Carbon, Monroe County, including Tobyhanna Army Depot and Pike County, Pennsylvania</td>
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<td>Zone 3</td>
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<td>Brush</td>
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<td>Spray</td>
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<td>(42 FR 24698 - May 13, 1977)</td>
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<td>Lehigh County, Pennsylvania</td>
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<td>Concrete Hacks</td>
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<tr>
<td>Lineman &amp; cable splicer</td>
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<tr>
<td>Groundman</td>
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<tr>
<td>Winch truck operator</td>
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<td>W Calico, E Calico, Breckenridge, E Carl</td>
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<td>Carenwton Tops</td>
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<td>Line Construction:</td>
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<td>Groundman</td>
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<td>Electricians:</td>
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<tr>
<td>Remaider of County</td>
<td>$ 9 10</td>
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<tr>
<td>Line Construction:</td>
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<tr>
<td>Lineman &amp; cable splicer</td>
<td>$11 46</td>
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<tr>
<td>Groundman</td>
<td>$ 6 82</td>
</tr>
<tr>
<td>Winch truck operator</td>
<td>$ 7 98</td>
</tr>
<tr>
<td>Roofers:</td>
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<tr>
<td>Annville, Cold Spring, East Hanover, North Annville, North Cornwall, North Londonderry, South Annville, South Londonderry, Union, West Cornwall Tups</td>
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<th>DECISION #PA77-3143 - Mod. #4</th>
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<td>(42 FR 48922 - September 9, 1977)</td>
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<td>Schuylkill County, Pennsylvania</td>
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<td>Changes:</td>
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<td>Electricians:</td>
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<tr>
<td>$10 59</td>
<td>73</td>
</tr>
<tr>
<td>Painters (Lehigh Tups):</td>
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<tr>
<td>North Hanover, South Hanover, West Brunswick, Hoyne, Washington, Patzville, Schuylkill Tups</td>
<td>$9 30</td>
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<th>DECISION #PA77-3126 - Mod.</th>
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<td>(42 FR 49280 - September 9, 1977)</td>
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<tr>
<td>Berks County, Pennsylvania</td>
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<td>Changes:</td>
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<td>Bricklayers:</td>
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<tr>
<td>$ 9 45</td>
<td>70</td>
</tr>
<tr>
<td>Electricians:</td>
<td></td>
</tr>
<tr>
<td>Westford, Longwarp, and Washington Tups , portion of nanamoy, Tups, east of Rockets Creek, Hanover, Tulpehocken &amp; Bethel Tups</td>
<td>$10 55</td>
</tr>
<tr>
<td>Remainder of County</td>
<td>$ 9 10</td>
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<tr>
<td>Line Construction:</td>
<td></td>
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<tr>
<td>Cable splicer</td>
<td>$11 46</td>
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<tr>
<td>Groundman</td>
<td>$ 6 82</td>
</tr>
<tr>
<td>Lineman</td>
<td>$11 46</td>
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<tr>
<td>Winch truck operator</td>
<td>$ 7 98</td>
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<td>Stonemasons</td>
<td>$ 9 45</td>
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</table>

FEDERAL REGISTER, VOL 42, NO 208—FRIDAY, OCTOBER 28, 1977
### MODIFICATIONS P 11

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or App. Tr</th>
</tr>
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<tbody>
<tr>
<td>Decision &amp; TW77-1123 - Mod. 6.1</td>
<td></td>
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<tr>
<td>(42 FR 54736 - October 7, 1977)</td>
<td>Shelby County, Tennessee</td>
<td></td>
</tr>
</tbody>
</table>

**NOTICES**

**M C-P-CN4004000000**

**FOOTNOTE:**

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 for more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business for less than 5 years.

c 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, & Christmas Eve, providing employer has worked 40 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contribution of $5.00 per week.

### MODIFICATIONS P 12

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or App. Tr</th>
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<tbody>
<tr>
<td>Decision &amp; TW77-3109 - Mod. 92</td>
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<tr>
<td>(42 FR 46972 - September 16, 1977)</td>
<td>Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D C Training School, and for WAPA - Rapid Rail Transit System Projects Only, Alexandria, Virginia</td>
<td></td>
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</tbody>
</table>

**Charges:**

BUILDING CONSTRUCTION

(INCLUDING WAPA - RWSS)

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<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Asbestos Workers</td>
<td>311.41</td>
<td>70</td>
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<tr>
<td>Elevator Constructors</td>
<td>11.77</td>
<td>545</td>
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<tr>
<td>Elevator Constructors Helpers</td>
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<td>Elevator Constructors Helpers (Prob.)</td>
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<tr>
<td>Glaziers</td>
<td>11.48</td>
<td>61</td>
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<tr>
<td>Plasterers</td>
<td>10.40</td>
<td>60</td>
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<tr>
<td>Roofers: Composition</td>
<td>9.87</td>
<td>56</td>
</tr>
<tr>
<td>Slate, tile, masonry, water-proofs, sprayers, spray-all, and ironsite</td>
<td>10.43</td>
<td>56</td>
</tr>
<tr>
<td>Helpers</td>
<td>6.54</td>
<td>.56</td>
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### MODIFICATIONS P 13

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<td>Decision &amp; TW77-3128 - Mod. 92</td>
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<tr>
<td>(42 FR 46975 - September 16, 1977)</td>
<td>Washington, D C</td>
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**Charges:**

BUILDING AND HEAVY CONSTRUCTION

(INCLUDING WAPA - RWSS)

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<tr>
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<td>56</td>
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<tr>
<td>Helpers</td>
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### Notices

**STATE:** Florida  
**COUNTY:** Broward, Dade & Palm Beach  
**Decision Number:** 77-FL-1119  
**Date:** Date of Publication  
**Superseeded Decision No:** FL76-1424, dated September 5, 1975 in 40 FR 21526  
**Description of Work:** Highway Construction (does not include airport runways and roads; bridges designed to accommodate navigation; tunnels; such areas which include building structures; and railroad construction)

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<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pension</th>
<th>Vocation</th>
<th>Education and/or Appr Tr</th>
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<td><strong>BRICKLAYERS</strong></td>
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<td><strong>CARPENTERS</strong></td>
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<td><strong>Traffic Signal Installation</strong></td>
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<td></td>
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<tr>
<td><strong>Landscape Workers</strong></td>
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<tr>
<td><strong>Pipe layers</strong></td>
<td>4.92</td>
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<tr>
<td><strong>Unskilled</strong></td>
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<tr>
<td><strong>PRESERVATION</strong></td>
<td>6.00</td>
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<tr>
<td><strong>TRUCK DRIVER</strong></td>
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</tbody>
</table>

Welders - Rate is for craft to which welding is incident.

### Debt Benefit Payments

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pension</th>
<th>Vocation</th>
<th>Education and/or Appr Tr</th>
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</thead>
<tbody>
<tr>
<td>Laborers and hod carriers</td>
<td>53</td>
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<tr>
<td>Asphalt heater tenders</td>
<td>3.25</td>
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<tr>
<td>Asphalt mixing machine tenders</td>
<td>3.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asphalt concrete, including black top roaters</td>
<td>3.25</td>
<td></td>
<td></td>
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<tr>
<td>Masons tenders</td>
<td>3.25</td>
<td></td>
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</tr>
<tr>
<td>Pneumatic tenders, including elevator</td>
<td>3.25</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Floor sanding machine operators, including floor tenders, floor scrapers, floor finishers</td>
<td>3.25</td>
<td></td>
<td></td>
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<tr>
<td>Oilers</td>
<td>3.25</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Truck mechanics</td>
<td>3.75</td>
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<tr>
<td>Truck operators, including concrete mixing truck drivers, deep truck drivers</td>
<td>3.75</td>
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<tr>
<td>Fork lift operators</td>
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<tr>
<td>Concrete mixer operators, including batching and mixing plant operators, mixing machine operators</td>
<td>3.75</td>
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<tr>
<td>Dredge dumper tenders, including bucket operators</td>
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<tr>
<td>Dredge pipe installers</td>
<td>3.75</td>
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</tr>
<tr>
<td>Pipelayering fitters, including spacers</td>
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</tr>
<tr>
<td>Air hammer operators, including airbreaker operators, air gun, air tool operators</td>
<td>3.75</td>
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<tr>
<td>Asphalt plant drier operators</td>
<td>3.75</td>
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</tr>
<tr>
<td>Asphalt plant operators</td>
<td>3.75</td>
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</tr>
<tr>
<td>Fence erectors, including ironworkers, wire fence erectors, wire fence builders</td>
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<tr>
<td>Form tapper operators and/or taping machine operators, including road form tapper machine operators</td>
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<tr>
<td>Steel road form operators, including metal road form fitters</td>
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<tr>
<td>Reinforcing iron workers, including iron workers, reinforcing bar operators</td>
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</tbody>
</table>

### Federal Register

**State:** Guam  
**Decision Number:** GU77-5098, dated March 11, 1977, in 42 FR 13727  
**Description of Work:** Building, residential, heavy and highway construction.
<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Apprenticeship</th>
</tr>
</thead>
<tbody>
<tr>
<td>H &amp; W</td>
<td>Pensions</td>
<td></td>
</tr>
<tr>
<td>Reinforcing steel erectors, reinforcing rod tiers</td>
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<td></td>
</tr>
<tr>
<td>Structural steel erectors, including bridge, iron erectors, steel erectors, structural steel erectors</td>
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</tr>
<tr>
<td>Milledwrights, including machine erectors</td>
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</tr>
<tr>
<td>Lathers, including metal lathers, rockboard lathers</td>
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<td></td>
</tr>
<tr>
<td>Drywall applicators, including drywall nailers, sheetrockers</td>
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</tr>
<tr>
<td>Tapers, including drywall finishers, wallboard and plasterboard finishers, sheetrock tapers, tapers and bedders, tapers and floaters</td>
<td>3 75</td>
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</tr>
<tr>
<td>Glassers</td>
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<tr>
<td>Painters, including structural steel painters, finish painters</td>
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<td></td>
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<tr>
<td>Planters</td>
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<tr>
<td>Portable pump painters</td>
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<tr>
<td>Pipe driving jackers</td>
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<tr>
<td>Cement mixers</td>
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<tr>
<td>Dredge operators, including dredge pumpers</td>
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<tr>
<td>Pipelayers</td>
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<tr>
<td>Asbestos and insulation workers</td>
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<tr>
<td>Bricklayers</td>
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<tr>
<td>Carpenters, including hardwood floor layers, framing carpenters</td>
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<tr>
<td>Soft floor layers</td>
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<tr>
<td>Line maintainers, including high tension line maintainers</td>
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<tr>
<td>Plumbers and/or pipelayers, including steamfitters, sprinkler installers</td>
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<tr>
<td>Roofers, including aluminum shingle roofers, composition roofers</td>
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<tr>
<td>Terrazzo workers</td>
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<tr>
<td>Tile setters</td>
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<tr>
<td>Sheet metal workers</td>
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<tr>
<td>Crane operators</td>
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<tr>
<td>Derrick operators and hoist operators</td>
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<tr>
<td>Rollers</td>
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<tr>
<td>Electricians, including wiremen, residential wiremen</td>
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<tr>
<td>Asphalt paving machine operators</td>
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<tr>
<td>Blade grader operators</td>
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<tr>
<td>Bulldozer operators</td>
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<tr>
<td>Concrete paver operators and/or concrete-paving machine operators</td>
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<td>Dragline operators</td>
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<tr>
<td>Earth boring machine operators</td>
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<tr>
<td>Elevating grader operators</td>
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<td>Form grader operators</td>
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<tr>
<td>Foundation drill operators</td>
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<td>Heel planer operators</td>
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<tr>
<td>Horizontal earth boring machine operators</td>
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<td>Motor grader operators</td>
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<td>Hacking machine operators</td>
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<td>Pile driver operators</td>
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<tr>
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<td>Road roller operators</td>
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<td>Rock drill operators</td>
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<td>Scraper operators</td>
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<td>Sheet-pile-hammer operators</td>
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<td>Subgrader operators</td>
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<td>Tower-excavator operators</td>
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<td>Cable tool well-drill operators</td>
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<tr>
<td>Rotary drill well-drill operators</td>
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</tbody>
</table>

[FR Doc.77-51194 Filed 10-27-77; 8:45 am]

FEDERAL REGISTER, VOL. 42, NO 208—FRIDAY, OCTOBER 28, 1977