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FRIDAY, MARCH 10, 1978

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Monday	Tuesday	Wednesday	Thursday	Friday
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Title 3—The President

Executive Order 12043 • **March 7, 1978**

Amending the Civil Service Rules Regarding Notice of Exemptions From the Competitive Service

By virtue of the authority vested in me by the Constitution of the United States of America, and Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Section 6.1 of Civil Service Rule VI (5 CFR 6.1) is amended by deleting the third sentence in subsection (a) thereof and by adding a new subsection (c) as follows:

"(c) Notice of the Commission's decision granting authority to make appointments to an excepted position under the appropriate schedule shall be published in the FEDERAL REGISTER.".

SEC. 2. Section 6.6 of the Civil Service Rule VI (5 CFR 6.6) is amended by deleting the second sentence thereof and substituting "Notice of the Commission's decision making these changes shall be published in the FEDERAL REGISTER.".

SEC. 3. Section 9.6 of the Civil Service Rule IX (5 CFR 9.6) is amended by adding a new subsection (c) as follows:

"(c) The Commission shall include in its annual report a current listing, by agency, of all positions authorized to be filled by Limited Executive Assignment.".

SEC. 4. Section 9.20 of Civil Service Rule IX (5 CFR 9.20) is amended by adding a new subsection (f) as follows:

"(f) The Commission shall include in its annual report a current listing, by agency, of all positions authorized to be filled by Noncareer Executive Assignment.".

Jimmy Carter

THE WHITE HOUSE,
March 7, 1978.

[FR Doc. 78-6452 Filed 3-8-78; 1:02 pm]

rules and regulations

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

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

[1620-01]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

NEGOTIATED DEFENSE PRIME CONTRACTS AND SUBCONTRACTS

Miscellaneous Amendments

AGENCY: Cost Accounting Standards Board.

ACTION: Final rule.

SUMMARY: In response to numerous requests by Government agencies, contractors and their representatives, the Cost Accounting Standards Board has adopted a final rule which defines "cost accounting practice," and "change to either a disclosed cost accounting practice or an established cost accounting practice." Also, the rule revises sections of the contract clause dealing with changes in cost accounting practice, by providing for equitable adjustments to the contracts under which the parties agree to a change. Amendments are also being made to various other parts of CASB rules, regulations and standards to conform them to the requirements of the new § 331.50(a)(4)(C). The definitions and other changes should facilitate the administration of the Cost Accounting Standards Board's rules, regulations and standards.

DATE: The rule is effective March 10, 1978.

ADDRESS: Cost Accounting Standards Board, 441 G Street, NW., Room 4836, Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT:

J. L. DiGuiseppi, Project Director, CASB, 441 G Street, NW., Room 4836, Washington, D.C. 20548, 202-275-6113.

SUPPLEMENTARY INFORMATION: The purpose of this publication by the Cost Accounting Standards Board is to adopt a modification to part 331, Contract Coverage, and part 332, Modified Contract Coverage, of its rules and regulations. The Board is also withdrawing a proposal to modify § 331.70. This modification being adopted will (1) provide definitions of the terms "cost accounting practice," and "change to either a disclosed cost accounting practice or an established cost accounting practice," (2) permit the negotiation of equitable adjustments to reflect the cost impact of changes agreed to by both parties to the contract, and (3) establish the effective date for application of standards to subcontracts. The December 1976 proposal to modify the method of determining increased costs is being withdrawn.

The Board is authorized by Pub. L. 91-379 to prescribe rules, regulations, and modifications for implementing cost accounting standards. Pursuant to this authority, the Board is today issuing modifications to its regulations. Contractors and procurement agencies engaged in the implementation and administration of CASB rules, regulations, and standards have recommended that the Board provide guidance concerning the meaning of "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice."

Representatives from various organizations affected by standards have pointed out that guidance in these areas will reduce disagreement and facilitate the implementation and administration of CASB pronouncements. Similar recommendations were also received by the Board at evaluation conferences in June 1975 and October 1977. The General Accounting Office's Status Report on the "Cost Accounting Standards Program—Accomplishments and Problems," (PSAD-76-154, August 20, 1976), also referred to the need for guidance on these subjects.

Research in this area included a review of data submitted by participants in the evaluation conferences, an analysis of papers submitted by various contractors, professional groups, trade associations, and Government agencies, as well as a review of existing procurement regulations, the Internal Revenue Code, Accounting Principles Board Opinion No. 20, and existing CASB promulgations. A staff draft of amendments containing definitions of "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice" was distributed on August 13, 1976. Responses from 53 sources contributed to the Board's further consideration of the issues involved in these proposed amendments.

Proposed amendments to the Board's regulations were published in the FEDERAL REGISTER on February 3, 1977 (42 FR 6591). A total of 45 responses were received from individual companies, Government agencies, professional associations, industry associations, universities and others. The proposed amendments were revised and republished for comment on October 21, 1977, (42 FR 56130) and included a proposed change to the CAS contract clause. A total of 40 responses were received to that publication.

The Board takes this opportunity to express its appreciation for the helpful suggestions and criticisms which have been furnished. These comments have resulted in a number of changes and improvements in the amendments being promulgated today. The following material summarizes the issues discussed by respondents in connection with the proposed modification and explains the changes made to the proposals published February 3 and October 21, 1977. The still relevant portions of the comments which accompanied the earlier publications have been incorporated in this material.

DEFINITION OF COST ACCOUNTING PRACTICE

The need for a definition of "cost accounting practice" has been raised by numerous inquiries from the field and by participants in the evaluation conferences. The Board agrees, and believes that a definition of this term can reduce disputes and contribute to increased uniformity in the administration of the CAS contract clause.

A number of commentators expressed the view that the proposed definition was workable and useful as presented, would serve to reduce disagreements, and would facilitate the administration of cost accounting standards. Some said that the proposal, if adopted, would go a long way towards solving several problems identified in earlier written communications to the Board and oral presentations to the Board and its staff. Some encouraged the Board to promulgate the rule at an early date and commended the Board for taking a very significant step towards solving one of the troublesome and difficult areas of Cost Accounting Standards.

Other commentators suggested that the proposed definition went beyond the authority of the Board in that it included both the measurement of cost and the assignment of cost to cost accounting periods.

They asserted that these are financial accounting topics and are not within the realm of cost accounting. Still other commentators stated that the Board was dealing with detailed practices and procedures rather than Cost Accounting Standards and principles.

As early as March 1973, in the "Statement of Operating Policies, Procedures, and Objectives" and more recently in the May 1977, "Restatement of Objectives, Policies and Concepts," the Board stated that Cost Accounting Standards will be established to define and measure cost, determine the cost accounting periods to which costs are assigned, and determine the manner in which costs are allocated to covered contracts. The Board has spoken directly to the measurement of cost in Cost Accounting Standards 404 and 412 and to the assignment of costs to cost accounting periods in Cost Accounting Standards 408, 409 and 412. The definitions being promulgated today are consistent with the Board's authority and previously adopted view that cost accounting practices include measurement of cost, assignment of cost to cost accounting periods and allocation of costs to cost objectives.

Questions have been raised as to whether the measurement of cost includes the determination of the price to be paid by the contractor for goods and services. From the beginning of the project to define a cost accounting practice, the Board has taken the position that the determination of the amount paid or a change in the amount paid for units of goods and services does not constitute a change in cost accounting practices. The definition has been revised to convey this concept more clearly.

With respect to commentators' views on the difference between Cost Accounting Standards, principles, and practices, the Board's 1973 "Statement of Operating Policies, Procedures, and Objectives" and the 1977 "Restatement" describe a Cost Accounting Standard as:

> A Cost Accounting Standard is a statement formally issued by the Cost Accounting Standards Board that: (1) Enunciates a principle or principles to be followed, (2) establishes practices to be applied, or (3) specifies criteria to be employed in selecting from alternative principles and practices in estimating, accumulating, and reporting costs of contracts subject to the rules of the Board. A Cost Accounting Standard may be stated in terms as general or specific as the Cost Accounting Standards Board considers necessary to accomplish its purpose.

This position is similar to the approach the accounting profession takes in dealing with accounting principles for financial reporting. The Accounting Principles Board Opinion No. 20, Accounting Changes, states:

> The term accounting principle includes not only accounting principles and practices, but also the method of applying them.

Thus, in line with previous statements, the Cost Accounting Standards Board reiterates its position that the terms "principles and practices" include methods and techniques. The Board's position is consistent with Pub. L. 91-379 and reflects one of the principal purposes of setting Standards, which is to measure the full cost of supplies and services acquired by the Government in a way that is fair to both buyer and seller.

Commentators also raised the question of what should be the required level of detail of a cost accounting practice. The issue is what is the appropriate and necessary level of accounting detail for effective implementation of Pub. L. 91-379. For cost allocation purposes the Board has concluded that the level of detail should include not only the type of base, e.g., direct labor, but also the composition of that base, e.g., the elements of labor costs comprising the base. Similarly, the level of detail should include the types of indirect cost pools as well as the components or items of cost which make up those pools. As to measurement of cost, the level of detail includes identification of components of a particular item of cost and the basis on which cost is measured.

Definition of Change to Either a Disclosed Cost Accounting Practice or an Established Cost Accounting Practice

With respect to the February 3, 1977, proposed definition, commentators requested expansion of those changes in cost accounting practices which would not be subject to the provisions of paragraph (a)(4) and (a)(5) of the Cost Accounting Standards contract clause (4 CFR 331.50). Commentators recommended that changes to improve management controls, accounting changes which the Government and contractors believe would be beneficial in the long run, and changes due to changed business circumstances should be added to § 331.20 as actions which are not considered as a change in cost accounting practice for purposes of paragraph (a)(4) and (a)(5) of the Cost Accounting Standards Contract Clause (4 CFR 331.50).

The Board notes that in a dynamic business environment it may be desirable to make changes of many types. These changes may include organizational changes, changes in the way work is performed, and changes in the product produced. There may be a variety of reasons for these changes, such as better managerial control, new technology, or changed business conditions.

These business changes by themselves are not changes in cost accounting practices. Such changes may, however, cause a change in a contractor's cost accounting practices. In a circumstance where there is a change in a cost accounting practice, the contractor and Government must take certain action under the provisions of the CAS contract clause. Only when the contracting officer does not make the required determination under the new § 331.50(a)(4)(C) would contracts be amended to insure that the Government does not pay any increased cost as a consequence of the change.

The decision as to whether there is a change in cost accounting practice is made through an analysis of the circumstances of each individual situation based on the criteria being promulgated in these regulations.

It is to be expected that the accounting system must change—betterments, improvements, modifications or alterations to the system are necessary to accommodate the business changes discussed above. The Board notes that Pub. L. 91-379, in its provisions relative to failure of a contractor to follow consistently his disclosed practices, makes no distinction among the causes of changes in cost accounting practices. Thus, accounting changes of the types described by the commentators, which result in a failure of a contractor to follow consistently his previously disclosed or established practices, remain subject to the CAS contract clause (4 CFR 331.50). While a number of the suggestions made have been adopted and are discussed in the following material, the suggestions that changes in cost accounting practice due to changed circumstances or to improve management control be excluded from adjustment under the CAS contract clause have not been adopted by the Board. These types of changes are subject to review and agreement by the contracting officer and the contracts may be adjusted under new § 331.50(a)(4)(C).

A number of commentators urged that changes resulting from issuances of the Financial Accounting Standards Board should also be excluded from paragraphs (a)(4) and (a)(5) adjustments. The legislative history leading to creation of the Cost Accounting Standards Board shows that standards and principles issued for financial accounting purposes were not deemed suitable for cost accounting for negotiated Government contracts. The Cost Accounting Standards Board views its own work as relating directly to the preparation, use and review of cost accounting data in the negotiation, administration and settlement of negotiated defense contracts. The Board is

the only body established by law with the specific responsibility to promulgate Cost Accounting Standards and these Standards have the force and effect of law in the negotiation, administration and settlement of defense contracts.

The Board seeks to avoid conflict and disagreement with similar organizations having other responsibilities in the area of accounting Standards and through continuous liaison makes every reasonable effort to do so. The Board will give careful consideration to the pronouncements affecting financial reporting and in the formulation of Cost Accounting Standards it will take these pronouncements into account to the extent it can do so in accomplishing its objectives. Nevertheless, the nature of the Board's statutory authority and its mission to establish Cost Accounting Standards for negotiated defense contracts is such that it must retain and exercise full responsibility for meeting its objectives. Accordingly, the Board has not adopted this suggestion.

Alterations Not Considered Changes in Cost Accounting Practices

The February 1977 proposed definitions specifically provided that certain contractor actions should not be considered as changes in cost accounting practices. These include the initial adoption of a cost accounting practice or the elimination of a cost accounting practice. A number of commentators expressed the opinion that the accounting treatment of a cost which up to a given point in time has been immaterial in amount and now becomes material in amount is a situation very similar to the establishment of a practice for the initial incurrence of a cost. They pointed out that Accounting Principles Board Opinion No. 20, Accounting Changes, treats this situation as a first time incurrence of a cost rather than a change in accounting principle or practice.

The Board has previously expressed the position that administration of Cost Accounting Standards should be reasonable and not seek to deal with immaterial amounts of costs. In concert with this position, the Board in the October 1977 proposal modified § 331.20(i) to provide that a change in accounting for a cost which has previously been immaterial and now becomes material is not a change in cost accounting practice.

The alterations described above are not treated under the CAS contract clause as changes in cost accounting practices. They can, however, result in the establishment of cost accounting practices. Where such is the case, the requirements of the CAS contract clause (4 CFR 331.50) will apply. The new practices must be followed consistently on all CAS contracts, and Disclosure Statements updated where appropriate.

Subsequent Changes Under a Standard

The Board's October 1977 proposal provided that when a Standard with which the contractor has complied subsequently requires the contractor to alter a cost accounting practice in order to remain in compliance, that alteration shall not be a change in cost accounting practice for purposes of subparagraph (a)(4) and (a)(5) of the CAS clause. Some commentators said that this proposal was inconsistent with the Board's position in 4 CFR Part 403. Others said that unless a contract adjustment can be made under CAS regulations no acceptable adjustment mechanism was available. Most commentators generally felt that changes of this type should be dealt with under CAS regulations.

The Board believes that this provision is not inconsistent with 4 CFR Part 403. In that Standard, the Board was limiting use of equitable adjustment to the first time that a particular allocation provision of the Standard was applied.

The Board recognizes the points made by the commentators, however, and has concluded that a change in cost accounting practice to remain in compliance with a Standard does not constitute a failure to comply with Cost Accounting Standards or to follow consistently disclosed cost accounting practices. Accordingly, the Board has deleted from the regulation being published today the provision excepting adjustments for subsequent changes under a Standard from being considered under subparagraph (a)(4) of the Board's regulations, because changes of this type will be covered by new subparagraph (a)(4)(C) of the CAS contract clause which calls for negotiation of an equitable adjustment. The Board also notes that contractors who have filed Disclosure Statements would be required to amend such Statements to describe the practices to be followed.

Change Compelled by Law or Regulation

A number of commentators urged the Board to delete the exception in its October 1977 proposal for price adjustments under cost accounting standards for changes compelled by law or regulation § 331.20(i)(3). Some contended that all changes, regardless of motivation, should be considered for adjustment under the Board's new proposed subparagraph dealing with changes agreed to by the parties. Other commentators urged the Board to remove the exception to preclude a contractor from experiencing a windfall or suffering a loss because of such changes.

The Board agrees with the suggestions made to delete this subparagraph, because the Board feels that all contractor proposed changes in cost accounting practice should be considered for contract adjustment. Therefore, a contractor desiring to make a change in cost accounting practice for any reason must negotiate with the contracting officer under the appropriate subparagraph of the CAS contract clause.

Should a situation arise where major changes in cost accounting practices would be required by contractors to comply with express provisions of a law or regulation, the Board would seek to accommodate any such requirement by a change in its standards, rules or regulations.

The Board has deleted from these amendments the proposed § 331.20(i)(3) which dealt with changes compelled by law or regulation.

Illustrations

Many commentators said that all or some of the illustrations should be deleted, while other commentators said they should be retained. The Board included the illustrations to demonstrate the application of the definitions in situations of the type which have been reported to the Board in the past.

The Board noted that some of the illustrations dealing with changes in organization were being misinterpreted. In effect, the commentators expanded the illustrations to include situations not set forth in the illustrations. The Board concluded that in view of the extent of misinterpretation, it would be of questionable value to revise the illustrations to cover all the situations described by commentators. Accordingly, several illustrations dealing with accounting changes related to organizational changes have been deleted.

As the Board stated when the proposed definitions were published in February 1977, the accounting effects of any organizational change must be considered separately and a final decision concerning a change must be based on an evaluation of those effects. Thus, an organizational change per se is not a change in cost accounting practice. One must look at any accounting revision brought about for any reason, including one caused by a change in organization.

By including the illustrations the Board does not intend to imply that all possible situations are covered nor are the illustrations to be used as limitations for accounting changes. The Board believes that the changes made to this section are responsive to the statements made by commentators.

Contract Clause

The Board proposed in October 1977 that where the parties agree to a

change in cost accounting practice they should negotiate an equitable adjustment for any cost impact on existing contracts. Most commentators agreed with this proposal but some felt that the contracting officer's agreement should not be necessary. Others urged the Board to state that a contracting officer's disagreement with a change is subject to the disputes clause of the contract. Further, a number of commentators suggested that the new contract adjustment subparagraph be renumbered (a)(4)(C) to avoid confusion with the pre-existing numbering series. Finally, some commentators asked if the Board planned to make comparable revisions to its Part 332, Modified Contract Coverage.

The October 1977 proposal was in response to urging by both contractor and Government agency representatives to establish an alternative to subparagraph (a)(4)(B) for adjusting contracts where both parties agreed that a change in cost accounting practice was desirable. Under that proposal, a method was established providing for equitable adjustment for these changes. The Board does not agree that contracting officer's agreement is not necessary and remains convinced that Government agreement to the change is essential to protect the Government's interests.

With respect to the treatment of a contracting officer's disagreement with a proposed change in cost accounting practice under the disputes clause of the contract, the Board believes this should be determined under agencies' general rules governing appeals from various types of decisions by contracting officers. Accordingly, the Board has not specifically provided for the application of the disputes clause in this situation.

The Board agrees with the suggestion concerning the renumbering of the subparagraph dealing with equitable adjustments for changes in cost accounting practices agreed to by the parties. The amendments being published today have that subparagraph numbered (a)(4)(C). Designating the new subparagraph as (a)(4)(C) eliminates the need to change citations in other subparagraphs in section 331 from those previously existing in CASB regulations.

With respect to the question concerning comparable revisions to part 332, the new definitions and illustrations are incorporated in § 332.20 by the existing cross referrence to § 331.20. The Board's regulation concerning changes in cost accounting practices agreed to by the contracting officer will be incorporated in §§ 332.50(a) and 332.51 by amendments being published today.

Increased Cost Paid

Commentators at the 1977 Evaluation Conference and respondents to the February 3 and the October 21, 1977, proposals requested that the Board remove from its regulations the prohibition against increased costs paid because of changes in cost accounting practices (§ 331.50(a)(4)(B)) and/or that the expression "increased costs paid" (4 CFR 331.70) be redefined to exclude fixed price contracts. The Board has established a priority project to perform a comprehensive review of Part 331 of its regulations, including the treatment of increased costs paid.

Contracting Officer Determination

Many commentators objected to the Board's including a requirement that a contracting officer make a finding that a change is desirable and is not detrimental to the interest of the Government. Some claimed that such a requirement encroached on management's prerogative to design an accounting system to meet its needs; others said the decision concerning changes was an administrative matter, better left to the agencies. Others suggested that different terms be substituted for some of the words. Finally, some commentators said that the Board should require only that agencies prescribe appropriate regulations for the use of the equitable adjustment provision for accounting changes agreed to by the parties.

The Board understands the concerns expressed by the commentators on this matter. It should be recognized, however, that the Board is proposing that equitable adjustments be negotiated for accounting changes not required by Standards. This type of provision was requested by many contractors and Government agencies in the past. These groups insist that agreed-to changes should be allowed and that the contractor should not be required to pay for any increased costs on existing contracts resulting from such desirable changes. The Board is responding to these requests by providing for equitable adjustments for those proposed changes with which the contracting officer agrees if he finds them to be desirable and not detrimental to the interests of the Government.

Management certainly can propose any changes it feels desirable for its own accounting system. If a change is not desirable from the Government's point of view, the Board sees no justification for permitting the contractor to realize economic benefits on existing contracts from the change.

The Board's regulation merely recognizes the contracting officer's position and does not encroach on the administrative responsibilities of the procurement agencies. A contracting officer would routinely make certain that a contractor's proposed change is not detrimental to the Government before agreeing to allow increases in contract prices.

Some suggested alternative words for "desirable" were: "Appropriate, warranted, equitable, fair or reasonable." The Board concludes that all of these tests are encompassed by the Board's language. Accordingly, this statement has not been changed.

The Board expects administrative agencies to publish regulations they feel necessary to define what they conclude is "desirable and is not detrimental to the interest of the Government." Thus, the Board does not agree that it is getting involved in administrative matters.

The Board agrees with the commentators who suggested that the second sentence of § 331.51, which required that the contracting officer document the basis for his finding, be eliminated. The Board believes that the stated documentation requirement is redundant with other language in this subparagraph, and accordingly, that sentence has been eliminated.

Withdrawal of Proposed Alternative Method of Determining "Increased Costs"

On December 29, 1976, a proposal was published in the Federal Register to amend § 331.70(b) which, if adopted, would have permitted procurement agencies to use either an estimate-to-complete approach or an original-negotiation-data approach to determine increased costs paid by the United States. As proposed, agencies would have been authorized to use the estimate-to-complete method when negotiations had not been based on cost estimates or such estimates were not readily determinable by the procuring agency.

Most of the comments received expressed opposition to all or part of the proposal. Upon reexamining the subject in light of the comments received, the Board concludes that the proposed alternative method would not provide sufficient improvement in the administration of Standards to warrant its adoption. Additionally, none of the alternatives suggested by the commentators appears likely to benefit the procurement process materially. Accordingly, the proposal to amend § 331.70(b), Contract Coverage, as published in the Federal Register of December 29, 1976, is hereby withdrawn. This subject will be considered in the Board's comprehensive review of Part 331.

Costs and Benefits

The definitions promulgated today fill a void that had been recognized in numerous comments to the Board and the procurement agencies. The Board believes that the material being promulgated today is in keeping with its responsibility and authority as provided in Pub. L. 91-379. The Board believes further that the appropriate use

of the definitions can significantly reduce the time and effort involved in the administration of Cost Accounting Standards. The Board concludes, therefore, that there will be virtually no costs involved in implementing these regulations and that there will be significant benefits with no inflationary effects.

MISCELLANEOUS AMENDMENTS

A number of miscellaneous amendments are being published today to conform language in certain paragraphs of Title 4 CFR Parts 351, 403, 406 and 409. These amendments add references to the new § 331.50(a)(4)(C).

EFFECTIVE DATE

The following changes to the Board's regulations are being made effective today, March 10, 1978.

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

§ 331.20 Definitions.

* * * * *

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

(1) Measurement of cost encompasses accounting methods and techniques used in defining the components of cost, determining the basis for cost measurement, and establishing criteria for use of alternative cost measurement techniques. The determination of the amount paid or a change in the amount paid for a unit of goods and services is not a cost accounting practice. Examples of cost accounting practices which involve measurement of costs are:

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

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

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

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

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

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

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

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

(j) *Illustrations of changes.* (1) In all of the following cases where a "change to either a disclosed cost accounting practice or an established cost accounting practice" has taken place, modifications to the affected contracts would be considered in accordance with this Part 331, Contract Coverage, and Part 332, Modified Contract Coverage, as amended. Under § 331.71, price adjustments, with appropriate application of offsets, would be required only if the net cost impact of the change were material.

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

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

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

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

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

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

Description of change	*Accounting treatment*
1. Contractor changes his method of allocating G&A expenses under the requirements of Cost Accounting Standard 410.	1. (a) Before change: The contractor operating under Cost Accounting Standard 410 has been allocating his general and administrative expense pool to final cost objectives on a total cost input base in compliance with the Standard. The contractor's business changes substantially such that there are significant new projects which have only insignificant quantities of material.

Description of change	*Accounting treatment*
	(b) After change: After the addition of the new work, an evaluation of the changed circumstances reveals that the continued use of a total cost input base would result in a significant distortion in the allocation of the G&A expense pool in relation to the benefits received. To remain in compliance with Standard 410, the contractor alters his G&A allocation base from a total cost input base to a value added base.
2. The contactor changes the accounting for hardware common to all projects.	2. (a) Before change: The contractor allocated the cost of purchased or requisitioned hardware directly to projects. (b) After change: The contractor charges the cost of purchased or requisitioned hardware to an indirect expense pool which is allocated to projects using an appropriate allocation base.
3. The contractor merges operating segments A and B which use different cost accounting practices in accounting for manufacturing overhead costs.	3. (a) Before change: In segment A, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor hours base; in segment B, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor dollars base. (b) After change: As a result of the merger of operations, the combined segment decides to allocate the cost of the manufacturing overhead pool to all final cost objectives, using a direct labor dollars base. Thus, for those final cost objectives referred to in segment A, the cost of the manufacturing overhead pool will be allocated to the final cost objectives of segment A using a direct labor dollars base instead of a direct labor hours base.

(3) The following are illustrations of changes which do not meet the proposed definition of "change to either a disclosed cost accounting practice or an established cost accounting practice," and accordingly do not require price adjustments under subparagraphs (a)(4) and (a)(5) of the CAS contract clause.

Description of change	*Accounting treatment*
1. Changes in the interest rate levels in the national economy have invalidated the prior actuarial assumption with respect to anticipated investment earnings. The pension plan administrators adopted an increased (decreased) interest rate actuarial assumption. The company allocated the resulting pension costs to all final cost objectives.	1. Adopting the increase (decrease) in the interest rate actuarial assumption is not a change in cost accounting practice.
2. The basic benefit amount for a company's pension plan is increased from $8 to $10 per year of credited service. The change increases the dollar amount of pension cost allocated to all final cost objectives.	2. The increase in the amount of the benefits is not a change in cost accounting practice.
3. A contractor who has never paid pensions establishes for the first time a pension plan. Pension costs for the first year amounted to $3.5 million.	3. The initial adoption of an accounting practice for the first time incurrence of a cost is not a change in cost accounting practice.
4. A contractor maintained a Deferred Incentive Compensation Plan. After several years' experience, the plan was determined not to be attaining its objective, so it was terminated, and no future entitlements were paid.	4. There was a termination of the Deferred Incentive Compensation Plan. Elimination of a cost is not a change in cost accounting practice.
5. A contractor eliminates a segment that was operated for the purpose of doing research for development of products related to nuclear energy.	5. The projects and expenses related to nuclear energy projects have been terminated. No transfer of these projects and no further work in this area is planned. This is an elimination of cost and not a change in cost accounting practice.
6. For a particular class of assets for which technological changes have rarely affected asset lives, a contractor starts with a five year average of historical lives to estimate future lives. He then considers technological changes and likely use. For the past several years the process resulted in an estimated future life of ten years for this class of assets. This year a technological change leads to a prediction of a useful life of seven years for the assets acquired this year for this class of assets.	6. The change in estimate (not in method) is not a change in cost accounting practice. The contractor has not changed the method or technique used to determine the estimate. The methodology applied has indicated a change in the estimated life, and this is not a change in cost accounting practice.
7. The marketing department of a segment has reported directly to the general manager of the segment. The costs of the marketing department have been combined as part of the segment's G&A expense pool. The company reorganizes and requires the marketing department to report directly to a vice president at corporate headquarters.	7. After the organizational change in the company's reporting structure, the parties agree that the appropriate recognition of the beneficial or causal relationship between the costs of the marketing department and the segment is to continue to combine these costs as part of the segment's G&A expense pool. Thus, the organizational change has not resulted in a change in cost accounting practice.

2. Revise paragraph (a)(4) of the Cost Accounting Standards contract clause in § 331.50 by adding a new subparagraph (C) and by changing (a)(4)(B) as follows:

§ 331.50 Contract clause.

* * * * *

(a) * * *

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

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

3. Revise the first sentence in paragraph (d) of the Cost Accounting Standards clause in § 331.50 to read as follows:

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

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

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

* * * * *

4. Add a new § 331.51, as follows:

§ 331.51 Findings.

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

PART 332—MODIFIED CONTRACT COVERAGE

5. Revise paragraph (a) of § 332.50 by adding a new subparagraph (5) to read as follows:

§ 332.50 Contract clause.

* * * * *

(a) * * *

(5) When the parties agree to a change to either a disclosed cost accounting practice

or an established cost accounting practice, negotiate an equitable adjustment as provided in the changes clause of this contract.

6. Add a new § 332.51, as follows:

§ 332.51 Findings.

Prior to the utilization of the provisions of subparagraph (a)(5) of the contract clause set out in § 332.50, the contracting officer shall make a finding that the change is desirable and is not detrimental to the interests of the Government.

PART 351—BASIC REQUIREMENTS

§ 351.120 [Amended]

7. Revise § 351.120(c) by inserting the phrase "or (C)," after the phrase "(a)(4)(B)," in the first sentence.

PART 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

§ 403.50 [Amended]

8. Delete paragraph (c)(2) of § 403.50.

PART 406 — COST ACCOUNTING STANDARD–COST ACCOUNTING PERIOD

PART 409—COST ACCOUNTING STANDARD–DEPRECIATION OF TANGIBLE CAPITAL ASSETS

§§ 406.50, 406.60, 409.50, and 409.60 [Amended]

9. Revise paragraphs (f) of § 406.50; (c) of § 406.60; (e) of § 409.50 and (f) of § 409.60 by inserting the phrase "or (C)" after the phrase "(a)(4)(B)."

(Sec. 103, 84 Stat. 796 (50 U.S.C. App. 2168).)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 78-6318 Filed 3-9-78; 8:45 am]

[6435-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Environmental Protection Agency; Department of Energy; Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C certain positions at the Environmental Protection Agency and the Department of Housing and Urban Development because they are confidential in nature and (2) shows title changes in certain positions at the Department of Energy.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3318(b)(8); 213.3331(a)(1), (d)(1), (g)(1), (r)(1); and 213.3384(a)(17) are amended to read as follows:

§ 213.3318 Environmental Protection Agency.

* * * * *

(b) *Office of Legislation.* * * *

(8) Two Special Assistants (Congressional Affairs).

* * * * *

§ 213.3331 Department of Energy.

(a) *Office of the Secretary.*

(1) One Confidential Secretary, one Confidential Assistant (Secretary), and one Motor Vehicle Operator to the Secretary.

* * * * *

(d) *Office of the Administrator of the Energy Information Administration.*

(1) One Confidential Assistant (Secretary) to the Administrator.

* * * * *

(g) *Office of the Director of Energy Research.*

(1) One Confidential Assistant (Secretary) to the Director.

* * * * *

(r) *Office of the Director of Procurement and Contracts Management.*

(1) One Confidential Assistant (Secretary) to the Director.

* * * * *

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(17) Federal Insurance Administrator and two Special Assistants.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-6371 Filed 3-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Senior Assistant for Congressional Relations, Office of Legislation and Intergovernmental Relations, is reestablished under Schedule C because it is confidential in nature.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384(m)(3) is amended to read as follows:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(m) *Office of Legislation and Intergovernmental Relations.* * * *

(3) Two Senior Assistants for Congressional Relations.

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

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

[FR Doc. 78-6369 Filed 3-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Treasury; Department of the Interior; Department of Commerce; Department of Health, Education, and Welfare; ACTION; Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment to the regulations shows certain positions for Department of the Treasury; Department of the Interior; Department of Commerce; Department of Health, Education, and Welfare; ACTION; and Department of Transportation, are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3305(a)(79), 213.3312(a)(51), 213.3314(x)(1), 213.3316(h)(15) and 213.3394(d)(7) are added and 213.3359(cc) is amended as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(79) One Special Assistant to the Assistant Secretary (Enforcement and Operations).

* * * * *

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(51) One Special Assistant to the Assistant Secretary for Indian Affairs.

* * * * *

§ 213.3314 Department of Commerce.

* * * * *

(x) *Office of the Assistant Secretary for Communications and Information.*

(1) One Special Assistant, one Private Secretary, and one Confidential Assistant to the Assistant Secretary.

* * * * *

§ 213.3316 Department of Health, Education and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health.* * * *

(15) One Executive Assistant to the Commissioner of Food and Drug Administration.

* * * * *

§ 213.3359 ACTION.

* * * * *

(cc) One Staff Assistant and one Special Assistant to the Deputy Associate Director for VISTA/ACTION Education Programs.

* * * * *

§ 213.3394 Department of Transportation.

* * * * *

(d) *Federal Highway Administration.* * * *

(7) One Special Assistant to the Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-6370 Filed 3-9-78; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 180—REGULATIONS AND RULES OF PRACTICE UNDER THE PLANT VARIETY PROTECTION ACT

Limits of Reciprocity

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment to a regulation under the Plant Variety Protection Act would set forth the limits of reciprocity for Israeli nationals applying for plant variety protection on sexually-reproduced plants in the United States. The plant variety protection afforded by the State of Israel to U.S. nationals does not appear to be equal to the protection afforded foreign nationals in the United States under the act. This amendment is necessary in order that applicants from the State of Israel, their agents, and other interested persons may be informed with respect to the reciprocity limits recognized under the act and the regulations and rules of practice.

EFFECTIVE DATE: March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Bernard Lease, Acting Commissioner, Plant Variety Protection Office, Livestock, Poultry, Grain and Seed Division, AMS, National Agricultural Library Building, Beltsville, Md. 20705, 301-344-2518.

SUPPLEMENTARY INFORMATION: On October 28, 1977, notice was published in the FEDERAL REGISTER (42 FR 56751) inviting written comments not later than November 28, 1977, on proposed amendment of section 180.5 of the regulations and rules of practice (7 CFR 180.5(a)) under the Plant Variety Protection Act to set forth the limits of reciprocity for Israeli nationals applying for plant variety protection on sexually-reproduced plants in the United States.

Comments were received from eight persons, all members of the Plant Variety Protection Board. All were in favor of adopting the proposed amendment.

After consideration of all relevant matter presented, including the proposal in the notice, the proposal is adopted as follows:

Section 180.5(a) is amended by adding subparagraph (4) as follows:

§ 180.5 General requirements.

(a) * * *

(4) A certificate of plant variety protection issued to a national of the State of Israel shall (i) expire in 15 years or less, pursuant to sections 42(b) and 83(b) of the Plant Variety Protection Act, from the date of issue of the certificate in the United States, (ii) be applicable only for seed-reproduced species protectable in the State of Israel, and (iii) not include a specification that the variety is to be sold by variety name only as a class of certified seed.

* * * * *

Dated: March 6, 1978.

BARBARA LINDEMANN SCHLEI,
Administrator.

[FR Doc. 78-6335 Filed 3-9-78; 8:45 am]

[3410-30]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. No. 39]

PART 250—DONATION OF FOOD FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Supplemental Food Program

AGENCY: Food and Nutrition Service, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: The Food and Nutrition Service (FNS) is deleting current rules for the Supplemental Food Program, because FNS has issued new (interim) regulations governing the Program elsewhere in the Code of Federal Regulations. This action is taken to reflect changes required by recent legislation.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Jennifer R. Nelson, Acting Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8206.

SUPPLEMENTAL INFORMATION: The purpose of this amendment is to delete the Supplemental Food Program regulations currently published at 7 CFR 250.14; however, the section number is reserved for future use. This action is necessary because new

regulations governing operation of this Program have been issued under 7 CFR Part 247.

Pub. L. 95-113, approved September 29, 1977, made a number of changes in the legislation governing the Supplemental Food Program. These changes included redesignating the Program as the "Commodity Supplemental Food ge dp1:b10mr0.239Program", extending the Program through fiscal year 1981, providing authority for administrative funding, including funding nutrition education for Program participants, and requiring the Secretary annually to evaluate the food package that is distributed to participants.

To implement these changes by amending the Supplemental Food Program regulations currently published at 7 CFR 250.14 would have been impracticable. Therefore, the Department decided to delete 7 CFR 250.14 and issue new regulations under 7 CFR Part 247. The new Commodity Supplemental Food Program regulations will be published on March 3, 1978 (43 FR 8777).

§ 250.14 [Reserved]

Accordingly, 7 CFR 250.14 is deleted and reserved.

NOTE.—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 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 10.550.)

Dated: February 28, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-6094 Filed 3-9-78; 8:45 am]

[3410-30]

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amdt. No. 130]

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES AND BANKS

Redemption Certificates by Receiving Banks

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule eliminates the use of food stamp redemption certificates as part of the documentation that commercial banks submit to substantiate claims for coupons lost in transit and establishes a time frame for the disposition of redemption certificates by receiving banks. The amendment is necessary because the values shown on the redemption certificates seldom equal the amount of a lost in transit claim. Also, this rule strengthens the remaining documentation that commercial banks submit by requiring an affidavit by the claimant.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Wayne A. Simmons, Administrative Cost and Analysis Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8266.

SUPPLEMENTARY INFORMATION: In recent years, the Federal Reserve Banks have established a procedure which requires depositing banks to submit redeemed coupons in bundles of 100 of each denomination for payment. Banks, in accumulating coupons for these bundles, usually include coupons received from more than one retailer.

Current regulations instruct the receiving banks to hold redemption certificates until payment is received from the Federal Reserve. If a lost in transit claim needs to be submitted, the redemption certificates associated with the loss are to be presented as substantiation of the claim. However, due to the bundling requirements the value of the redemption certificates seldom agrees with the amount of the claim. Thus, the redemption certificates are of questionable use in determining the validity and amount of the claim.

The proposed rule change was published in the FEDERAL REGISTER of November 4, 1977. Comments requested by the proposed rulemaking have been considered and incorporated into the final rule.

Accordingly, § 272.5 of Chapter II, Title 7, Code of Federal Regulation, is amended as follows:

In § 272.5, the sixth sentence of paragraph (a) is amended; paragraph (c)(3)(ii) is amended; paragraph (c)(3)(iv) is deleted and paragraph (c)(3)(v) is revised and redesignated paragraph (c)(3)(iv). The amended provisions read as follows:

§ 272.5 Participation of banks.

(a) * * * Redemption certificates accepted by receiving banks shall be forwarded daily, or upon reasonable accumulation, but not less frequently than weekly to the following address:

Minneapolis ADP Field Center, Food and Nutrition Service, USDA, 3930 West 65th Street, Minneapolis, Minn. 55435.

* * * * *

(c) * * *

(3) * * *

(ii) An affidavit of facts concerning the loss and the banks' procedures for making the shipment. This affidavit shall specify that either all or part of the loss cannot be recovered from the carrier. If a partial recovery has been or will be made, the amount shall be stated. In the event of a partial loss, this affidavit shall specify the condition of the package upon receipt and state whether it appeared to have been tampered with or damaged in transit.

* * * * *

(iv) FNS will obtain copies of the redemption certificates corresponding to claims.

* * * * *

(78 Stat. 703, as amended; (7 U.S.C. 2011-2026).)

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

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: March 2, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-6372 Filed 3-9-78; 8:45 am]

[3410-05]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt.]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Revision in Certain Areas of Venue

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule provides for revising the marketing quota review committee areas of venue for the State of Florida. The Florida State ASC Committee recommended the revisions to allow for more efficient administration of the Marketing Quota Program.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice E. Reddick, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, 202-447-4695.

SUPPLEMENTARY INFORMATION: Since this amendment revises areas of venue which were recommended by the Florida State ASC Committee and it may be necessary soon to review one or more marketing quotas in areas of venue that are changed by this amendment, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

FINAL RULE

The areas of venue for the State of Florida in 7 CFR section 711.29 are amended to read as follows:

§ 711.29 Establishment of Area of Venue.

* * * * *

FLORIDA

Counties of:

Area I—Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, and Volusia.

Area II—Bay, Calhoun, Excambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington.

(Secs. 301, 363-368, 375, 52 Stat. 38, as amended, 63, 64, as amended, 66, as amended; (7 U.S.C. 1301, 1363-1368, 1375).)

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

Signed at Washington, D.C., on February 28, 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-6097 Filed 3-9-78; 8:45 am]

[3410-05]

PART 795—PAYMENT LIMITATION

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document reissues the regulations governing the payment limitation effective for the 1978-81 crop years and changes the payment limitation from $20,000 for wheat, feed grains, and upland cotton and the payment limitation from $55,000 for rice. Indian tribal ventures are exempt from the payment limitation where it is certified that no individual Indian shall receive more than the payment limitation.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Coplin, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, 202-447-4541.

SUPPLEMENTARY INFORMATION: The regulations are revised in accordance with Title I of the Food and Agriculture Act of 1977, Pub. L. 95-113, 91 Stat. 917, approved September 29, 1977, provides that the total amount of deficiency payments which a person shall be entitled to receive under one or more of the wheat, feed grain and upland cotton programs shall be limited to $40,000 in 1978 and $45,000 in 1979. Rice payments for 1978 shall be limited to $52,250 and $50,000 in 1979. The total amount of payments which a person shall be entitled to receive under one or more of the annual wheat, feed grains, upland cotton, and rice programs shall not exceed $50,000 for each of the 1980 and 1981 crops. Beginning in 1978, payments which represent compensation for disaster loss or resource adjustment (excluding land diversion payments) or public access for recreation are exempt from the limitation.

Since payment limitation cases are being reviewed and the reissuance of this part incorporates only changes in the law, it is essential that this final rule be effective as soon as possible. Therefore compliance with the Notice of Proposed Rulemaking, public participation procedure, and 30-day effective date provision of 5 U.S.C. 553 are unnecessary. Accordingly, this regulation is being reissued without compliance with such procedure.

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AUTHORITY: Title I of the Food and Agriculture Act of 1977, Pub. L. 93-86, 87 Stat. 221, approved September 29, 1977.

GENERAL

§ 795.1 Basis and purpose.

(a) The Food and Agriculture Act of 1977 provides that: (1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs for wheat, feed grains, and upland cotton shall be limited to $40,000 in 1978 and $45,000 in 1979.

(2) Rice payments for 1978 shall be limited to $52,250 in 1978 and $50,000 in 1979.

(3) For each of the 1980 and 1981 crops there will be a payment limitation of $50,000 for total payments received under one or more of the annual wheat, feed grains, upland cotton, and rice programs.

(b) This limitation is hereinafter referred to as "the payment limitation" or "limitation".

(c) The Act provides that the Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assume a fair and reasonable application of such limitation.

§ 795.2 Applicability.

(a) The provisions of this part are applicable to all payments made pursuant to the regulations in this Chapter for 1978 through 1981 programs for wheat (Title IV) and for feed grain (Title V), upland cotton (Title VI), and rice (Title VII) of the Food and Agriculture Act of 1977.

(b) The limitation shall be applied to the total of wheat, feed grain and upland cotton program payments and separately for the rice program for each of the 1978 and 1979 crops. For each of the 1980 and 1981 crops, the $50,000 payment limitation will apply to the total payments received under one or more of the annual wheat, feed grains, upland cotton and rice programs.

(c) The limitation shall not be applicable to loans or purchases, or any

part of any payment which is determined by the Secretary to represent compensation for disaster loss, resource adjustment (excluding land diversion payments), or public access for recreation.

(d) The limitation shall not be applicable to payments made to States, political subdivisions, or agencies thereof for participation in the programs on lands owned by such States, political subdivisions, or agencies thereof so long as such lands are farmed primarily in the direct furtherance of a public function. The limitation is applicable to persons who rent or lease land owned by States, political subdivisions, or agencies thereof.

(e) The limitation shall not be applicable to payments made to Indian tribal ventures for participating in the programs where a responsible official of the Bureau of Indian Affairs or the Indian Tribal Council certifies that no more than the program payment limitation shall accrue directly or indirectly to any individual Indian and the State ASC committee reviews and approves the case.

DEFINITIONS

§ 795.3 Definition of the term "person".

Subject to the provisions of this part, the term "person" shall mean an individual, joint stock company, corporation, association, trust, estate, or other legal entity. In order to be considered a separate person for the purpose of the payment limitation, in addition to other conditions of this part, the individual or other legal entity must:

(a) Have a separate and distinct interest in the land or the crop involved,

(b) Exercise separate responsibility for such interest, and

(c) Be responsible for the cost of farming related to such interest from a fund or account separate from that of any other individual or entity.

§ 795.4 Definitions of other terms.

In the regulations in this part and in all instructions, forms, and documents in connection therewith, all words and phrases, other than the term "person", shall have the meanings assigned to them in the regulations governing reconstitutions of farms, allotments, and bases, Part 719 of this chapter, as amended.

DETERMINATION WHETHER MULTIPLE INDIVIDUALS OR OTHER ENTITIES CONSTITUTE ONE OR SEPARATE PERSONS

§ 795.5 Timing for determining status of persons.

Except as otherwise set forth in this part, the status of individuals or entities on March 1 of the current year shall be the basis on which determinations are made under the regulations for such year.

§ 795.6 Multiple individuals or other entities.

The rules in §§ 795.5 through 795.16 shall be used to determine whether certain multiple individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the limitation. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of persons shall apply.

§ 795.7 Entities or joint operations not considered as a person.

A partnership, joint venture, tenants-in-common, or joint tenants shall not be considered as a person but, notwithstanding the provisions of § 795.3, each individual or other legal entity who shares in the proceeds derived from farming by such joint operations shall be considered a separate person, except as otherwise provided in this part, and shall be listed as a producer for payment purposes on program documents. The payment shares listed on the program documents for each individual or other legal entity shall be the same as each individual or other legal entity shares in the proceeds derived from farming by such joint operation. Notwithstanding the foregoing, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall not be considered as a separate person unless the individual or other legal entity is actively engaged in the farming operations of the partnership or other joint operation. An individual or other legal entity shall be considered as actively engaged in the farming operation only if its contribution to the joint operation is commensurate with its share in the proceeds derived from farming by such joint operation. Members of the partnership or joint venture must furnish satisfactory evidence that their contributions of land, labor, management, equipment, or capital to the joint operation are commensurate with their claimed shares of the proceeds. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the individual. If the contribution consists substantially of capital, such capital must have been contributed directly to the joint operation by the individual or other legal entity and not acquired as a result of (a) a loan made to the joint operation, (b) a loan which was made to such individual or other legal entity by the joint operation or any of its members or related entities, or (c) a loan made to such individual or other legal entity which was guaranteed by the joint operation or any of its members or related entities.

§ 795.8 Corporations and stockholders.

(a) A corporation (including a limited partnership) shall be considered as one person, and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3, except that a corporation in which more than 50 percent of the stock is owned by an individual (including the stock owned by the individual's spouse, minor children, and trusts for the benefit of such minor children), or by a legal entity, shall not be considered as a separate person from such individual or legal entity.

(b) Where the same two or more individuals or other legal entities own more than 50 percent of the stock in each of two or more corporations, all such corporations shall be considered as one person.

(c) The percentage share of the value of the stock owned by an individual or other legal entity shall be determined as of March 1 of the crop year, except that where a stockholder voluntarily acquires stock after March 1 and before the harvest of the crop, the amount of any stock so acquired shall be included in determining the percentage share of the value of the stock owned by the stockholder. Where there is only one class of stock, a stockholder's percentage share of the value of the stock owned by a stockholder shall be determined by the Deputy Administrator on the basis of market quotations, and if market quotations are lacking or too scarce to be recognized the percentage share of the value of the stock shall be determined by the Deputy Administrator on the basis of all relevant factors affecting the fair market value, including the rights and privileges of the various stock issues.

§ 795.9 Estate or trust.

(a) An estate or irrevocable trust shall be considered as one person except that, where two or more estates or irrevocable trusts have common beneficiaries or heirs (including spouses and minor children) with more than a 50-percent interest, all such estates or irrevocable trusts shall be considered as one person.

(b) An individual heir of an estate or beneficiary of a trust may be considered as a separate person to the extent that such heir or beneficiary is engaged in the production of crops as a separate producer and otherwise meets the requirements of § 795.3, except that an estate or irrevocable trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary.

(c) Where an irrevocable trust or an estate is a producer on a farm and one or more of the beneficiaries or heirs of such trust or estate are minor chil-

dren, the minor children's pro rata share of the program payments to the trust or estate shall be attributed to the parent of the minor children except as otherwise provided in § 795.12.

(d) A revocable trust shall not be considered as a separate person from the grantor.

§ 795.10 Club, society, fraternal or religious organization.

Each individual club, society, fraternal or religious organization may be considered as a separate person to the extent that each such club, society, fraternal or religious organization is engaged in the production of crops as a separate producer and otherwise meets the requirements of § 795.3.

§ 795.11 Husband and wife.

A husband and wife shall be considered as one person.

§ 795.12 Minor children.

(a) A minor child and his parents or guardian (or other person responsible for him) shall be considered as one person, except that the minor child may be considered as a separate person if such minor child is a producer on a farm in which the parents or guardian or other person responsible for him (including any entity in which the parents or guardian or other person responsible for him has a substantial interest, i.e., more than a 20-percent interest) takes no part in the operation of the farm (including any activities as a custom farmer) and owns no interest in the farm or allotment or in any portion of the production on the farm, and if such minor child:

(1) Is represented by a court-appointed guardian who is required by law to make a separate accounting for the minor and the ownership of the farm is vested in the minor, or

(2) Has established and maintains a different household from his parents or guardian and personally carries out the actual farming operations on the farm for which there is a separate accounting, or

(3) Has a farming operation resulting from his being the beneficiary of an irrevocable trust and ownership of the property is vested in the trust or the minor.

(b) A person shall be considered a minor until he reaches 18 years of age. Court proceedings conferring majority on a person under 18 years of age will not change such person's status as a minor for purposes of applying the regulations.

§ 795.13 Other cases.

Where the county committee is unable to determine whether certain individuals or legal entities involved in the production of a commodity are to be treated as one person or separate persons, all the facts regarding the arrangement under which the commodity is produced shall be submitted to the State committee for decision. Where the State committee is unable to determine whether such individuals or legal entities are to be treated as one person or separate persons, all the facts regarding the arrangement under which the farming operation is conducted shall be submitted to the Deputy Administrator for decision.

FARMING OPERATIONS

§ 795.14 Changes in farming operations.

(a) Subject to the provisions of this part, a person may exercise his or her right heretofore existing under law, to divide, sell, transfer, rent, or lease his or her property if such division, sale, transfer, rental arrangement, or lease is legally binding as between the parties thereto. However, any document representing a division, sale, transfer, rental arrangement, or lease which is fictitious or not legally binding between the parties thereto shall be considered to be for the purpose of evading the payment limitation and shall be disregarded for the purpose of applying the payment limitation. Any change in farming operations that would otherwise serve to increase the number of persons for application of the payment limitation must be bona fide and substantive.

(b) A substantive change includes, for example, a substantial increase or decrease in the size of the farm by purchase, sale, or lease; a substantial increase or decrease in the size of allotment by purchase, sale, or lease; a change from a cash lease to a share lease or vice versa; and dissolution of an entity such as a corporation or partnership.

(c) Examples of the types of changes that would not be considered as substantive are the following:

Example 1. A corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in the prior year carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.7 of the regulations.

The formation of such a partnership and the leasing of land from a corporation in which they hold a major interest would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners would be limited to a single payment limitation.

Example 2. Three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as a separate person for purposes of applying the payment limitation under the provisions of § 795.8 of the regulations. The formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the three individuals would be limited to three payment limitations.

§ 795.15 Determination whether agreement is a share lease or a cash lease.

(a) *Cash lease.* In any case where a cash rental agreement contains provisions that call for an increase or decrease in the cash rent on the basis of the amount of the crop produced or the proceeds derived from the crop, such agreement shall be regarded as a share rental agreement for the purposes of this part if treating it as a cash rental agreement would result in a smaller reduction in program payments under this part.

(b) *Share lease.* In any case of a share rental agreement which contains provisions for a guaranteed minimum rental or a limitation on the amount of rent to be paid to the landlord by the tenant, such agreement shall be regarded as a cash rental agreement for the purposes of this part if treating it as a share rental agreement would result in a smaller reduction in program payments under the regulations in this part.

§ 795.16 Custom farming.

(a) Custom farming is the performance of services on a farm such as land preparation, seeding, cultivating, applying pesticides, and harvesting for hire with remuneration on a unit of work basis, except that, for the purpose of applying the provisions of this section, the harvesting of crops and the application of agricultural chemicals by firms regularly engaged in such businesses shall not be regarded as custom farming. A person performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person performing the custom farming (and any other entity in which such person has more than a 20-percent interest) has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgage holder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or any other similar capacity.

(b) A person having more than a 20-percent interest in any legal entity performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person having such interest in the legal entity performing the custom farming has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgage holder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

SCHEME OR DEVICE

§ 795.17 Scheme or device.

All or any part of the payments otherwise due a person under the upland cotton, wheat, feed grain and rice programs on all farms in which the person has an interest may be withheld or required to be refunded if the person adopts or participates in adopting any scheme or device designed to evade or which has the effect of evading the rules of this part. Such acts shall include, but are not limited to, concealing from the county committee any information having a bearing on the application of the rules in this part or submitting false information to the county committee (for example, a set-aside agreement which is entered into that differs from information furnished to the county committee concerning the manner in which program payments are actually shared, concerning the actual facts of a sale, or concerning the transfer of property) or creating fictitious entities for the purpose of concealing the interest of a person in a farming operation.

ADJUSTMENT IN SET-ASIDE REQUIREMENT

§ 795.18 Request for downward adjustment in set-aside requirement.

A producer whose payments under the upland cotton, wheat, feed grain or rice program may be reduced because of the limitation may request a downward adjustment in the set-aside requirement for the farm. The request shall be in writing and shall be filed with the county committee by a date prescribed by the Deputy Administrator. If such a producer is sharing in the payments in two or more counties, it shall be the producer's responsibility to furnish information concerning his participation in the other counties to the county committee in which the application for downward adjustment is filed.

§ 795.19 Computation of reduction in set-aside requirement.

In accordance with instructions issued by the Deputy Administrator, the reduction in the set-aside requirement shall be computed by determining the percentage by which the producer's estimated payments are reduced because of the application of the payment limitation and multiplying the number of acres in the producer's portion of the set-aside requirement for the farm or farms participating in the program by this percentage. If the producer is participating in the program on two or more farms, he may elect to have the reduction divided among the farms in such proportion as he may designate.

MISCELLANEOUS

§ 795.20 Joint and several liability.

Where two or more individuals or legal entities, who are treated as one person hereunder, receive payments which in the aggregate exceed the limitation, such individuals or legal entities shall be liable, jointly and severally, for any liability arising therefrom. The provisions of this part requiring the refund of payments shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 795.21 Appeals.

Any person may obtain reconsideration and review of determinations made under this part in accordance with the appeal regulations, Part 780 of this chapter, as amended.

§ 795.22 Interpretations.

In interpretations previously issued pursuant to the payment limitation regulations and published at 36 FR 16569, 37 FR 3049, 39 FR 15021 and 41 FR 17527 shall be applicable in construing the provisions of this part.

Signed at Washington, D.C., on March 1, 1978.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-5955 Filed 3-9-78; 8:45 am]

[3410-02]

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

[Lemon Regulation 136]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 12-18, 1978. Such action is needed to provide for orderly markerting of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 12, 1978.

FOR FURTHER INFORMATION CONTACT:
Charles R. Brader, 202-447-6393.

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

The committee met on March 7, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons remains good.

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

purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.436 Lemon Regulation 136.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 12, 1978, through March 18, 1978, is established at 225,000 cartons.

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

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

Dated: March 8, 1978.

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

[FR Doc. 78-6538 Filed 3-9-78; 11:23 am]

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 303—APPLICATIONS, REQUESTS AND SUBMITTALS

Delegations of Authority

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: These rules widen the authority delegated by FDIC's Board of Directors to the Director of the Division of Bank Supervision and Regional Directors (1) to consider requests for extensions of time within which to perform acts or conditions required by prior action on bank applications and (2) to approve branch applications by mutual or guaranty savings banks. The changes are considered necessary to insure that meritorious applications are disposed of promptly through delegated authority, without the necessity for formal action by the Board of Directors.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Jack Edgington, Assistant Director, Operations Branch, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4404.

SUPPLEMENTARY INFORMATION: Sections 303.11 and 303.12 of the FDIC Rules and Regulations discuss the situations where authority to act on certain applications is delegated by the FDIC Board of Directors to the Director of the Division of Bank Supervision or to Regional Directors.

Section 303.11(a)(5) currently permits the use of delegated authority to consider requests for extensions of time, not to exceed 1 year on any one request, within which to perform acts or conditions required by prior FDIC action on bank applications. However, an aggregate three year limit is imposed for requests relating to the same application. Experience has shown that in many cases, delays exceeding three years are caused by situations beyond bank management's control such as zoning problems or construction delays. The amendment to this section removes the aggregate three year limit. One year extensions may be granted through delegated authority, except where an unjustified delay is due to actions of management, or where there is an interim change of an adverse nature.

Section 303.12(c)(5) currently does not permit a branch application by a mutual or guaranty savings bank to be approved by delegated authority where the applicant's adjusted capital and reserves constitute less than 6 percent of its adjusted gross assets. Recent experience has shown that this requirement results in the Board of Directors having to consider many meritorious applications which could be more quickly disposed of through the use of delegated authority. The amendment to this section would permit the Director of the Division of Bank Supervision to approve such applications where the applicant's adjusted capital and reserves constitute at least 5 percent of its adjusted gross assets. Regional Directors, however, will not have delegated authority to approve these applications where the applicant's adjusted capital and reserves are less than 6 percent of its adjusted gross assets.

These rules are procedural in nature. Therefore, the Board of Directors concludes that, pursuant to § 302.6 of the FDIC Rules and Regulations, good cause exists to dispense with notice and comment and a delayed effective date.

Accordingly, part 303 of 12 CFR is amended as set forth below.

By order of the Board of Directors, March 2, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

1. In § 303.11, paragraph (a)(5) is amended as follows:

§ 303.11 Delegation of authority to act on certain applications.

(a) * * *

(5) Requests for extension of time, not to exceed one year on any one request relating to the same application, within which to perform acts or conditions required by prior Corporation action on bank applications, except in those circumstances where unjustified delay is due to actions of management or there is interim change of an adverse nature;

* * * * *

2. In § 303.12, paragraph (c)(5) is amended as follows:

§ 303.12 Applications where authority is not delegated.

* * * * *

(c) * * *

(5) In the case of a mutual or guaranty savings bank, the applicant's adjusted[7] capital and reserves, including written commitments for additional capital funds, constitute at least 5 percent of its adjusted[7] gross assets; *Provided, however,* That the authority to make such a determination is not delegated to any Regional Director where the applicant's adjusted capital and reserves, including written commitments for additional capital funds, constitute less than 6 percent of its adjusted gross assets.

* * * * *

[FR Doc. 78-6307 Filed 3-9-78; 8:45 am]

[6714-01]

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority To Suspend Time Deposit Withdrawal Penalties

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final delegation of authority to Director, Division of Bank Supervision, to grant applications for the suspension of time deposit withdrawal penalties in certain cases.

SUMMARY: This delegation of authority will authorize the Director, Division of Bank Supervision, to suspend the penalty normally required where all or part of a time deposit is withdrawn before maturity. The suspension would cover depositors who have suffered disaster-related losses in presidentially-declared disaster areas. Actual suspension of the penalty would be up to the bank of deposit.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: On three separate occasions within

the last 2 years the FDIC has been asked to suspend the early withdrawal penalties in its regulations (12 CFR 329.4(d)) because of disasters, so declared by presidential proclamation. These suspensions were approved by FDIC's Board of Directors to give depositors maximum access to funds in a time of severe distress. In the interest of simplifying procedure and avoiding delay, the Board of Directors is delegating the authority to the Director, Division of Bank Supervision (or the appropriate FDIC Regional Director when confirmed by the Director, Division of Bank Supervision), to suspend the required withdrawal penalties for those depositors who suffer disaster-related losses in presidentially-declared disaster areas. Normally any suspension of the penalties will be retroactive to the date of the disaster and will remain in force for a period of 6 months. However, the suspension may be for a longer or shorter period depending upon the particular case. The suspension will allow depositors to withdraw, without penalty, all or part of their time deposits prior to maturity with the consent of the bank of deposit. The suspension, being for the benefit of depositors, will apply whether or not a bank is actually located in a disaster area. However, depositors seeking early withdrawal will be required, absent actual knowledge of loss by a bank official, to submit proof of loss occasioned by the particular disaster. This documentation may consist of insurance claim documents, photographs or the like.

This delegation of authority is issued pursuant to section 9 and 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828(g)).

12 CFR Part 303 is amended by adding a new subparagraph (11) to § 303.11(a) to read as follows:

§ 303.11 Delegation of authority to act on certain applications.

(a) *General.* * * *

(11) Applications for the suspension of the penalties contained in § 329.4(d) of FDIC's regulations (12 CFR 329.4(d)) for withdrawal of time deposits prior to maturity where a depositor has suffered a disaster-related loss in an area which has been declared a disaster area by presidential order pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5141), and the depositor furnishes proof of such loss satisfactory to the bank or an official of the bank of deposit has actual knowledge of the loss.

* * * * *

The requirements of sections 553(b) and 553(d) of title 5 of the United States Code and §§ 302.1, 302.2, and 302.5 of the FDIC's regulations respecting public notice and comment and deferred effective date were not followed in connection with the promulgation of the regulation because it involves internal FDIC procedures and in no way restricts or otherwise affects existing rights.

By order of the Board of Directors.

Dated: March 2, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-6308 Filed 3-9-78; 8:45 am]

[6714-01]

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Purchase of Funds from U.S. Treasury

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation ("Board," "FDIC") has amended FDIC's interest rate regulations so as to exempt from the prohibition against paying interest on demand deposits, an insured nonmember bank's liability on its promissory notes that evidence a short-term purchase of funds from the U.S. Treasury ("Treasury"). Consequently, nonmember banks will be able to pay interest on such obligations at rates to be negotiated with the Treasury. The reason for the action is to accommodate amendments to Treasury regulations which will require insured nonmember banks to pay interest on Treasury Tax and Loan Accounts ("TTL's").

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Attorney Legal Division, Bank Regulation Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: Section 329.10(b)(1) of FDIC's regulations provides, in part, that an insured nonmember bank's liability on its promissory notes and similar obligations will not be considered a "deposit" of the bank for interest rate purposes if the note is issued to an agency of the United States. Under the amendments, a note issued by an insured nonmember bank to evidence its purchase of funds from the U.S. Treasury (generally considered funds of the United States and not an agency thereof) will also be exempt from the restrictions on interest payments which apply to deposits.

This action is taken in recognition of Pub. L. 95-147, which authorizes the Secretary of the Treasury to invest operating cash in obligations of depositories maintaining TTL's. The amendments will promote the purpose behind the legislation in that they will provide the Treasury with a means of obtaining interest on its cash balances.

The Treasury has issued proposed rules regarding implementation of Pub. L. 95-147 (42 FR 62308). The Board has decided that the amendments to FDIC's regulations should take effect immediately so as to allow insured nonmember banks to accommodate the Treasury regulations when they become effective.

These amendments aid in implementing new legislation. They will also augment regulations of the Treasury. The Board believes that significant public benefit will result from their immediate adoption. Consequently, the Board has determined that the procedures for notice, public participation, and deferred effective date as provided in sections 553(b) and 553(d) of the Administrative Procedure Act (12 U.S.C. 553(b) and 553(d)) and §§ 302.1, 302.2, and 302.5 of FDIC's regulations (12 CFR 302.1, 302.2, and 302.5) are unnecessary and would not serve the public interest.

Pursuant to sections 9 and 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828(g)), § 329.10(b)(1) of FDIC's regulations is amended as follows;

§ 329.10 Obligations other than deposits.

* * * * *

(b) *Exceptions.* The provisions of this part 329 shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:

(1) Is issued to (or undertaken with respect to), and held for the account of: (i) a bank, (ii) any organization the time deposits of which are exempt from § 329.6 pursuant to the provisions of § 329.3(g), (iii) the United States or an agency thereof, or the Government Development Bank of Puerto Rico, or (iv) Minbanc Capital Corp. (where such obligation is subordinated to the claims of depositors to the extent of any deposits they may have in the issuing bank); * * *.

* * * * *

By order of the Board of Directors.

Dated: March 2, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-6306 Filed 3-9-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 78-122]

PART 545—OPERATIONS

Electronic Fund Transfers Through Remote Service Units

MARCH 7, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment will allow federally chartered savings and loan institutions to continue operating remote service units (RSUs) under the Board's temporary regulation until June 30, 1978. The Board's present regulations require that all such operations cease on March 31, 1978. This extension of time will allow accountholders to enjoy uninterrupted RSU service while the Board considers a permanent regulation covering electronic fund transfers proposed on February 15, 1978 (43 FR 7327). No applications for new RSUs will be accepted until the Board decides whether to adopt permanent regulations in this area.

EFFECTIVE DATE: March 31, 1978.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board; telephone No. 202-377-6440.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Resolution No. 78-65 (43 FR 5010; February 7, 1978), proposed to amend paragraph (k) of 12 CFR 545.4-2 to temporarily extend the expiration date of that experimental remote service unit regulation from March 31, 1978, to June 30, 1978. Public comments were invited on the proposal by February 22, 1978. The Board received 6 public comment letters (3 federally chartered savings and loans and 3 trade associations); 4 favored adoption of the proposal, although two urged prompt promulgation of permanent regulations. The two banking trade associations which responded opposed the extension, one on the ground that the Board should await resolution by the court of its challenge to the legality of the regulations, the other on the ground that the Board should await Congressional guidance before proposing further RSU activity.

The Board believes that the proposed extension is in the public interest, and that any interruption of RSU service would be unwise.

Because this amendment relieves restriction and keeps temporarily in effect a regulation which the Board believes to be in the public interest, the Board finds that publication of the amendment for the 30-day period specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to its effective date is unnecessary.

Accordingly, the Board hereby amends paragraph (k) of 12 CFR 545.4-2 to read as set forth below effective March 31, 1978. The Board also hereby extends through June 30, 1978, all previous approvals under 12 CFR 545.4-2 which would have expired on March 31, 1978.

§ 545.4-2 Remote service units (experimental provision).

* * * * *

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of June 30, 1978.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-6334 Filed 3-9-78; 8:45 am]

[7510-01]

Title 14—Aeronautics and Space

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1214—SPACE TRANSPORTATION SYSTEM

Subpart 1214.3—Payload Specialists for NASA or NASA-Related Payloads

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule prescribes NASA's policy on and process for the acquisition and utilization of payload specialists who operate NASA or NASA-related payloads aboard Space Transportation System (STS) flights. The advent of the STS has generated the opportunity for the onboard participation of such specialists. The intended effect of this rule is to introduce the payload specialist concept and to provide instructions regarding the acquisition and utilization of such specialists.

DATE: Effective March 10, 1978.

ADDRESS: Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT:

Edmond J. Golden, Deputy Director, Office of Procurement, Headquarters, National Aeronautics and Space Administration, Washington, D.C. 20546, telephone 202-755-2252.

SUPPLEMENTARY INFORMATION: Since the policy and procedures concern agency management and personnel and will be applied in agreements entered into by NASA, the notice and public procedures of 5 U.S.C. 553 were not followed since the policy and procedures are determined to be exempt under 5 U.S.C. 553(a)(2) as "a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts."

14 CFR Part 1214 is amended by revising the Part heading to read "Space Transportation System"; and by adding a new Subpart 1214.3 reading as follows:

Subpart 1214.3—Payload Specialists for NASA or NASA-Related Payloads

Sec.
1214.300 Scope.
1214.301 Definitions.
1214.302 Background.
1214.303 Policy.
1214.304 Process.
1214.305 Payload specialist responsibilities.
1214.306 Payload specialist relationship with sponsoring institutions.

AUTHORITY: 42 U.S.C. 2473.

Subpart 1214.3—Payload Specialists for NASA or NASA-Related Payloads

§ 1214.300 Scope.

This Subpart 1214.3 sets forth NASA's policy on and process for the acquisition and utilization of payload specialists who operate NASA or NASA-related payloads aboard Space Transportation System (STS) flights.

§ 1214.301 Definitions.

(a) *Payload specialist.* A payload specialist is an individual selected to operate assigned payload elements on a specific STS flight or mission.

(b) *NASA or NASA-related payload.* A NASA or NASA-related payload is a specific complement of instruments, space equipment and support hardware, developed by a NASA Program Office or by another party with which NASA has a shared interest, and carried into space to accomplish a mission or discrete activity in space.

(c) *Mission.* The performance of a coherent set of investigations or operations in space to achieve program goals. A single mission might require more than one flight, or more than one mission might be accomplished on a single flight.

(d) *Mission manager.* The mission manager is a NASA official responsible

for the implementation of the NASA or NASA-related payload portion of an STS flight(s). The mission manager is designated by the field installation selected to execute the payload portion of the flight(s).

(e) *Mission specialist.* A mission specialist is a career NASA Astronaut skilled in the operation of STS systems related to payload operations and thoroughly familiar with the operational requirements and objectives of the payloads with which the mission specialist will fly. The mission specialist, when designated for a flight, will participate in the planning of the mission and will be responsible for the coordination of overall payload/STS interaction. The mission specialist will direct the allocation of STS and crew resources to the accomplishment of the combined payload objectives during the payload operations phase of the flight in accordance with the approved flight plan.

(f) *Investigator working group (IWG).* An investigator working group (IWG) is a group, generally composed of the investigators, or their representatives, established in accordance with NASA Management Instruction 1150.1, whose primary purpose is facilitating or coordinating the development and execution of the operational plans of an approved NASA program or reporting the progress thereof. The IWG's work is primarily operational in nature; its advisory function, if any, is only incidental.

§ 1214.302 Background.

The Space Transportation System (STS) has been developed to expand the Nation's capabilities to utilize beneficially the space environment in a cost-effective way. It provides opportunity for onboard participation of investigators, their associates or other representatives of the payload community. Such participation by individuals associated with the investigations should enhance the probability of successful achievement of the payload objectives. Therefore, the concept of a payload specialist has been introduced in order to permit the utilization of various specialists as payload operators. The STS will provide these payload specialists with a habitable working environment and support services in such a way as to require a minimum of dedicated space flight training, allowing them to concentrate their efforts on the accomplishment of their scientific or technical objectives.

§ 1214.303 Policy.

NASA policy is to provide individuals associated with space investigations the opportunity to perform as payload specialists aboard STS flights to conduct measurements and observations in pursuance of mission objectives.

§ 1214.303 Process.

(a) *Determining the need for payload specialist(s).* The Official-in-Charge of the sponsoring Program Office determines the need for a payload specialist(s) to serve aboard an STS flight with the NASA or NASA-related payload. This determination may be made at the time of selection of investigations resulting from an Announcement of Opportunity issued in accordance with NASA Handbook 8030.6, or when the need becomes known during payload/mission development. The policy contained in NASA Management Instruction 3713.2C will be considered.

(b) *Selection of payload specialists.* (1) Except as provided in paragraph (b)(5) of this section, when the Official-in-Charge of the sponsoring Program Office has approved a payload for a mission and/or has otherwise determined a need for a payload specialist(s), the IWG will then commence the selection process.

(2) The IWG will examine the requirements for the selected investigations to determine the number and qualifications of payload specialists and backups that are necessary to support the investigations. Any support which can be provided by the flight crew will be included in these considerations by the IWG.

(3) The IWG members will solicit candidiate payload specialists. The solicitation will require as a minimum that a summary of professional qualifications, a medical history, and the results of the physical examination described in paragraph (b)(3)(iii) of this section be submitted. The IWG will be responsible for:

(i) Establishing professional and operational criteria for payload specialists for specific payloads.

(ii) Screening all candidates against the criteria established.

(iii) Selecting payload specialists from those candidates deemed professionally qualified and who meet the NASA Class III Space Flight Medical Selection Standards. The preselection phases of the medical examiniation will be conducted at various locations by certified examiners approved by the Director, Life Sciences Division, NASA Headquarters.

(4) The Official-in-Charge of the sponsoring Program Office will request that the Director of the Johnson Space Center supply the names and qualifications of appropriate mission specialists who are available to serve as payload specialists for the flight under consideration. These candidates will be considered by the IWG along with all other candidates.

(5) The Official-in-Charge of a sponsoring Program Office is authorized to select a payload specialist(s) as a part of or incident to the acquisition or selection of an investigation(s) for flight. Generally, this authority will be exercised when an IWG has not been convened for this purpose, the investigation(s) is unrelated by nature of its source or objective to the IWG's principal efforts, or other circumstance warrants such approach. In making such selection, the Official-in-Charge of the sponsoring Program Office is to consider the availability of mission specialists as required in paragraph (b)(4) of this section.

(c) *Approval of payload specialists.* The IWG will submit its payload specialist selections through the mission manager to the Official-in-Charge of the sponsoring Program Office for approval. The Official-in-Charge of the sponsoring Program Office will assure appropriate arrangements are made for the assignment of Government employees.

(d) *Preflight activities.* (1)(i) The payload specialist(s) in each assigned position will undergo training required to support the payload elements assigned to that position.

(ii) The IWG is responsible for defining the training necessary for payload elements within its cognizance. The mission manager will assist as necessary in carrying out these IWG defined activities and is responsible for the total integrated payload operations training.

(iii) The Office of Space Transportation Systems (STS) is responsible for training the payload specialists on those Orbiter, Spacelab, Interim Upper Stage, and/or payload support systems which do not vary with the payload being flown; the Office of STS will provide certification to the mission manager of the payload specialists' readiness for flight.

(iv) The mission manager is responsible for verifying that the payload specialists are properly trained for flight including payload and STS requirements.

(2) The medical program for payload specialists will be continued during the preflight period in accordance with the NASA Class III Space Flight Medical Selection Standards.

(3) If during the preflight period the number of payload specialists is reduced to fewer than that desired by the IWG, the IWG will initiate the necessary reprocessing to provide replacements.

(e) *Designation of primary and backup payload specialists (when required).* At an appropriate time designated by the mission manager, the IWG will determine which payload specialists are primary and which are backup. The designations will be forwarded through the mission manager to the Official-in-Charge of the sponsoring Program Office for approval. Consideration will be given to proficiency in both payload operations and STS operations as demonstrated during the training period.

§ 1214.305 Payload specialist responsibilities.

(a) *Operation of payload elements.* The payload specialist will be responsible for the operation of the assigned payload elements. The payload specialist is responsible to the authority of the mission specialist and operates in compliance with mission rules and Payload Operation Control Center directives. Onboard decisions concerning assigned payload operations will be made by the payload specialist. A payload specialist may be designated to resolve conflicts between payload elements and approve such deviations from the flight plan as may arise from equipment failures or STS factors. In the instance of STS factors, the mission specialist will present the available options for decisions by the payload specialist.

(b) *Operation of STS equipment.* The payload specialist will be responsible for knowing how to operate certain Orbiter systems, such as hatches, food and hygiene systems, and for proficiency in those normal and emergency procedures which are required for safe crew operations.

(c) *Relationship with flight crew.* The responsibility for on-orbit management of Orbiter systems and attached payload support systems and for extravehicular activity and payload manipulation with the Remote Manipulator System will rest with the flight crew since extensive training is required for safe and efficient operation of these systems. In general, the flight crew will operate Orbiter systems and standard payload support systems, such as Spacelab and Interim Upper Stage systems; the mission specialist and/or payload specialists will operate payload support systems which have an extensive interface with the payload.

§ 1214.306 Payload specialist relationship with sponsoring institutions.

A payload specialist who is not a U.S. Government employee must have entered into a contractual or other arrangement establishing an obligatory relationship with an institution participating in the payload prior to entering into training at a NASA installation or NASA designated location. It is not the intention of NASA to enter into any direct contractual or other arrangement with payload specialists. Any exception must be approved by the Official-in-Charge of the sponsoring Program Office with the concurrence of the NASA General Counsel and the Director of Procurement.

Effective date: This amendment takes effect on March 10, 1978.

ROBERT A. FROSCH,
Administrator.

[FR Doc. 78-6336—Filed 3-9-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 77N-0167]

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

PART 460—ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE

Microdilution Minimal Inhibitory Concentration Panels

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule provides for the certification of certain in vitro diagnostic devices containing antimicrobials, which are known as microdilution minimal inhibitory concentration (MIC) panels. Under section 507 of the Federal Food, Drug, and Cosmetic Act, the manufacturer has supplied sufficient data and information to establish the safety and effectiveness of MIC panels when used as directed in the labeling.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph Hackett, Bureau of Medical Devices (HFK-403), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7443.

SUPPLEMENTARY INFORMATION: The microdilution minimal inhibitory concentration (MIC) panels consist of three antimicrobial susceptibility test panes: A Gram-positive panel, a Gram-negative panel and a combination identification panel. The panels are used in clinical laboratories for determining susceptibility of micro-organisms to antimicrobial drugs. The procedures in this rule provide for the testing of the panels and of the bulk antimicrobial stock solutions from which the panels are prepared. The panels are tested for purity, identity, and performance, and the bulk stock solutions are assayed for potency and pH.

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of the MIC panels. The Commissioner concludes that the date supplied by the manufacturer concerning these products are adequate to establish their safety and effectiveness when used as directed in the labeling and that the regulations should be amended in Parts 431 and 460 (21 CFR Parts 431 and 460) to provide for their certification.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 431, by amending § 431.53(b)(1) in the table by inserting alphabetically a new entry to read as follows:

§ 431.53 Fees.

* * * * *

(b) * * *

(1) * * *

Test:	*Chargeable fee per test*
* * *	* * *
Frozen antibiotic test panel	32
* * *	* * *

* * * * *

2. In Part 460:

a. In Subpart A by amending § 460.6 by adding new paragraphs (a) (14), (15), (16), and (17) and (b) (14) through (22) to read as follows:

§ 460.6 Tests and methods of assay for potency of antibiotic susceptibility discs.

(a) * * *

(14) *Medium N:*

Infusion from beef (gm)	300.0
Acid hydrolysate of casein (gm)	17.5
Starch (gm)	1.5
Distilled water, q.s. (ml)	1,000.0

pH 7.4 after sterilization.

(15) *Medium O:*

Calf brains, infustion from (gm)	200.0
Beef heart, infusion from (gm)	250.0
Pancreatic digest of gelatin (gm)	10.0
Dextrose (gm)	2.0
Sodium chloride (gm)	5.0
Sodium phosphate dibasic (Na_2HPO_4) (gm)	2.5
Distilled water, q.s. (ml)	1,000.0

pH 7.4 after sterilization.

(16) *Medium P.* Same as medium J with 5 percent defibrinated sheep blood added.

(17) *Medium Q:*

Pancreatic digest of gelatin (gm)	17.0
Pancreatic digest of casein plus equal part of peptic digest of animal tissues (gm)	3.0
Lactose (gm)	10.0
Bile salts mixture (gm)	1.5
Sodium chloride (gm)	5.0
Agar (gm)	13.5
Neutral red (gm)	0.03
Crystal violet (gm)	0.001
Distilled water, q.s. (ml)	1,000.0

pH 7.1 after sterilization.

(b) * * *

(14) *Suspension 14.* The test organism is *Staphylococcus aureus* (ATCC 29213).[1]

(i) *Stock culture.* Transfer a lyophilized culture into medium K in a sterile container and incubate at 37° C for 24 hours. Streak the culture onto the solidified agar surface of a plate containing medium P and incubate the plate at 37° C for 24 hours. Transfer 5 to 10 colonies into 3 milliliters of medium O in a sterile container and incubate at 37° C for 24 hours. Add 3 milliliters of sterile glycerol or 3 milliliters of sterile rabbit serum to the broth culture, mix well and pour the contents into a sterile flask containing a layer of sterile glass beads. Rotate the flask to coat the beads with the culture mixture and aseptically aspirate all the excess liquid from the flask. Store the flask containing the coated glass beads at −20° C to −70° C.

(ii) *Test suspension.* Aseptically add a coated glass bead to 0.5 milliliter of medium O and incubate at 37° C for 24 hours. Streak the culture onto the solidified agar surface of a plate containing medium P and incubate at 37° C for 24 hours. The streak plate may be used for 1 week if kept under refrigeration. On the day of test, transfer 4 to 10 colonies to a sterile tube containing 0.5 milliliter of medium O and incubate at 37° C for 4 to 6 hours. Pipet 0.05 milliliter of the test suspension into a screw-topped tube containing 25 milliliters of sterile distilled water and 0.005 milliliter of sterile polysorbate 80 and mix well (do not shake). Use this test culture suspension as the daily inoculum source.

(15) *Suspension 15.* The test organism is *Escherichia coli* (ATCC 25922).[1] Follow the procedure described for suspension 14 in paragraph (b)(14) of this section, except under paragraph (b)(14)(ii) of this section use medium Q in place of medium P.

(16) *Suspension 16.* The test organism is *Streptococcus faecalis* (ATCC 29212)[1]. Follow the procedure described for suspension 14 in paragraph (b)(14) of this section.

(17) *Suspension 17.* The test organism is *Pseudomonas aeruginosa* (ATCC 27853)[1]. Follow the procedure described for suspension 14 in paragraph (b)(14) of this section, except under paragraph (b)(14)(ii) of this section use medium Q is place of medium P.

(18) *Suspension 18.* The test organism is *Staphylococcus aureus* (ATCC 29247)[1]. Follow the procedure described for suspension 14 in paragraph (b)(14) of this section.

(19) *Suspension 19.* The test organism is *Enterobacter cloacae* (ATCC 29249)[1]. Follow the procedure described for suspension 14 in paragraph (b)(14) of this section.

(20) *Suspension 20.* The test organism is *Pseudomonas aeruginosa* (ATCC 29248)[1]. Follow the procedure described for suspension 14 in paragraph (b)(14) of this section, except under paragraph (b)(14)(ii) of this section use medium Q is place of medium P.

b. By adding new Subpart C to read as follows:

Subpart C—Susceptibility Test Panels

Sec.

460.100 Antimicrobial susceptibility test panels.
460.110 Ampicillin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.113 Carbenicillin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.116 Cephalothin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.119 Chloramphenicol concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.122 Clindamycin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.125 Colistin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.128 Erythromycin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.131 Gentamicin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.134 Kanamycin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.137 Methicillin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.140 Penicillin G concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.146 Tetracycline concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.149 Tobramycin concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.152 Trimethoprim concentrated stock solutions for use in antimicrobial susceptibility test panels.
460.153 Sulfamethoxazole concentrated stock solutions for use in antimicrobial susceptibility test panels.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart C—Susceptibility Test Panels

§ 460.100 Antimicrobial susceptibility test panels.

(a) *Requirements for certification—* (1) *Standards of identity, strength, quality, and purity.* Antimicrobial susceptibility test panels are polystyrene trays molded with separate wells which contain frozen aliquots of antibiotic and non-antibiotic antimicrobial solutions in Mueller-Hinton broth. The trays are used in clinical laboratories for determining susceptibility of microorganisms to antimicrobial drugs. The broth antimicrobial solutions are prepared from serially diluted antimicrobial stock solutions. The concentrated aqueous antimicrobial stock solutions must conform to the requirements for certification prescribed by this section.

(2) *Labeling.* In addition to the requirements of §§ 432.5 and 809.10 of this chapter, each test panel shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or immediate container of trays:

(*a*) The batch mark.

(*b*) The name and potency of each solution in the batch according to the following:

Name of drug	*Content of antimicrobic in micrograms per milliliter*
Ampicillin (gram-positive panel)	8, 4, 2, 1, 0.5, 0.25, 0.12.
Ampicillin (gram-negative panel)	16, 8, 4, 2, 1, 0.5, 0.25.
Carbenicillin	512, 256, 128, 64, 32, 16, 8.
Cephalothin	64, 32, 16, 8, 4, 2, 1.
Chloramphenicol	32, 16, 8, 4, 2, 1, 0.5.
Clindamycin	16, 8, 4, 2, 1, 0.5, 0.25.
Colistin	4.
Erythromycin	16, 8, 4, 2, 1, 0.5, 0.25.
Gentamicin	16, 8, 4, 2, 1, 0.5, 0.25.
Kanamycin	64, 32, 16, 8, 4, 2, 1.
Methicillin	16, 8, 4, 2, 1, 0.5, 0.25.
Penicillin G	4, 2, 1, 0.5, 0.25, 0.12, 0.06.
Tetracycline	16, 8, 4, 2, 1, 0.5, 0.25.
Tobramycin	16, 8, 4, 2, 1, 0.5, 0.25.
Nitrofurantoin	64.
Trimethoprim (gram-positive and gram-negative panel)	32, 16, 8, 4, 2, 1, 0.5.
Trimethoprim (combination identification panel)	2.
Sulfamethoxazole (gram-positive and gram-negative panel)	608, 304, 152, 76, 38, 19, 9.5.
Sulfamethoxazole (combination identification panel)	38.

(*c*) The statement "For in vitro diagnostic use".

(ii) On each tray: The name of the panel, the expiration date, and the batch mark, including filling operation identification.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The concentrated antimicrobial stock solutions used in making the batch for potency and pH.

(*b*) The antimicrobial susceptibility test panels from the batch for performance and identity.

(ii) Samples required: (*a*) The concentrated antimicrobial stock solutions used in making the batch as directed in each individual monograph.

(*b*) The batch: A minimum of 25 panels selected at such intervals throughout the entire time of the filling operation so that the quantities of

[1] Available from American Type Culture Collection, 12301 Parklawn Drive, Rockville, Md. 20852.

panels filled during the intervals are approximately equal.

(b) *Tests and methods of assay*—(1) *Performance*—(i) *Procedure.* Test randomly selected panels with each of the four test organisms as follows: Use the test organism suspensions prepared as described in § 460.6(b) (14), (15), (16), and (17). Transfer 0.005 milliliter of the appropriate test organism suspension into all wells of a panel. For the purpose of this section, wells are identified 1–10 from left to right and A–H from front to rear. Incubate inoculated panels in groups of three or less, each with a clean cover, at 35° C for 16 to 18 hours. For each control organism, the lowest concentration showing complete inhibition of growth is the minimal inhibitory concentration for that particular antimicrobial agent (referred to hereafter as its end point). For the purpose of this section, an on-scale and point means an end point which has been established by growth in the next lower concentration well. No growth in any well in row G does not indicate an on-scale end point unless the next lower concentration can be shown to produce growth. Establishment of an end point for a no-growth result in a well in row G requires additional testing in which 0.1 milliliter of sterile medium N is added to well G in some panels prior to inoculation with the test organism. An on-scale end point in row G is established by no growth in the undiluted well G and growth in the two-fold diluted well G.

(ii) *Evaluation.* Susceptibility test panels of each filling operation pass the performance test if the on-scale end point for each antimicrobial agent and each test organism meet the limits specified in the following table (allowable off-scale end points are identified by asterisks):

PERFORMANCE END POINT ACCEPTANCE LIMITS

Antimicrobic	END POINTS (MICROGRAMS PER MILLILITER)			
	E. coli (ATCC 25922)	*S. faecalis* (ATCC 29212)	*S. aureus* (ATCC 29213)	*P. aeruginosa* (ATCC 27853)
Ampicillin	1–4	0.5–2	0.25–1	Greater than 8 (gram-positive panel). Greater than 16 (gram-negative panel).
Carbenicillin	4*–16	16–64	No growth..	16–64.
Cephalothin	4–16	16–64	....do	64-greater than 64.
Chloramphenicol	2–8	4–16	4–16	Greater than 32.
Clindamycin	16-greater than 16.	4–16	No growth..	Greater than 16.
Colistin	No growth..	Growth	Growth	No growth.
Erythromycin	16-greater than 16.	1–4	0.125*–0.5	Greater than 16.
Gentamicin	0.125*–0.5	4–16	0.125*–0.5	0.125.*–0.5
Kanamycin	1–4	16–64	0.5*–2	Greater than 64.
Methicillin	Greater than 16.	Greater than 16.	0.5–2	Greater than 16.
Nitrofurantion	No growth..	No growth..	No growth..	Growth.
Penicillin G	Greater than 4.	1–4	0.125–0.5	Greater than 4.
Tetracycline	0.25–1	8-greater than 16.	0.125*–0.5	4–16.
Trimethoprim-sulfamethoxazole.	No growth..	No growth..	No growth..	16/304-greater than 32/608 (gram-positive and gram-negative panel).
	....do	....do	....do	Growth (combination identification panel).
Tobramycin	0.25–1	8-greater than 16.	0.125*–0.5	No growth.

*An additional two-fold dilution below well G.

(2) *Identity*—(i) *Test procedure.* Test a randomly selected panel. Use the test organism suspensions prepared as described in § 460.6(b) (18), (19), and (20), and use one panel for several organisms as shown in the following table:

Test organism			Identity test data			
				Type of panel and well to be inoculated		
Name	ATCC No.	Suspension No.	Antibiotics tested	Gram-positive	Gram-negative	Response
S. aureus	29247	18	Methicillin.	3A		No growth.
			Penicillin	4A		Growth.
			Erythromycin	2E		Do.
			Cephalothin	6D	2D	No growth.
			Clindamycin	1E	4D	Do.
			Tetracycline	8D		Growth.
Ent. cloacae	29249	19	Cephalothin		2B	Do.
			Kanamycin		7B	No growth.
Ps. aeruginosa	29248	20	Gentamicin		3D	Growth.
			Tobramycin		8D	No growth.

(Rows are numbered 1–10 from left to right; A–H from front to rear.)

Transfer 0.005 milliliter of the test organism suspension into designated wells of the panel. Incubate the panels at 35° C for 16 to 18 hours in covered stacks of three or fewer panels. Read the designated wells for growth or no growth.

(ii) *Evaluation.* Each susceptibility test panel passes the identity test if the determinations of growth in the designated wells agree with those shown in the table in paragraph (b)(2)(i) of this section.

§ 460.110 Ampicillin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Ampicillin concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous ampicillin trihydrate stock solutions serially diluted with distilled water to contain approximately 3,200, 1,600, 800, 400, 200, 100, and 50 micrograms ampicillin per milliliter. The potency of each solution is satisfactory if it is not less than 100 percent and not more than 150 percent of the number of micrograms of ampicillin that it is represented to contain. The pH of the solution containing 3,200 micrograms of ampicillin per milliliter is not less than 4.0 and not more than 7.0. The ampicillin trihydrate used conforms to the requirements of § 440.7(a)(1) (i), (iii), (iv), (v), (vi), (vii), and (viii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the

requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 2.5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 3,200 micrograms of ampicillin per milliliter.

§ 460.113 Carbenicillin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Carbenicillin concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous carbenicillin disodium stock solutions serially diluted with distilled water to contain approximately the following concentrations: 20,480, 10,240, 5,120, 2,560, 1,280, 640, and 320 micrograms of carbenicillin per milliliter. The potency of each solution is satisfactory if it is not less than 100 percent and not more than 150 percent of the number of micrograms of carbenicillin that it is represented to contain. The pH of the solution containing 20,480 micrograms of carbenicillin per milliliter is not less than 6.0 and not more than 8.0. The carbenicillin disodium used conforms to the requirements of § 440.13a(a)(1)(i), (v), (vi), and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 20 micrograms of carbenicillin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 20,480 micrograms of carbenicillin per milliliter.

§ 460.116 Cephalothin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalothin concentrated stock solutions for use in preparing susceptibility test panels are frozen cephalothin sodium aqueous stock solutions serially diluted with distilled water to contain approximately the following concentrations: 2,560, 1,280, 640, 320, 160, 80, and 40 micrograms of cephalothin per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of cephalothin that it is represented to contain. The pH of the solution containing 2,560 micrograms of cephalothin per milliliter is not less than 4.2 and not more than 7.0. The cephalothin used conforms to the standards prescribed by § 442.25a(a)(1)(i), (v), (vi), (vii), (viii), and (ix) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions used for testing must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 2,560 micrograms of cephalothin per milliliter.

§ 460.119 Chloramphenicol concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol concentrated stock solutions for use in preparing susceptibility test panels are frozen aqueous chloramphenicol stock solutions serially diluted with distilled water to contain approximately the follow concentrations: 1,280, 640, 320, 160, 80, 40, and 20 micrograms of chloramphenicol per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of chloramphenicol that it is represented to contain. The pH of the solution containing 1,280 micrograms of chloramphenicol per milliliter is not less than 4.5 and not more than 7.5. The chloramphenicol used conforms to the standards prescribed by § 455.10(a)(1) (i), (iii), (iv), (v), (vi), and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solution must be thawed and brought to room temperature before further testing.

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as folows: Dilute an accurately measured representative portion of the sample with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter using the solution containing 1,280 micrograms of chloramphenicol per milliliter.

§ 460.122 Clindamycin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Clindamycin concentrated stock solutions for use in preparing susceptibility test panels are frozen aqueous clindamycin hydrochloride stock solutions serially diluted with distilled water to contain approximately the following concentrations: 640, 320, 160, 80, 40, 20, and 10 micrograms of clindamycin per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of clindamycin that it is represented to contain. The pH of the solution containing 640 micrograms of clindamycin per milliliter is not less than 4.5 and not more than 7.0. The clindamycin

used conforms to the standards prescribed by § 453.20(a)(1) (i), (ii), (iv), (v), (vi) and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter. Prepare the sample for assay by diluting an accurately measured representative portion of the sample with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of clindamycin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 640 micrograms of clindamycin per milliliter.

§ 460.125 Colistin concentrated stock solution for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Colistin concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous colistin sulfate stock solutions serially diluted with distilled water to contain an approximate concentration of 160 micrograms of colistin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of colistin that it is represented to contain. Its pH is not less than 5.0 and not more than 8.0. The colistin used conforms to the requirements of § 448.21(a)(1) (i), (iii), (iv), and (v) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: Five frozen aliquots of the concentrated stock solution containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solution must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 10 percent potassium phosphate buffer (solution 6), to the reference concentration of 1 microgram of colistin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution without further dilution.

§ 460.128 Erythromycin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous erythromycin stock solutions serially diluted with 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3) to contain approximately the following concentrations: 3,200, 1,600, 800, 400, 200, 100, and 50 micrograms of erythromycin per milliliter. The potency of each solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of erythromycin that it is represented to contain. The pH of the solution containing 3,200 micrograms of erythromycin per milliliter is not less than 7.5 and not more than 10.0. The erythromycin used conforms to the requirements of § 452.10(a)(1) (i), (iii), (iv), (vii), and (viii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter. Prepare the sample for assay by diluting an accurately measured representative portion of the sample with 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 3,200 micrograms of erythromycin per milliliter.

§ 460.131 Gentamicin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin concentrated stock solutions for use in preparing susceptibility test panels are frozen aqueous gentamicin sulfate stock solutions serially diluted with distilled water to contain approximately the following concentrations: 640, 320, 160, 80, 40, 20, and 10 micrograms of gentamicin per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of gentamicin that it is represented to contain. The pH of the solution containing 640 micrograms of gentamicin per milliliter is not less than 4.5 and not more than 7.0. The gentamicin used conforms to the standards prescribed by § 444.20(a)(1) (iii), (iv), (v), and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain.

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 640 micrograms of gentamicin per milliliter.

§ 460.134 Kanamycin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Kanamycin concentrated stock solutions for use in preparing susceptibility test panels are frozen aqueous kanamycin sulfate stock solutions serially diluted with distilled water to contain approximately the following concentrations: 2,560, 1,280, 640, 320, 160, 80, and 40 micrograms of kanamycin per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of kanamycin that it is represented to contain. The pH of the solution containing 2,560 micrograms of kanamycin per milliliter is not less than 6.5 and not

more than 8.5. The kanamycin used conforms to the standards prescribed by § 444.30(a)(1) (i), (iii), (iv), (vi), (vii), and (viii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Performance.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion with distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 2,560 micrograms of kanamycin per milliliter.

§ 460.137 Methicillin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Methicillin concentrated stock solutions for use in preparing susceptibility test panels are frozen aqueous methicillin sodium stock solutions serially diluted with distilled water to contain approximately 6,400, 3,200, 1,600, 800, 400, 200, and 100 micrograms of methicillin per milliliter. The potency fo each diluted solution is satisfactory if it is not less than 100 percent and not more than 150 percent of the number of micrograms of methicillin that it is represented to contain. The pH of the solution containing 6,400 micrograms of methicillin per milliliter is not less than 5.0 and not more than 7.5. The methicillin used conforms to the standards prescribed by § 440.36a(a)(1)(i), (v), (vi), (vii), (viii), and (ix) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Request for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 2.5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 10 micrograms of methicillin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 6,400 micrograms of methicillin per milliliter.

§ 460.140 Penicillin G concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Penicillin G concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous penicillin G potassium solutions serially diluted with distilled water to contain approximately 1,600, 800, 400, 200, 100, 50 and 25 micrograms of penicillin G per milliliter. The potency of eacn diluted solution is satisfactory if it is not less than 100 percent and not more than 150 percent of the number of micrograms of penicillin G that it is represented to contain. The pH of the solution containing 1,600 micrograms of penicillin G per milliliter is not less than 5.0 and not more than 7.5. The penicillin G potassium used conforms to the standards prescribed by § 440.80a(a)(1)(i), (v) and (vi) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 2.5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1) to the reference concentration of 1.0 unit (0.600 microgram) of penicillin G per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 1,600 micrograms of penicillin G per milliliter.

§ 460.146 Tetracycline concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Tetracycline concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous tetracycline hydrochloride stock solutions serially diluted with distilled water to contain approximately the following concentrations: 640, 320, 160, 80, 40, 20, and 10 micrograms of tetracycline per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of tetracycline that it is represented to contain. The pH of the solution containing 640 micrograms of tetracycline per milliliter is not less than 3.0 and not more than 7.0. The tetracycline hydrochloride used conforms to the standards prescribed by § 446.81a(a)(1)(i), (vi), (vii), and (viii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to the reference concentration of 0.24 microgram of tetracycline per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 640 micrograms of tetracycline per milliliter.

§ 460.149 Tobramycin concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Tobramycin concentrated stock solutions for use in preparing antimicrobial susceptibility test panels are frozen aqueous tobramycin sulfate stock solutions serially diluted with distilled water to contain approximately the following concentrations: 1,280, 640, 220, 160, 80, 40, and 20 micrograms of tobramycin per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than

140 percent of the number of micrograms of tobramycin that it is represented to contain. The pH of the solution containing 1,280 micrograms of tobramycin per milliliter is not less than 8.5 and not more than 10.5. The tobramycin used conforms to the standards prescribed by § 444.80(a)(1)(i), (iii), (iv), (v), and (vi) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing approximately 5.0 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 1,280 micrograms of tobramycin per milliliter.

§ 460.152 Trimethoprim concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Trimethoprim concentrated stock solutions for use in antimicrobial susceptibility test panels are frozen aqueous acidified trimethoprim lactate stock solutions serially diluted with distilled water to contain approximately the following concentrations: 6,400, 3,200, 1,600, 800, 400, 200, and 100 micrograms of trimethoprim per milliliter, or to a single concentration of 400 micrograms of trimethoprim per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of trimethoprim that it is represented to contain. The pH of the solution, containing 400 micrograms of trimethoprim per milliliter, is not less than 2.5 and not more than 6.0. The trimethoprim lactate used is a white, odorless, crystalline powder. Its potency is not less than 74 percent nor more than 78 percent trimethoprim. Its melting range is between 183° C and 187° C. Its loss on drying is not more than 1.0 percent. It passes the identity test. It conforms to the standards prescribed by this section.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The batch for potency and pH.

(*b*) The trimethoprim lactate used in preparing the solutions for potency, melting range, loss on drying, and identity.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 5 milliliters.

(b) *Tests and methods of assay—*(1) *Trimethoprim stock solution.* The sample solutions must be thawed and brought to room temperature before testing.

(i) *Potency—*(*a*) *Working standard.* Accurately weigh approximately 52 milligrams of the trimethoprim working standard. Dissolve and dilute the working standard in 100 milliliters of 0.1*N* hydrochloric acid to make a stock solution, containing approximately 400 micrograms of trimethoprim per milliliter. Further dilute the working standard twentyfold in distilled water to approximately 20 micrograms of trimethoprim per milliliter.

(*b*) *Preparation of sample.* The sample solution must be thawed and brought to room temperature. Further dilute with distilled water to an estimated concentration of 20 micrograms of trimethoprim per milliliter.

(*c*) *Procedure.* Using a suitable spectrophotometer equipped with 1.0 centimeter cells, determine the absorbance of the sample and working standard solutions at a wavelength of 270 nanometers.

(*d*) *Calculations.* Calculate the potency of the trimethoprim solutions as follows:

Micrograms of trimethoprim per milliliter in trimethoprim lactate=sample absorbance times weight of standard (mg) times 0.763 times *f* times 1,000 times purity of standard in percent, divided by standard absorbance times 100 times 20 times 100

where:

f=dilution factor of each sample solution.

(ii) *pH.* [Reserved]

(2) *Trimethoprim—*(i) *Potency.* Proceed as directed in § 436.213 of this chapter using the method described in paragraph (e)(2) of that section except, to prepare the sample for assay, dissolve approximately 50 milligrams of sample accurately weighed in 60 milliliters of glacial acetic acid. Calculate the trimethoprim content as follows:

Percent trimethoprim=(V_1-V_2) (N) (290.3) (100) (100) divided by (100−M) times W

where:

V_1=Volume perchloric acid used to titrate sample;

V_2=Volume perchloric acid used to titrate blank;

W=Sample weight in milligrams;

N=Normality of perchloric acid reagent;

M=Percent moisture in the sample.

(ii) *Melting range.* Proceed as directed in § 436.209 of this chapter.

(iii) *Loss on drying.* Proceed as directed in § 436.200(e) of this chapter.

(iv) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.25 percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

460.153 Sulfamethoxazole concentrated stock solutions for use in antimicrobial susceptibility test panels.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sulfamethoxazole concentrated stock solutions for use in antimicrobial susceptibility test panels are frozen aqueous alkaline sulfamethoxazole stock solutions serially diluted with distilled water containing approximately the following concentrations: 12,160, 6,080, 3,040, 1,520, 760, 380, and 190 micrograms of sulfamethoxazole per milliliter, or to a single concentration of 760 micrograms of sulfamethoxazole per milliliter. The potency of each diluted solution is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of micrograms of sulfamethoxazole that it is represented to contain. The pH of the solution containing 760 micrograms of sulfamethoxazole per milliliter is not less than 9.0 and not more than 12.5. The sulfamethoxazole used conforms to the standards prescribed by the National Formulary.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency and pH.

(ii) Samples required: A minimum of five frozen aliquots of each dilution of the concentrated stock solutions, each containing at least 10 milliliters.

(b) *Tests and methods of assay.* The sample solutions must be thawed and brought to room temperature before testing.

(1) *Potency.* Dilute aliquots of each sample in sufficient distilled water to make solutions containing 10 micrograms of sulfamethoxazole per milliliter. Place approximately 100 milligrams of the standard, accurately weighed, into a 100-milliliter volumetric flask and make to volume with 0.1*N* sodium hydroxide. Pipet 1.0 milliliter of this solution into a 100-milliliter volumetric flask and make to

volume with distilled water. Using a suitable spectrophotometer equipped with 1.0 centimeter cells, and distilled water as the blank, determine the absorbance of sample and standard solutions at 257 nanometers. Calculate the potency of the sulfamethoxazole as follows:

Micrograms of sulfamethoxazole per milliliter = sample absorbance times weight of standard (in mcg) times f times purity of standard in percent divided by standard absorbance times 100 times 100

where:

f = Dilution factor of each sample solution.

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution containing 760 micrograms of sulfamethoxazole per milliliter.

Because the conditions prerequisite to providing for certification of these products have been complied with and as the matter is non-controversial, the Commissioner finds for good cause that prior notice and public procedure are impracticable and unnecessary and that the amendment may become effective upon the day of publication. Interested persons may, on or before April 10, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments, in quadruplicate and identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date. This order shall be effective March 10, 1978.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: March 3, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6115 Filed 3-9-78; 8:45 am]

[4110-03]

[Docket No. 75N-0020]

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Penicillin; Updating and Technical Revisions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends a final rule that made updating and technical revisions to the antibiotic drug regulations. This document is issued to correct certain omissions and to reflect certain approved dosage forms that were overlooked in the previous amendment.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4292.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 22, 1977, the Food and Drug Administration issued regulations to update and make technical changes in the antibiotic drug regulations. Certain omissions were made in a table on safety tests, and certain approved dosage sizes for penicillin drugs were overlooked. This document is issued to make the necessary changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), parts 436 and 440 are amended as follows:

1. In Part 436, § 436.33 is amended in the table in paragraph (b) by adding alphabetically the following entries: "Amikacin," "Amikacin sulfate," "Bleomycin sulfate," "Ticarcillin disodium," "Tobramycin," "Tobramycin sulfate," and "Vidarabine"; by revising the entry for "Viomycin sulfate"; and by deleting the entry for "Streptonicozid sulfate," as follows:

§ 436.33 Safety test.

* * * * * * *

(b)* * *

Antibiotic drug	Diluent (diluent number as listed in sec. 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Test dose: Route of administration as described in par. (c) of this section
Amikacin	4	5 mg	.5	Intravenous.
Amikacin sulfate	4	5 mg	.5	Do.
* * *	*	* *	*	*
Bleomycin sulfate	4	5 units	.5	Do.
* * *	*	* *	*	*
Ticarcillin disodium	3	40 mg	.5	Do.
Tobramycin	4	1 mg	.5	Do.
Tobramycin sulfate	4	1 mg	.5	Do.
* * *	*	* *	*	*
Vidarabine	5	40 mg	.5	Intraperitoneal.
Viomycin sulfate	4	2 mg	.5	Intravenous.

2. Part 440 is amended:

§ 440.255b [Amended]

a. In § 440.255b *Sterile penicillin G benzathine suspension,* the second sentence of paragraph (a)(1) is revised to read "Each container or each milliliter contains penicillin G benzathine equivalent to not less than 300,000 units of penicillin G."

§ 440.255c [Amended]

b. In § 440.255c *Sterile penicillin G benzathine-penicillin G procaine suspension,* the second sentence of paragraph (a)(1) is revised to read "Each container or each milliliter contains penicillin G benzathine and penicillin G procaine each equivalent to not less than 150,000 units of penicillin G."

§ 440.274b [Amended]

c. In § 440.274b *Sterile penicillin G procaine suspension,* the third sentence of paragraph (a)(1) is revised to read "Each container or each milliliter contains penicillin G procaine equivalent to not less than 300,000 units of penicillin G."

§ 440.280b [Amended]

d. In § 440.280b *Penicillin G potassium for injection,* in paragraph (a)(1) the last sentence is revised and a new sentence is added to follow it: "If penicillin G potassium buffered is used, it conforms to the standards prescribed by § 440.1080(a)(1). If penicillin G potassium is used, it conforms to the standards prescribed by § 440.80a(a)(1) and the sodium citrate and citric acid conforms to the standards prescribed by the U.S.P."

Since the conditions prerequisite to providing for certification of the drugs referenced herein have been complied with and as the matter is noncontroversial, the Commissioner finds for good cause that prior notice and public procedure are impractical and unnecessary and that the amendment may become effective upon the day of its publication. Interested persons may, on or before April 10, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments in four copies and identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a future amendment.

Effective date: March 10, 1978.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: March 1, 1978.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 78-6117 Filed 3-9-78; 8:45 am]

[4110-03]

[Docket No. 78N-0008]

ANTIBIOTIC DRUGS

Miscellaneous Amendments; Corrections, Revocations, and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document makes corrections, revocations, and noncontroversial technical changes to update the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. This rule will result in more accurate regulations that reflect current certification practice.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Nathan M. Kight, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3640.

SUPPLEMENTARY INFORMATION: To help understand the types of changes included in this document, the changes have been grouped into three general classes for discussion in this preamble: (1) Corrections of typographical errors; (2) revocation of inactive and duplicate sections; and (3) noncontroversial technical changes.

1. *Corrections.* Five sections are corrected for typographical errors: §§ 440.105b(b)(1)(ii), 440.290, 442.23a(a)(1)(ix), 449.120b(a)(1), and 455.50(b)(6).

2. *Revocations.* Two sections are revoked: § 452.120 *Erythromycin ethylcarbonate oral dosage forms* (because there are no longer any oral dosage forms of erythromycin ethylcarbonate being certified) and § 455.10b *Sterile chloramphenicol* (because it is an unnecessary duplication of § 455.10a *Sterile chloramphenicol*).

3. *Technical changes.* In keeping with current policy, certain technical changes, based on certification experience, are made as part of updating the regulations. Technical changes are made in three sections of the regulations: In § 440.115b(a)(3)(ii)(*b*) the phrase "five immediate containers" is changed to read "six immediate containers"; in § 452.10(a)(1)(iv), the phrase "in a saturated aqueous solution, prepared by using 100 milligrams of erythromycin per milliliter" is no longer necessary and is deleted; and § 455.212 is added to Part 455 (21 CFR Part 455) to maintain the scheme of the regulations.

The Commissioner of Food and Drug has reviewed the potential environmental impact of the amendments and has concluded that this action will not significantly affect the quality of the human environment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Chapter I of 21 CFR is amended in Subchapter D as follows.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

1. Part 440 is amended:

a. In § 440.105b, by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105b Ampicillin chewable tablets.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Blend a representative number of tablets in a high-speed blender with sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

b. In § 440.115b, by revising paragraph (a)(3)(ii)(*b*) to read as follows:

§ 440.115b Cloxacillin sodium monohydrate for oral solution.

(a) * * *

(3) * * *

(ii) * * *

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

* * * * *

c. By revising § 440.290 to read as follows:

§ 440.290 Sterile ticarcillin disodium.

The requirements for certification and the tests and methods of assay for sterile ticarcillin disodium packaged for dispensing are described in § 440.90a.

PART 442—CEPHA ANTIBIOTIC DRUGS

2. Part 442 is amended:

In § 442.23a, by revising paragraph (a)(1)(ix) to read as follows:

§ 442.23a Sterile cephaloridine.

(a) * * *

(1) * * *

(ix) The ultraviolet absorption spectrum between the wavelengths of 220 and 310 nanometers compares qualitatively to that of the cephaloridine working standard. The ratio of the absorbance of the maximum at the wavelength of 240 nanometers to that of the shoulder at 255 nanometers is not less than 1.05 and not more than 1.17.

* * * * *

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

3. Part 449 is amended in § 449.120b by revising paragraph (a)(1), to read as follows:

§ 449.120b Griseofulvin capsules.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Griseofulvin capsules are gelatin capsules containing griseofulvin with a suitable filler or binder, with or without a suitable lubricant. Each capsule contains 125 or 250 milligrams of griseofulvin. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 1 percent. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

* * * * *

PART 452—MACROLIDE ANTIBIOTIC DRUGS

4. Part 452 is amended:

a. In § 452.10 by revising paragraph (a)(1)(iv) to read as follows:

§ 452.10 Erythromycin.

(a) * * *

(1) * * *

(iv) Its pH is not less than 8.0 or more than 10.5.

* * * * *

§ 452.120 [Revoked]

b. By revoking § 452.120 *Erythromycin ethylcarbonate oral dosage forms.*

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

5. Part 455 is amended:

§ 455.10b [Revoked]

a. By revoking § 455.10b *Sterile chloramphenicol.*

b. In § 455.50, by revising paragraph (b)(6) as follows:

§ 455.50 Calcium novobiocin.

* * * * *

(b) * * *

(6) *Identity.* Proceed as directed in § 455.51(b)(7).

* * * * *

d. By adding new § 455.212 to read as follows:

§ 455.212 Sterile chloramphenicol sodium succinate.

The requirements for certification and the tests and methods of assay for sterile chloramphenicol sodium succinate packaged for dispensing are described in § 455.12a.

In consideration of the foregoing, the Commissioner finds for good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Interested persons may, on or before the effective date of this final rule file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville Md. 20857, four copies of written comments, identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this final rule justified by such comments will be the subject of a further amendment.

Effective date. This regulation shall become effective April 10, 1978.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: March 3, 1978.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 78-6116 Filed 3-9-78; 8:45 am]

[4110-03]

[Docket No. 77N-0235]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Palmitate-Trypsin-Chymotrypsin Ointment; Postponement of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document postpones the effective date of a final rule that revoked provisions for certification of a combination drug product in a topical ointment form containing neomycin palmitate, trypsin, and chymotrypsin. The postponement is in response to a request for a hearing. The drug has been used to treat certain localized infections.

DATE: Postponement effective December 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Nathan J. Treinish, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 11, 1977 (42 FR 58739) (Docket No. 77N-0235; DESI 50020), the Director of the Bureau of Drugs promulgated a final rule, to be effective on December 21, 1977, amending 21 CFR Part 444 of the antibiotic drug regulations by revoking §§ 444.40 and 444.540a, which provide for certification of bulk neomycin palmitate and combination drugs containing neomycin palmitate, trypsin, and chymotrypsin in an ointment form. In the same issue of the FEDERAL REGISTER (42 FR 58766) (Docket No. 77N-0234), the Director of the Bureau of Drugs proposed to revoke § 444.540 *Neomycin palmitate dermatologic dosage forms* and § 444.540b *Neomycin palmitate-trypsin-chymotrypsin concentrate lotion.* Elsewhere in this issue of the FEDERAL REGISTER, the Director is revoking those provisions for certification of the concentrate lotion and providing 30 days for the filing of objections and requests for a hearing.

In response to the November 11, 1977 final rule, Armour Pharmaceutical Co. filed a hearing request and data on behalf of Biozyme Ointment (NDA 50-020). The data are currently being reviewed. When the review is completed, the Commissioner of Food and Drugs will announce in the FEDERAL REGISTER whether or not Armour Pharmaceutical Co. has demonstrated the existence of a genuine and substantial issue of fact requiring a hearing.

Therefore, the effective date of the November 11, 1977 regulation revoking §§ 444.40 and 444.540a concerning neomycin palmitate-trypsin-chymotrypsin ointment (42 FR 58739) is hereby postponed to allow time for completion of review of the data submitted.

This action is being taken under authority of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director, Bureau of Drugs (21 CFR 5.78).

Dated: March 3, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-6283 Filed 3-9-78; 8:45 am]

[4110-03]

[Docket No. 77N-0234]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Palmitate-Trypsin-Chymotrypsin Concentrate Lotion

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document revokes a provision for certification of a combination drug product in a concentrate lotion form that contains neomycin palmitate, trypsin, and chymotrypsin. This action is taken because the product is regarded as lacking substantial evidence of effectiveness and has never been approved.

DATES: Final rule effective April 20, 1978. Requests for hearing due by April 10, 1978.

ADDRESS: Requests for hearing to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Nathan J. Treinish, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 11, 1977 (42 FR 58739, Docket No. 77N-0235), the Director of the Bureau of Drugs issued a final rule, to be effective on December 21, 1977, amending 21 CFR Part 444 of the antibiotic drug regulations by revoking §§ 444.40 and 444.540a, which provide for certification of bulk neomycin palmitate and combination drugs containing neomycin palmitate, trypsin, and chymotrypsin in an ointment form. Elsewhere in this issue of the FEDERAL REGISTER, the Director is postponing the effective date of that final rule.

Also in the FEDERAL REGISTER of November 11, 1977 (42 FR 58766, Docket No. 77N-0234), the Director proposed to revoke § 444.540 Neomycin palmitate dermatologic dosage forms (21 CFR 444.540) and § 444.540b Neomycin palmitate-trypsin-chymotrypsin concentrate lotion (21 CFR 444.540b). No comments were received in response to the proposed revocation. The product is regarded as lacking substantial evidence of effectiveness and has never been approved. On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) and §§ 300.50 and 314.111(a)(5) (21 CFR 300.50 and 314.111(a)(5)) and Part 430 (21 CFR Part 430), demonstrating the effectiveness of this product.

Since the effective date of the regulation revoking § 444.540a is being postponed, § 444.540, which is an "umbrella" heading, will be retained. Therefore, the proposal to revoke § 444.540 is not being made final by this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357) and under authority delegated to the Commissioner, and redelegated to the Director of the Bureau of Drugs (21 CFR 5.78), Part 444 of Chapter I of Title 21 of the Code of Federal Regulations is amended by revoking § 444.540b Neomycin palmitate-trypsin-chymotrypsin concentrate lotion.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. It is the responsibility of every manufacturer or distributor of an antibiotic drug product to review every antibiotic order published in the FEDERAL REGISTER to determine whether it covers any product that the person manufactures or distributes.

Any person who decides to seek a hearing shall file (1) on or before April 10, 1978, a written notice of appearance and request for hearing, and (2) on or before May 9, 1978, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. Any other interested person may submit comments on this regulation. The procedures and requirements governing this regulation, a notice of appearance and request for hearing, a submission of data, information and analyses to justify a hearing, other comments, and a grant or denial of a hearing are contained in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that no genuine and substantial issue of fact precludes the action taken by this regulation or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this regulation shall be filed in four copies (identified with Docket Number 77N-0234) with the Hearing Clerk (HFC-20), Food and Drug Administration.

All submissions pursuant to this order, except for data and information 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 (HFC-20), between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 20, 1978. If objections are filed, the effective date will be extended as necessary to rule thereon.

(Secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357).)

Dated: March 3, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-6282 Filed 3-9-78; 8:45 am]

[1505-01]

[Docket No. 76N-0453]

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

Correction

In FR Doc. 77-25422 appearing in the issue of Friday, September 2, 1977 on page 44223, on page 44224 in § 455.90a(b)(1)(iii), the 12th line should read, "100-milliliter mark of the volumetric * * *".

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 77N-0133]

PART 500—GENERAL

Subpart B—Specific Administrative Rulings and Decisions

METHYLENE BLUE

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document requires approved new animal drug applications (NADA's) for animal drugs that contain methylene blue for oral administration to cats and dogs. The regulation results from concern over the safety and efficacy of such products to the animals being treated.

DATES: Effective on April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of July 22, 1977 (42 FR 37577), the Food and Drug Administration proposed to require NADA's for animal drugs that contain methylene blue and are orally administered to cats and dogs. Interested persons were given 60 days to comment.

One response was received to the proposal. The American Veterinary Medical Association (AVMA) requested clarification of the effect a final rule on the proposal would have on

the use of methylene blue in other species. The AVMA said that in the case of nitrate poisoning, the use of methylene blue (parenterally) has long been recognized as approved therapy for methemoglobinemia and is regularly used as an emergency lifesaving measure. The AVMA expressed similar concerns by letter to the Bureau of Veterinary Medicine.

By letter dated December 16, 1977, the Bureau of Veterinary Medicine responded to the AVMA and said the proposal was specifically and intentionally addressed only to oral dosage forms of methylene blue for use in dogs and cats. The Commissioner reiterates that the determination of new animal drug status for methylene blue made by this rule pertains solely to methylene blue for oral use in dogs and cats.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 500 is amended by adding new § 500.27 to read as follows:

§ 500.27 Methylene blue-containing drugs for use in animals.

(a) New information requires a reevaluation of the status of drugs containing methylene blue (tetramethylthionine chloride) for oral use in cats or dogs.

(1)(i) It has been demonstrated that two orally administered urinary antiseptic-antispasmodic preparations that contained methylene blue cause Heinz body hemolytic anemia in cats when used according to label directions. The specific cause of the reaction was determined to be the methylene blue contained in the preparations. The reaction can be severe enough to cause death of treated animals.

(ii) The Heinz body hemolytic anemia reaction to methylene blue has also been demonstrated in dogs under laboratory conditions. The precise mechanism by which methylene blue produces the characteristic erythrocytic inclusion bodies (Heinz bodies) and associated hemolytic anemia is unclear.

(2) The effectiveness of orally administered methylene blue as a urinary antiseptic is open to question. It appears that following oral administration, methylene blue is poorly and erratically absorbed and also slowly and erratically excreted in the urine. Studies in the dog indicate it is excreted in the urine essentially as leukomethylene blue stabilized in some manner. Methylene blue itself is stepwise demethylated in alkaline solutions (alkaline urine being a frequent consequence of urinary infection) to Azure B, Azure A, and Azure C. The antiseptic efficacy of all of these excretion products is unsubstantiated.

(3) In view of the foregoing, the Commissioner has concluded that animal drugs containing methylene blue for oral use in cats or dogs are neither safe nor generally recognized as effective within the meaning of section 201(w) of the act and are therefore considered new animal drugs. Accordingly, all prior formal and informal opinions expressed by the Food and Drug Administration that such drugs are "not new drugs" or "no longer new drugs" are hereby revoked.

(b) Animal drugs that contain methylene blue for oral use in cats or dogs and not the subject of an approved new animal drug application (NADA) are deemed to be adulterated under the provisions of section 501(a) (5) and/or (6) and/or misbranded under section 502(a) of the act and subject to regulatory action as of April 10, 1978.

(c) Sponsors of animal drugs that contain methylene blue for oral use in cats or dogs and not the subject of an approved new animal drug application (NADA) may submit an application in conformity with § 514.1 of this Part. Such applications will be processed in accordance with section 512 of the Act. Submission of an NADA will not constitute grounds for continued marketing of this drug substance until such application is approved.

(d) New animal drug applications required by this regulation pursuant to section 512 of the Act shall be submitted to the Food and Drug Administration, Bureau of Veterinary Medicine, Office of Scientific Evaluation (HFV-100), 5600 Fishers Lane, Rockville, Md. 20857.

Effective date. This regulation becomes effective on April 10, 1978.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)))

Dated: March 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6051 Filed 3-9-78; 8:45 am]

[4110-03]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

American Hoechst Corp., Hoechst-Roussel Pharmaceuticals, Inc.; Change of Drug Listing Number

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to designate those new animal drug applications (NADA's) that are sponsored by American Hoechst Corp., and those sponsored by Hoechst-Roussel Pharmaceuticals, Inc. And the listing of sponsors is amended to reestablish the entry for Hoechst-Roussel Pharmaceuticals and to provide a separate entry for American Hoechst Corp. This amendment is made to reflect the correct sponsors for certain bambermycins-containing products.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 5, 1977 (42 FR 18059), the animal drug regulations were amended to establish American Hoechst Corp. as the sponsor of several NADA's for bambermycins-containing products. The firm name in 21 CFR 510.600(c) was changed in the entry for Hoechst-Roussel Pharmaceuticals, Inc., to reflect this request. In a subsequent publication concerning approval of NADA 104-494V (Fenbendazole), the sponsor was listed as American Hoechst. The firm has advised that this is in error, in that American Hoechst Corp., a subsidiary of Hoechst-Roussel Pharmaceuticals, Inc., is the sponsor of several NADA's for bambermycins-containing products only, and the parent company is the sponsor of several other NADA's. Therefore, the regulations are amended to reinstate Hoechst-Roussel as a sponsor in § 510.600(c) and to provide a separate sponsor listing for American Hoechst. As amended, the regulations will reflect the correct sponsors for these NADA's.

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

In part 510, § 510.600 is amended in paragraph (c)(1) and (2) by reestablishing the entry for Hoechst-Roussel Pharmaceuticals, Inc., and revising the entry for American Hoechst Corp., as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address:	Drug Listing No.
* * * * *	
American Hoechst Corp., Agricultural Division, Route 202-206 North, Somerville, NJ 08876.	012799
* * * * *	
Hoechst-Roussel Pharmaceuticals, Inc., Route 202-206 North, Sommerville, NJ 08876	000039
* * * * *	

(2) * * *

Drug Listing No:	*Firm name and address*
* * * * *	
000039	Hoechst-Roussel Pharmaceuticals, Inc., Route 202-206 North, Somerville, NJ 08876.
* * * * *	
012799	American Hoechst Corp., Agricultural Division, Route 202-206 North, Somerville, NJ 08876.
* * * * *	

2. Part 558 is amended as follows:

§ 558.55 [Amended]

a. In § 558.55 *Amprolium*, paragraph (e)(2) is amended in the table, in item (iii), in the "Limitations" column for the combination of amprolium with bambermycins and roxarsone, by deleting the number "000039" and inserting in its place "012799."

§ 558.58 [Amended]

b. In § 558.58 *Amprolium and ethopabate*, paragraph (e)(1) is amended in the table in item (ii) in the "Limitations" column for amprolium and ethopabate in combination with bambermycins plus roxarsone by deleting the number "000039" and inserting in its place "012799"; and in item (iii) of the table in paragraph (e)(1), in the "Limitations" column for the entries of amprolium and ethopabate in combination with bambermycins and in combination with bambermycins plus roxarsone, the number "000039" is deleted in each entry and "012799" is inserted in its place.

§ 558.95 [Amended]

c. In § 558.95 *Bambermycins*, paragraph (b) is amended by deleting the number "000039" and inserting in its place "012799", and paragraph (e)(1)(vi)(*b*) and (vii)(*b*) is amended by deleting the number "000039" and inserting in its place "012799."

Effective date. March 10, 1978.

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

Dated: March 6, 1978.

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

[FR Doc. 78-6313 Filed 3-9-78; 8:45 am]

[1505-01]

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

Piperazine Phosphate Capsules

Correction

In FEDERAL REGISTER Doc. 78-4207 appearing at page 6941 in the issue of Friday, February 17, 1978 under the heading "FOR FURTHER INFORMATION CONTACT:" second line, "(HFV-12)" should read, "(HFV-112)", and in § 520.1804 the first line of paragraph (c)(2) should read as follows:

"(2) *Indications for use*—(i) *Dogs.* It"

[4110-03]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Gonadorelin Diacetate Tetrahydrate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Abbott Laboratories for use of an injectable hormone for treating cystic ovaries in cattle.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064, filed NADA 98-379V to provide for safe and effective injection of synthetic gonadotropin-releasing-hormone (gonadorelin diacetate tetrahydrate) for treating ovarian cysts in dairy cows.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 522 is amended by adding new § 522.1078 to read as follows:

§ 522.1078 Gonadorelin diacetate tetrahydrate injection.

(a) *Specifications.* The drug contains 50 micrograms of gonadorelin diacetate tetrahydrate in each milliliter of sterile solution.

(b) *Sponsor.* See No. 043731 in § 510.600(c) of this chapter.

(c) *Conditions of use.* It is used in dairy cows as follows:

(1) *Amount.* 100 micrograms per cow.

(2) *Indications for use.* The drug is used for the treatment of ovarian cysts.

(3) *Limitations.* Administer as a single intramuscular or intravenous injection. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: March 10, 1978.

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

Dated: March 6, 1978.

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

[FR Doc. 78-6312 Filed 3-9-78; 8:45 am]

[4110-03]

SUBCHAPTER F—BIOLOGICS

[Docket No. 77N-0114]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Source Plasma (Human)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends the regulations regarding Source Plasma (Human) to clarify the conditions

under which a donor who has not had the red blood cells returned from a unit of blood collected during a plasmapheresis procedure or who has been a donor of a unit of whole blood may be plasmapheresed again within 8 weeks. This change is necessary because the regulation has been misapplied by manufacturers to permit routine rather than occasional exceptions to the 8-week waiting period after the loss of red blood cells. This amendment limits the exception to the 8-week waiting period to those cases where the donor possesses an antibody that is (1) transitory, (2) of a highly unusual or infrequent specificity, or (3) of an unusually high titer. This amendment also requires that records document the special characteristics of the antibody and the need for plasmapheresing the donor.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of May 17, 1977 (42 FR 25339), the Commissioner of Food and Drugs proposed to amend the biologics regulations to clarify the conditions under which a donor who has not had the red blood cells returned from a unit of blood collected during a plasmapheresis procedure or who has been a donor of a unit of whole blood may be plasmapheresed again within 8 weeks. The amendment was proposed because § 640.63(e) has been misapplied by manufacturers to permit routine rather than occasional exceptions to the 8-week waiting period after the loss of red blood cells. The Commissioner proposed to limit the exception to the 8-week waiting period to donors possessing an antibody that is (1) transitory, (2) of a highly unusual or infrequent specificity, or (3) of an unusually high titer. To be consistent with § 606.160 (21 CFR 606.160), the Commissioner also proposed that records document the antibody and the need for plasmapheresing the donor. The proposal was consistent with the interpretation applied to § 640.63(e) by the Bureau of Biologics in its regulatory actions since March 12, 1976.

Interested persons were given until July 18, 1977 to submit written comments. Four letters were received. The comments and the Commissioner's responses follow:

1. Four comments objecting to the proposed amendment stated that it would provide less protection for donors with special antibodies than for normal donors.

The Commissioner agrees that donors with special antibodies who are plasmapheresed before the 8-week waiting period are more subjected to some additional risk than donors who are plasmapheresed after the 8-week waiting period. However, these donors must be examined by a qualified licensed physician and certified by the physician to be acceptable for further plasmapheresis. They are further protected by the other screening and donor suitability requirements of the additional standards for Source Plasma (Human). The Commissioner believes that the additional risk to these donors is acceptable when measured by the benefits in obtaining a scarce biological resource. Accordingly, the comment is rejected.

2. One comment recommended that the waiting period should be 72 hours or more, as prescribed by the American Association of Blood Banks (AABB), rather than 8 weeks as required by the biologics regulations.

The Commissioner believes that 72 hours should not be the routinely acceptable waiting period because donors of a unit of whole blood may lose as much as 400 milliliters of their red blood cells during a plasmapheresis procedure (approximately 200 milliliters from donating a unit of whole blood and approximately 200 milliliters from the plasmapheresis procedure). The Commissioner believes that a donor should not be plasmapheresed within this time span unless the donor carries a scarce antibody, has been examined by a qualified licensed physician and certified to be acceptable for plasmapheresis, and the need for the plasma is documented. Accordingly, the comment is rejected.

3. One comment noted that bleeding some donors may have the beneficial effect of reducing red blood cells, as measured by hemoglobin and hemocrit values. Therefore, it was suggested that the 8-week waiting period should not apply to these donors.

The Commissioner advises that § 640.75 (21 CFR 640.75) provides a mechanism for the collection and processing of Source Plasma (Human) at variance with one or more of the requirements of the Source Plasma (Human) regulations, including § 640.63(e), provided that prior approval for the alternate procedure is obtained from the Director, Bureau of Biologics. Accordingly, exceptions to the 8-week waiting period and § 640.63(e) are permitted under § 640.75, and the comment is rejected.

4. Two comments asserted that implementation of the proposal limiting the exception to the 8-week waiting period would reduce the supply of plasma and its derivatives and have an inflationary effect on the final products by reducing the amount of plasma collected each year. The comments suggested a 4-day or 2-week waiting period. One comment added that the 8-week waiting period should begin only after the loss of a second unit of red blood cells.

The Commissioner recognizes that an 8-week waiting period may result in a greater reduction of the supply of plasma and its derivatives than a 4-day or 2-week waiting period, as suggested by the comments. However, the Commissioner concludes that the reduction of supply does not justify the increased risk to donors who may lose as much as 400 milliliters of red blood cells during a 4-day or 2-week period. In addition, such reduction in the supply resulting from limiting exception to the 8-week waiting period will not cause an economic effect as defined by Executive Orders No. 11821 and 11949, OMB Circular No. A-107, and guidelines issued by HEW. Accordingly, the comment is rejected.

5. One comment objected to FDA taking regulatory action on the proposed amendment before its adoption.

The comment misunderstood the statement in the preamble that the proposal is consistent with the interpretation of § 640.63(e) applied by the Bureau of Biologics in its regulatory actions since March 12, 1976. By proposing to codify its existing policy, FDA was in essence announcing that there would be no change in enforcing that section. Although preceding this final order as a new regulation, implementation of its interpretation of the existing regulation has not been premature. Accordingly, the comment is rejected.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 640 is amended in Subpart F by revising § 640.63(e) to read as follows:

§ 640.63 Suitability of donor

* * * * *

(e) *Failure to return red blood cells.* Any donor who has not had the red blood cells returned from a unit of blood collected during a plasmapheresis procedure or who has been a donor of a unit of whole blood shall not be subjected to plasmapheresis for a period of 8 weeks, unless:

(1) The donor has been examined by a qualified licensed physician and certified by the physician to be acceptable for further plaspheresis before expiration of the 8-week period;

(2) The donor possesses an antibody that is (i) transitory, (ii) of a highly unusual or infrequent specificity, or (iii) of an unusually high titer; and

(3) The special characteristics of the antibody and the need for plasmapheresing the donor are documented.

Effective date: This regulation becomes effective March 10, 1978.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).)

Dated: March 3, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6338 Filed 3-9-78; 8:45 am]

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplement to California State Plan

AGENCY: Occupational Safety and Health Administration, Labor Department.

ACTION: Final rule.

SUMMARY: This rule approves a State-initiated supplement to the California occupational safety and health plan. The supplement is a new State program aimed at reducing employee exposure to occupational hazards from carcinogens which has been in effect since January 1, 1977.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Marjorie N. Sauber, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-653-5377.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the review by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this chapter. On May 1, 1973, a notice was published in the FEDERAL REGISTER of the approval of the California plan and of the adoption of the Subpart K to Part 1952 of this chapter containing the decision (38 FR 10717). On December 26, 1976, the State of California submitted a supplement to its plan involving a State initiated change (see Subpart E of Part 1953). On May 27, 1977, a notice was published in the FEDERAL REGISTER (42 FR 27266) inviting public comment and requests for a hearing on the supplement.

DESCRIPTION OF THE SUPPLEMENT

The supplement concerns a new State program relating to occupational hazards from carcinogens which is to be included within the California Occupational Safety and Health Plan. This new program resulted from the enactment of the California Occupational Carcinogens Control Act of 1976 which became effective January 1, 1977 (Senate Bill 1678, Chapter 2, Division 20, California Health and Safety Code). The supplement contains copies of the Occupational Carcinogens Control Act, current California standards concerning vinyl chloride, asbestos, and a group of 14 other carcinogenic substances, and an interagency agreement between the Division of Industrial Safety of the Agriculture and Services Agency and the Occupational Health Branch of the California Department of Health. The State anticipates that the carcinogen compliance program will involve 24 industrial hygienists in the field, 2 senior industrial hygienists, 1 supervisory industrial hygienist, 1 staff counsel and 1 man-year of compliance safety engineer time.

The California Carcinogen Program has three major components. The first component of the program is a special carcinogen enforcement program. The Division of Industrial Safety within the Department of Industrial Relations, which is the designated agency responsible for the administration of the CAL/OSHA program, has responsibility for the enforcement of this program. The Occupational Health Branch of the Department of Health, utilizing reports from carcinogen users, is to establish priorities for inspections and perform as many inspections of the use of carcinogens as resources permit. On July 1, 1977, the CAL/OSHA penalty schedule was modified so that failure to report the use of any carcinogen as required by the carcinogen standards carries a civil penalty of not less than $500, a serious violation involving the use of a carcinogen $1,000, and there is a penalty of not less than $5,000 for a repeated violation of standards or special orders involving the use or failure to report the use of a carcinogen. In addition, effective July 1, 1977, the definition of a serious violation under the CAL/OSHA Act (Section 6432, California Labor Code) was modified to include the violation of a standard or special order respecting the use of a carcinogen.

The second component of the Carcinogen Program centers on standards requirements. Each employer using any carcinogen, currently defined as the 16 substances listed in the legislation, is required to submit a report to the Division of Industrial Safety regarding such use. The legislation also provides the same reporting requirement for all standards involving carcinogens which the State promulgates following promulgation at the Federal level. The Division of Industrial Safety is to transmit reports of users to bargaining and other representatives of the affected employees of a reporting employer. Employers are required to post a copy of these reports in a location conspicuous to affected employees. Every employer using carcinogens must provide for medical examinations of affected employees where required by standards. In addition to providing that the Occupational Safety and Health Standards Board adopt standards at least as restrictive as the comparable Federal standards on carcinogens, the program provides for the adoption of standards concerning substances for which there is a preponderance of evidence establishing carcinogenicity but for which no Federal standards have been promulgated.

The third component of the Carcinogen Program is an education and consultation program. The Department of Health and the Division of Industrial Safety used all appropriate means of communication to inform all affected employees, employers and the public about the requirements of the Carcinogens Control Act before July 1977. In addition, the Department of Health is providing consultation services for employers using carcinogens. Particular emphasis was placed on education and consultation activities during the first six months of the Carcinogen Program.

LOCATION OF THE PLAN AND ITS SUPPLEMENT FOR INSPECTION AND COPYING

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room S-6212, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 9470, 450 Golden Gate Avenue, San Francisco, Calif. 94102; and the California Occupational Safety and Health Administration, Room 3052, 455 Golden Gate Avenue, San Francisco, Calif. 94102.

PUBLIC PARTICIPATION

The May 27, 1977, notice published in the FEDERAL REGISTER described the supplement and allowed 30 days for interested persons to submit written data, views, and arguments concerning whether the supplement should be ap-

proved. No public comments or requests for a hearing concerning the supplement have been received.

DECISION

After careful consideration, the California plan change described above is hereby approved under Subpart E of Part 1953 of this chapter as an addition to the effectiveness of regulation of occupational health under the plan. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

Accordingly, Subpart K of Part 1952 of this Chapter is amended by adding a new section at the end as follows:

§ 1952.175 Changes in certified plans.

In accordance with Subpart E of Part 1953 of this Chapter, the California carcinogen program implemented on January 1, 1977, was approved by the Assistant Secretary on March 6, 1978.

Signed at Washington, D.C. this 6th day of March 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-6388 Filed 3-9-78; 8:45 am]

[4810-28]

Title 31—Money and Finance

CHAPTER 1—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 52—ANTIRECESSION FISCAL ASSISTANCE TO STATE, TERRITORIAL AND LOCAL GOVERNMENTS

Interim Regulations

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Amendment to interim regulations.

SUMMARY: This notice amends the interim regulations published September 23, 1977, by the Office of Revenue Sharing pursuant to the Public Works Employment Act of 1976, as amended. The purpose of this amendment is to provide guidance to recipient governments and to inform other interested persons of a change in the procedure used to make adjustments to payments due to corrections in the revenue sharing amount data used to compute the amount of a payment.

EFFECTIVE DATE: March 10, 1978.

ADDRESS: Send comments to: Director, Office of Revenue Sharing, 2401 E Street, NW., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

Andrew S. Coxe, Acting Chief Counsel, Office of Revenue Sharing, 2401 E Street NW., Washington, D.C. 20226, 202-634-5182.

SUPPLEMENTARY INFORMATION: On September 23, 1977, the Office of Revenue Sharing published amendments to the interim regulations promulgated pursuant to Title II of the Public Works Employment Act of 1976, as amended by Pub. L. 94-369. That Act authorizes antirecessional fiscal assistance payments to eligible State and local governments, to Puerto Rico, American Samoa, Guam, and the Virgin Islands. Revenue sharing entitlements and unemployment rates are the two data factors specified by the Act to compute payments to State and local governments. After the effective date of this amendment to § 52.25 of the interim regulations, payments under Title II of the Public Works Employment Act, as amended, will be adjusted to reflect a change made by the Director of the Office of Revenue Sharing to the recipient government's revenue sharing entitlement for general revenue sharing purposes, in instances where the incorrect entitlement amount was used to compute an antirecession fiscal assistance payment. The procedure for adjustments to payments due to unemployment rate data changes is not affected by these amendments.

Because these regulations are for purposes of procedure and practice, and relieves a restriction on adjustments, these regulations are published without the notice and public procedures under 5 U.S.C. 553(b) or subject to the effective date limitations of 5 U.S.C. 553(d).

WRITTEN COMMENTS SOLICITED

Consideration will be given any written comments or suggestions pertaining to these interim regulations which are received on or before April 1, 1978. Written comments shall be addressed to the Director, Office of Revenue Sharing (Symbols CC), 2401 E Street NW., Washington, D.C. 20226. Written comments received in response to this solicitation will be available to the public upon request, unless the comments are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the Department invokes the applicable exemption. A file of all written comments will be indexed and lodged with the Treasury Library.

NOTE.—The Department of the Treasury has determined that these amendments and interim regulations do not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A-107.

31 CFR Part 52 is therefore amended in the manner set forth below.

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

Approved:

ROGER ALTMAN,
Assistant Secretary.

§ 52.25 Finalizing data; verification of data.

(a) *Closing unemployment rate data.* Except as provided in paragraphs (d) and (e) of this section, the unemployment rate data reported by the Secretary of Labor to the Director shall be closed and final as of the date payments are made to recipient governments each calendar quarter.

(b) *Closing revenue sharing amount data.* Except as provided in § 52.21(c), and paragraphs (d), (e), and (f) of this section, the Director's determination of a recipient government's revenue sharing amount shall be closed and final as of the date payments are made each calendar quarter. A revenue sharing amount determined pursuant to § 52.26 of this subpart for governments without a revenue sharing entitlement (new governments), shall be closed and final as of the date of payment.

(c) *Closing territorial population data.* Except as provided in paragraphs (d) and (e) of this section, the territorial population reported by the Bureau of Census to the Director shall be closed and final as of the date payments are made each calendar quarter.

(d) *Time limitation of data verification.* A government may file a request for data verification with the Director on the grounds that a processing or clerical error was made in the unemployment rate data, the revenue sharing amount data, or the territorial population data used for its quarterly allocation, provided such data verification request is received by the Director within 21 days from the date such data is mailed by the Director to the recipient government for such calendar quarter. Adjustments due to data errors discovered pursuant to this section may be made to the payment of any government for which such data was used for quarterly allocation purposes. Data verification of unemployment rates does not include variances in rates due to quarterly or annual revisions by the Secretary of Labor after the date of payment for a calendar quarter. Nothing in this section shall affect the entitlement of governments under the Revenue Sharing Act.

(e) *Unemployment rate data verification by the Director or the Bureau of Labor Statistics.* Errors in unemployment rate data used for payments that are discovered by the Director or the Bureau of Labor Statistics within 21 days from the date data is mailed to

recipient governments each calendar quarter shall result in appropriate adjustments to the payment of a recipient government. Adjustments pursuant to this section shall be in accordance with § 52.21(b) of this part.

(f) *Revenue sharing amount data verification by the Director.* When the Director approves a revision of a revenue sharing entitlement for purposes of the Revenue Sharing Act, an appropriate adjustment in accordance with § 52.21(b) of this part shall be made to payments of a recipient government, where such payments were computed based upon the incorrect revenue sharing entitlement.

[FR Doc. 78-6385 Filed 3-9-78; 8:45 am]

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 865-8]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY STANDARD OF PERFORMANCE FOR NEW SOURCES

Phosphate Rock Mining

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These new source performance standards (NSPS) limit the discharge of pollutants into navigable waters from phosphate rock mining and processing operations that are determined to be "new sources." The Federal Water Pollution Control Act (FWPCA) requires these regulatoins to be issued. These standards of performance will be incorporated in National Pollutant Discharge Elimination System (NPDES) permits issued to new sources by the Federal EPA or by States with approved programs. The term "new source" means any source, the construction of which is commenced after the publication of proposed regulation (June 10, 1976, 41 FR 25561). The effect of these regulations will be to require treatment of waste water discharged from new source phosphate mining and processing operations in the mineral mining industry.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Telliard, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-2726.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 1975 (40 FR 48652), and June 10, 1976 (41 FR 23552), EPA promulgated interim final effluent limitations based on the application of "best practicable control technology currently available" (BPT) for 40 CFR Part 436—Mineral Mining and Processing Point Source Category. On June 10, 1976, the Agency also proposed effluent limitations based on the application of "best available technology economically achievable" (BAT) and standards of performance (NSPS) and pretreatment standards for new sources (41 FR 23561). On July 12, 1977 (42 FR 35843), final BPT regulations applicable to existing point sources for the phosphate rock subcategory (Subpart R) were promulgated. The final new source performance standards set forth below are applicable to the phosphate rock subcategory (Subpart R).

The Agency is not promulgating final pretreatment standards for new sources published in the June 10, 1976 proposed regulations because there are no known situations in which such standards would be applicable. Should information become available which indicates there is a need for such standards, then regulations will be issued. The regulations based upon best available technology economically achievable (BAT) which were proposed on June 10, 1976 are also not being promulgated at this time.

Legal Authority

These regulations are promulgated pursuant to section 306 of the Federal Water Pollution Control Act, as amended.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Summary and Basis of Regulations

New source performance standards are established in these regulations for total suspended solids (TSS) and pH. The regulations govern discharges of process generated waste water pollutants and discharges of mine dewatering pollutants by new sources in the phosphate mining and processing subcategory.

The best available demonstrated control technology for controlling the discharge of process generated waste water pollutants includes effective control of total suspended solids by settling and clarification. Occasional use of flocculation may be necessary. Available technologies are discussed in detail in Appendix A of the final rule for existing sources (BPT), 42 FR 35843. As in all other mining categories, the limitations for the phosphate mining and processing subcategory are applied on a concentration basis (mg/l) rather than a mass basis (lb/ton of product) because no correlation between water usage and production can be established. The method of chemical analyses shall conform to the methods specified in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," 40 CFR Part 136, published in 41 FR 52780 (December 1, 1976).

Additional waste water pollutants which may be present are radiological parameters, fluoride and phosphates. Control of total suspended solids will have the effect of controlling phosphates and radiological pollutants to some extent. For the most part, dissolved fluoride results because of upstream chemical plant contamination. This source of pollution will be controlled by regulating that industry. Existing treatment systems are not generally designed to specifically remove these pollutants, and additional treatment of these pollutants will not be practicable for most operations. Consequently, specific limitations for these pollutants are not established at this time. The permit issuing authority could, however, impose specific limitations on such pollutants on a case-by-case basis, if practicable technology were shown to be available in the particular case.

A report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" was issued at the time that the interim final BPT regulations and proposed BAT and NSPS regulations were published on June 10, 1976. A supplementary report on the possible economic effects of the regulations was also issued at that time. Comments on both reports were solicited by the Agency.

After the interim BPT regulations were issued, the Agency collected and analyzed additional data on the phosphate mining and processing subcategory which is subject to these final NSPS regulations. A report entitled "Development Document for Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" details the analyses undertaken in support of the final

NSPS regulations set forth here. A supplementary analysis on the possible economic effects of the final regulations has also been prepared. Copies of both reports are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C., at all EPA regional offices, and at State water pollution control offices. Copies of both documents are being sent to persons or institutions affected by the final regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). Further copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Va. 22151.

The technical and economic analyses undertaken, in support of the BPT regulations and applicable to these NSPS regulations are discussed in detail in Appendix A to the preamble to the final BPT rule published July 12, 1977 (42 FR 35843).

Summary of Public Participation

Prior to this publication, interim final BPT regulations for existing sources were promulgated for the mineral mining point source category (41 FR 23552) which were supported by a report entitled "Development Document for Effluent Limitation Guidelines and New Source Performance Standards for the Mineral Mining Point Source Category, June 1976." This document was made available to the public. Public comment was solicited in the Federal Register, 41 FR 23552. In addition, a public meeting was held in Washington, D.C. on December 2, 1976, to enable further public participation. A complete listing of participants and a discussion of comments and responses pertaining to the comments was contained in the final rule promulgated on July 12, 1977, for existing sources in the mineral mining point source category (42 FR 35843).

While the interim final rulemaking addressed best practicable control technolgy currently available for existing sources, the definitions and basic pollution control concepts used are also relevant to these proposed standards of performance. Appendix B of the July 12, 1977, preamble should be referred to for a discussion of these comments.

Summary of Major Changes

As a result of the comments on the interim final BPT and proposed NSPS regulations and information which were received following promulgation of the interim final BPT regulations, and as a result of additional study by the Agency, a number of changes are being made in the proposed new sources regulations.

The process water discharge limitations for the new source phosphate rock subcategory have been changed. The proposed new source performance standard imposed a no discharge requirement on process generated waste water pollutants in ore transport water, pump seal water, air scrubber water and ore wash water. These types of water can be recycled. Pollutants in waste water from the flotation processes of this industry, by contrast, were not subject to a no discharge requirement because recycling waste water in the flotation circuit causes a loss in recovery of product. The previous regulations further provided for monitoring of discharges when the various waste water streams were commingled. The Agency concluded that these regulations, while reasonable, created excessively complex enforcement problems. Enforcement under the proposed standard would be difficult even if extensive site visits were carried out unless the waste streams were separated. Consequently, a single set of limitations has been imposed in the final regulation for all waste streams.

The TSS limitations for the phosphate rock subcategory have been reevaluated in the light of comments and additional data received, but they have not been changed. The reasons for not changing the TSS limitations are the same as those reasons given in more detail in the final BPT regulation (see, 42 FR 35843, July 12, 1977).

Economic Analyses

The NSPS regulations for phosphate mining represent estimated capital compliance costs of $910,000 (in 1974 dollars) for a model eastern phosphate mining operation. This is less than 4 percent of the investment in plant and equipment. Total annualized costs would be approximately $264,000 (in 1974 dollars), or about $.11 per metric ton or 0.9 percent of the mid-1974 price of $12.10 per metric ton. As discussed in the impact analysis prepared for the Agency, "Economic Impact of Effluent Guidelines, Mineral Mining and Processing Industry," these regulations are not expected to affect significantly prices, production, employment, industry growth, local economies or the balance of trade. The Environmental Protection Agency has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Small Business Administration Loans

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concerns in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH-586, 401 M Street SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 436 is hereby amended as set forth below.

Dated: March 6, 1978.

Douglas M. Costle,
Administrator.

Subpart R—Phosphate Rock Subcategory

Sec.
436.180 Applicability; description of the phosphate rock subcategory.
436.181 Specialized definitions.
436.185 Standards of performance for new sources.

Authority: Sec. 306, Federal Water Pollution Control Act, as amended.

1. Subpart R is amended by revising § 436.185.

Subpart R—Phosphate Rock Subcategory

§ 436.180 Applicability; description of the phosphate rock subcategory.

The provisions of this subpart are applicable to the mining and the processing of phosphate bearing rock, ore or earth for the phosphate content.

§ 436.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for settling or treatment of such waste water.

§ 436.185 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available demonstrated control technology.

(1) Discharges of process generated waste water and mine dewatering discharges, shall not exceed the following limitations:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	60 mg/l	30 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

[FR Doc. 78-6390 Filed 3-9-78; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 448—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

PART 449—AMOUNT, DURATION, AND SCOPE OF MEDICAL ASSISTANCE

Medicaid Eligibility—Various Provisions To Implement Recent Statutory Changes and to Clarify Existing Rules

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule.

SUMMARY: These amendments to regulations governing eligibility for Medicaid are required by statutory changes enacted in 1976 (medical assistance, title XIX, Social Security Act). Provisions covered in these amendments include:

1. Effect of cost-of-living increases in Social Security benefits and Supplemental Security Income (SSI) benefits;

2. Medicaid coverage for eligible persons in public community residences housing no more than 16 persons;

3. Acceptance of unemployment compensation; and,

4. Medicaid coverage for persons awaiting blindness or disability determinations.

Additional changes clarify existing rules about which questions have been raised. Those changes are described below, under "Supplementary Information."

EFFECTIVE DATES: These regulations are effective upon publication except that:

1. Regulations on the effect of cost-of-living increases in Social Security benefits (§ 448.1 (a)(1)(ii), (b)(2)(viii), § 448.3(b)(9) and § 449.41) and maintenance of State supplementary payment levels (§ 448.4(e)) are effective July 1, 1977; and,

2. Regulations authorizing coverage for persons in public community residences housing no more than 16 persons (§ 448.60) are effective October 1, 1976.

Although these regulations are being published in final for reasons explained in the Supplementary Information, consideration will be given to written comments received on or before April 24, 1978.

ADDRESSES: When commenting please refer to MMB-216-R. Agencies and organizations are requested to submit their comments in duplicate.

Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013. Beginning two weeks from today, the public may review the comments Monday through Friday of each week, from 8:30 a.m. to 5 p.m., at: Department of Health, Education, and Welfare, Health Care Financing Administration, Room 5225, 330 C Street SW., Washington, D.C., 202-245-0950.

FOR FURTHER INFORMATION CONTACT:

Mary Kenesson, 202-245-0104.

SUPPLEMENTARY INFORMATION: These regulations were previously codified under 45 CFR Parts 248 and 249. Recodification changes, effective October 1, 1977, established a new Chapter IV in Title 42 of the Code of Federal Regulations for the Health Care Financing Administration. Subchapter C of Chapter IV contains Medicaid regulations. Therefore, these regulations are now codified under 42 CFR Parts 448 and 449.

The specific changes in regulations are described and explained below, in the order that they appear in the CFR:

DEDUCTION OF SUPPLEMENTARY PAYMENTS AND CERTAIN OASDI INCREASES FROM "SPEND DOWN" LIABILITY

Under section 1902(f) of the Social Security Act, States may impose more restrictive Medicaid eligibility conditions than are required for Supplemental Security Income (SSI). Aged, blind or disabled persons in those States can deduct their incurred medical expenses, SSI benefits and State supplementary payments from income to establish Medicaid eligibility (i.e., "spend down" income above the eligibility limit). Certain individuals defined by statute are also entitled to deduct OASDI cost-of-living increases received in August 1972 or after April 1977.

Paragraphs 448.1(a)(1)(ii) and 448.3(b)(9) are revised to accurately reflect mandatory deductions from countable income for persons who "spend down" to establish Medicaid eligibility in those States. These are statutory requirements inadvertently omitted from the previously published regulations.

MEDICAID COVERAGE OF PRESUMPTIVELY BLIND OR DISABLED OR CONDITIONALLY ELIGIBLE SSI RECIPIENTS

Paragraph 448.1(b)(2)(i) is amended to specify that persons receiving SSI benefits pending a final determination of blindness or disability or pending disposal of excess resources are considered to be "individuals receiving a benefit under title XVI" for purposes of Medicaid coverage. Thus, their cov-

erage is mandatory in States covering all SSI beneficiaries.

Section 1631(a)(4)(B) of the Act authorizes SSI benefits for otherwise eligible persons pending a final determination of blindness or disability (i.e., "presumptive blindness or disability"). Persons who receive SSI benefits under these circumstances are entitled to Medicaid coverage and Federal matching is available for Medicaid expenditures on their behalf, whether or not the Social Security Administration subsequently determines that the individual meets the SSI definition of blindness or disability.

Section 1613(b) of the Act authorizes SSI benefits for otherwise eligible persons who enter into written agreements with the Social Security Administration to dispose of excess property within a specified time (i.e., "conditional eligibility"). Persons receiving SSI benefits as conditionally eligible are entitled to Medicaid coverage to the same extent as other SSI recipients in the State.

Medicaid Coverage for Certain Blind and Disabled Persons

Paragraph 448.1(b)(2)(vii) is added and paragraphs 448.1(c)(1) and (d) are revised to clarify the conditions under which certain blind and disabled persons continue to be eligible for Medicaid.

Section 232 of Pub. L. 93-66, as amended by section 13(b)(2) of Pub. L. 93-233, provides for continued Medicaid coverage of blind and disabled individuals who were eligible for medical assistance in December 1973, if they continue to meet all the December 1973 conditions of Medicaid eligibility and the current income and resource limits (i.e., they do not have to meet the current SSI definitions of blindness or disability).

Section 232 as enacted referred to blind and disabled persons who "would, if needy, be eligible for aid or assistance" under State cash assistance plans. Thus it covered only persons who were not receiving a cash payment. The amendment made by Pub. L. 93-233 clarified that receipt or non-receipt of a money payment is irrelevant. Accordingly, the regulation now requires coverage of all persons who continue to meet the December 1973 eligibility conditions and whose income and resources are within the current Medicaid limits, whether or not they received cash assistance in December 1973. The regulation language has been clarified for both the categorically and medically needy.

Medicaid Coverage for Certain OASDI Beneficiaries

Paragraph 448.1(b)(2)(viii) is added to require Medicaid coverage for certain persons who become ineligible for SSI benefits from cost-of-living increases in Old Age, Survivors and Disability (OASDI) benefits. This provision was enacted by section 503 of Pub. L. 94-566.

APPLICABILITY

Effective July 1, 1977, any aged, blind or disabled person who becomes ineligible for SSI/SSP cash assistance due to OASDI cost-of-living increases received after April 1977, and who would still be eligible for SSI/SSP if the OASDI increase were deducted from income, will be considered to be an SSI/SSP recipient for purposes of Medicaid coverage.

This provision is not limited to persons who were Medicaid eligible at the time SSI/SSP ineligibility occurred; they are entitled to the deduction whenever they apply or reapply for Medicaid. Also, the person need not remain continuously eligible for Medicaid following loss of SSI/SSP; e.g., a person who receives Medicaid as a result of this provision but then becomes ineligible due to increased resources can deduct OASDI cost-of-living increases in reestablishing Medicaid eligibility when he disposes of his excess resources.

LIMITATIONS

This provision is limited to persons who lose SSI/SSP cash assistance due to OASDI cost-of-living increases. Therefore, it does not apply to persons who were not receiving SSI/SSP, such as the medically needy, persons in medical or intermediate care facilities whose Medicaid eligibility is based on an income level higher than the SSI/SSP payment standard for institutionalized persons, persons who are Medicaid eligible because they could receive SSI/SSP if they applied, or any other groups of Medicaid eligible non-cash recipients. However, persons whose SSI/SSP benefits are suspended pending assignment of a representative payee or because payments are undeliverable for reasons not affecting eligibility are considered to be SSI/SSP recipients.

EXTENT OF COVERAGE

Persons eligible under this provision will be entitled to Medicaid coverage under the same terms and conditions as other SSI/SSP recipients in the State. Therefore, 42 CFR 449.41 is amended to specify that Federal matching is available in Medicare SMI premiums paid by the State on behalf of these persons.

In States which require SSI/SSP recipients to meet more restrictive Medicaid eligibility conditions (per section 1902(f) of the Social Security Act), those conditions must be met by persons who are deemed to be SSI/SSP recipients due to this provision. These persons will be Medicaid eligible as categorically needy; i.e., they are not subject to any cost-sharing requirements or limitations on services which are imposed on medically needy persons in the State. Paragraphs 448.1(a)(1)(ii) and 448.3 (b)(9) are also amended to specify that the amount of OASDI cost-of-living increases they receive will be deducted from countable income in determining financial eligibility.

AMOUNTS DEDUCTED FROM INCOME

Only OASDI cost-of-living benefit increases authorized by Section 215(i) of the Social Security Act which occurred after April 1977 and which were received since loss of SSI/SSP (including the initial increase that resulted in loss of SSI/SSP cash assistance) will be disregarded.

An OASDI cost-of-living increase received by the ineligible spouse of the aged, blind or disabled person will be disregarded if the spouse's OASDI increase is deemed to be income available to the SSI/SSP recipient (and which thus resulted in loss of SSI/SSP benefits). However, OASDI cost-of-living increases received by the parent(s) of a blind or disabled SSI/SSP recipient child, which are deemed available to the child, are not disregarded because section 503 of Pub. L. 94-566 referred only to increases received by spouses.

Medicaid Coverage of Persons Eligible for Cash Assistance

Paragraphs 448.1(c)(1) and 448.10(b)(2)(i) are revised to clarify that Medicaid coverage is available, at State option, to persons who are eligible for but not receiving cash assistance. The former language referred only to persons who were "eligible but have not applied" for cash assistance. This excluded some persons who should be (and in fact are being) covered under this option, such as those who are not receiving cash assistance because payments are undeliverable due to change of address, or who have elected to receive some other type of cash benefits (such as special benefits available under section 228 of the Act to persons age 72 and older) in lieu of AFDC or SSI/SSP benefits.

Coverage under this option is limited to persons who are, in fact, eligible to receive cash assistance under the AFDC or SSI/SSP programs.

Income Limit for Supplementary Payment Recipients

In paragraph 448.2(d)(4), reference to the income limit imposed for persons who are Medicaid eligible as recipients of State supplementary payments is deleted. That income limit applies only for purposes of Federal financial participation in medical assistance provided to persons whose eligi-

bility is based on receipt of a supplementary payment, as already specified in paragraph 448.4(b)(3). States may provide coverage to recipients of supplementary payments regardless of the income level used to determine eligibility for the supplement, provided Federal financial participation is not claimed in medical expenses paid on behalf of supplementary payment recipients whose incomes exceed the limit.

Also, paragraph 448.4(b)(3) clarifies that this income limit applies only for purposes of granting Medicaid coverage based on receipt of a supplementary payment. Some States which require SSI/SSP recipients to meet more restrictive Medicaid eligibility conditions (per § 1902(f) of the Act) have misinterpreted this regulation as requiring that income of *all* categorically needy aged, blind and disabled persons must be within the SSP limit. On the contrary, these States must allow aged, blind or disabled persons to "spend-down" to establish financial eligibility as categorically needy and may not impose a limit on the amount of income such persons can have in order to be entitled to the "spend-down."

Financial Eligibility of Institutionalized Persons

Paragraph 448.2(e) is revised to clarify that when eligibility of categorically needy persons in medical or intermediate care facilities is based on State supplement income standards, net income (after deduction of disregards) is to be used in determining financial eligibility. Thus, two separate budgeting procedures are required in the eligibility determination:

(a) Gross income (before deduction of disregards) must be within 300 percent of the SSI benefit level for a noninstitutionalized individual; and,

(b) Net income (after deduction of disregards) must be within the State-defined standard.

Also, paragraph 448.2(e) which permits States to use special income standards for determining financial eligibility of categorically needy institutionalized persons is revised to clarify that these standards apply only to persons who reside in medical or intermediate care facilities for at least a full calendar month. Persons who are institutionalized for less than a calendar month are not considered to have changed their living arrangements, and thus remain subject to income standards applicable to noninsti- tutionalized persons. This clarification conforms Medicaid policy to that of the SSI program (at 20 CFR 416.231 (a)(2)), which does not recognize a change in living arrangements until the individual has been institutionalized throughout a month.

Acceptance of Cash Benefits as a Condition of Medicaid Eligibility

Paragraphs 448.3(b)(1)(ii) and 448.21(a)(2)(i)(C) are amended to require that as a condition of Medicaid eligibility, applicants and recipients must apply for any annuities, pensions, retirement or disability benefits to which they are entitled. Included are veterans' compensation and pensions, workmen's compensation, old-age, survivors and disability (OASDI) benefits, railroad retirement benefits and unemployment compensation. Exceptions may be allowed if the individual shows incapacity to file for other benefits or other good cause.

Section 1902(a)(17) of the Act requires that available income and resources must be considered in determining eligibility, except for amounts that would be disregarded (or set aside for future needs) by the AFDC or SSI programs. Those programs require applicants and recipients to accept other cash benefits which are available to them; see Sec. 407(b)(2) of the Act and 45 CFR 233.20 (a)(3)(ix) regarding AFDC, and Sec. 1611(e)(2) and 20 CFR 416.230 and 416.1330 regarding SSI. Thus, this amendment conforms Medicaid requirements to those of the AFDC and SSI programs.

Amounts actually received from such benefit programs are countable income in determining Medicaid eligibility. Note that States have an option for covering persons for Medicaid who are not accepting AFDC or SSI/SSP cash assistance (see paragraph 448.1(c)(1)), since such cash assistance payments are not counted as income to the recipient.

Institutionalized Persons—Maintenance of a Home and Application of Excess Income

Paragraph 448.3(b)(8) is revised to clarify that "personal needs" funds which persons in institutions may keep for their own use include amounts specified for the maintenance of a spouse and dependents and for upkeep of a home within certain limits.

The revision also clarifies that, for all persons in specified long-term care facilities, income above amounts protected for personal needs (including amounts to maintain a home outside the facility, where applicable) is to be applied to the cost of any necessary medical or remedial care recognized under State law. Some States had misinterpreted the former language as applicable only to the medically needy; however, some categorically needy persons also have "excess" income available for medical care costs.

Deduction of Incurred Medical Expenses for Aged, Blind or Disabled Persons in Certain States

Paragraph 448.3(b)(9) clarifies that incurred medical expenses must be included in "spend-down" calculations used to determine eligibility of aged, blind or disabled persons in States that impose more restrictive Medicaid eligibility conditions than are required by the SSI program. This had been inadvertently omitted. The revision also clarifies the order in which those incurred expenses are to be considered, and provides for deduction of title II (OASDI) cost-of-living increases for certain persons.

Federal Matching in Administrative Costs of Determining Eligibility

Paragraphs 448.4(a) and 448.10(d) clarify that Federal financial participation is available in the State's administrative costs of determining eligibility for medical assistance, whether or not the applicant is found eligible. The previous wording was meant to state that Federal matching is not available in the costs of eligibility determinations relating to applicants for general assistance or other State programs to which the Federal Government does not contribute matching funds. It has been misinterpreted to mean that the State must bear the whole cost of eligibility determinations for persons who apply for Medicaid and are found ineligible. This was not intended.

Maintenance of Effort in State Supplementary Payment Programs

Paragraph 448.4(e) is added to require that, in order to receive Federal matching funds under title XIX, States which make supplementary payments (SSP) to aged, blind and disabled persons must maintain the SSP payment levels as required by Sec. 1618 of the Act.

Section 1618 was added by Sec. 2(a) of Pub. L. 94-585, effective July 1, 1977.

Medicaid Coverage for Eligible Persons in Certain Public Community Residences

Section 448.60 and paragraph 449.10(c)(1) are amended to exempt residents of publicly operated community residences which serve no more than sixteen residents from the prohibition on Federal financial participation under title XIX in the cost of medical assistance for persons living in public institutions.

Section 1905(a) of the Act prohibits Federal matching in the costs of medical assistance provided on behalf of persons who are inmates of public institutions (except as patients in medical institutions). "Public institutions" are defined in paragraph 448.60(b)(3).

A similar prohibition existed in the SSI program under title XVI. However, effective October 1, 1976, Sec. 505(a) of Pub. L. 94-566 amended title XVI (Sec. 1611(e)(i)(a)) to authorize

SSI benefits for eligible persons who live in publicly operated community residences housing 16 or fewer residents. The Department considers it necessary to apply the same interpretation of a "public institution" to Medicaid because:

(a) There will otherwise be conflicting Department policies on the definition of a "public institution";

(b) The close relationship between SSI and Medicaid eligibility provisions necessitates conforming criteria whenever practicable;

(c) Sec. 1902(a)(10) of the Act generally requires Medicaid coverage of all SSI recipients, some of whom are now residents in these facilities; and,

(d) The change promotes the Department's goal of promoting alternatives to high cost institutional care, in that the intent of Sec. 505 was to facilitate community living arrangements for persons who would otherwise require care in an institutional setting.

Thus, this amendment to Medicaid regulations not only creates a consistent Department policy with respect to Federal funds for persons in public facilities, but should also result in a reduction in title XIX program costs as persons receiving Medicaid-financed care in nursing homes or intermediate care facilities are released to alternative community living arrangements. The costs of ambulatory medical care for those persons would of course be less than the cost of institutional care in a Medicaid facility.

Excluded from the definition of a "public community residence" are educational or vocational training institutions; facilities which provide medical or remedial care on an inpatient basis; correctional or holding facilities for persons under court-ordered confinement; and residential facilities located on the grounds of or immediately adjacent to a large institution or multiple purpose complex of which they are a part. Such living arrangements are not considered as alternatives to institutional living and thus do not satisfy the intent of Sec. 505(a) of Pub. L. 94-556.

PROVISIONS APPLICABLE TO PUERTO RICO, THE VIRGIN ISLANDS AND GUAM

In addition to other revisions to 42 CFR 448.10 and 448.21 noted above, the following changes are made with respect to Medicaid programs in Puerto Rico, the Virgin Islands and Guam:

(a) Paragraph 448.10(b)(2)(ii) clarifies coverage for medical assistance of children in medical or intermediate care facilities who, if they left, would be eligible for financial assistance. Such children qualify if they would meet all conditions of eligibility under either the State's AFDC or AB plan if they were outside the facility. The former language implied that only the AFDC criteria were applicable.

(b) Paragraphs 448.21 (a)(3)(i)(B) and (c) delete references to the limit on Federal financial participation with respect to income levels for the medically needy. Sec. 1903(f) of the Act limits Federal matching in Medicaid payments to medically needy families whose income is within 133⅓ percent of the highest amount ordinarily paid to an AFDC family. Under section 248(d) of Pub. L. 90-248, this limitation does not apply to Guam, Puerto Rico, or the Virgin Islands.

(c) A provision is being added to paragraph 448.21(a)(3)(i)(C) to allow for maintenance of an institutionalized person's home if a physician certifies that he is likely to return home within six months. This change conforms these regulations to those applicable to the 50 States (paragraph 448.3(b)(4)(ii)).

The Department finds good cause to publish these regulations in final rather than as proposed rules because they either implement specific statutory amendments or incorporate HCFA policies that have already been published in other documents. If significant comments are received, however, these regulations may be revised accordingly.

Accordingly, 42 CFR Part 448 is amended as follows:

1. In §448.1, paragraphs (a)(1)(ii) (A) and (B), and (b)(2)(i) are revised; new paragraphs (b)(2) (vii) and (viii) are added; (c)(1) is revised and (c)(1) (i) and (ii) are deleted; and new paragraph (c)(7) is added. The changes are set forth below:

§448.1 State plan requirements and options for coverage under the medical assistance program.

* * * * *

(a) *General provisions governing eligibilty for medical assistance.*—(1) *Categorically needy.*—(i) *General.* In order to be considered as categorically needy for purposes of title XIX, an individual must in general be receiving financial assistance or sufficiently in need to be financially eligible for financial assistance under title IV-A or XVI of the Social Security Act, or under a State supplement to title XVI assistance.

(ii) *States limiting coverage by returning to earlier Medicaid standard.* The following rules apply to aged, blind and disabled persons in States which have exercised their option under section 1902(f) of the Act to impose eligibility conditions which are more restrictive than those required for receipt of Supplemental Security Income (SSI) benefits under title XVI. Aged, blind and disabled persons in those States are entitled to deduct amounts received as SSI benefits or State supplementary payments, and, as specified in §448.1(b) (2)(viii) and (3)(ii), cost-of-living increases in title II benefits and incurred medical expenses, from income in order to qualify for Medicaid.

(A) If the State title XIX plan provides for coverage of both the categorically and the medically needy, categorically needy coverage is limited to financially eligible aged, blind and disabled persons who are also eligible for SSI benefits or State supplementary payments, or who pursuant to §448.1(b) (2)(viii) or (3)(ii) are entitled to Medicaid coverage to the same extent as other recipients of SSI benefits or State supplementary payments in the State.

(B) If the State title XIX plan provides for coverage of the categorically needy only, all financially eligible aged, blind and disabled persons are considered to be categorically needy, whether or not they also qualify for cash assistance.

* * * * *

(b) *Required coverage of the categorically needy.* * * *

(2) In the case of the aged, blind and disabled, include one of the groups listed in paragraph (b)(2) (i), (ii) or (iii) of this section, and in addition, those listed in paragraph (b)(2) (iv), (v), (vi), (vii), and (viii) of this section:

(i) Individuals receiving a benefit under title XVI (for purposes of the regulations in this part, the phrase "individuals receiving a benefit under title XVI" includes the eligible spouses of such individuals and persons receiving such benefits pending a final determination of blindness or disability or pending disposal of excess property), or

* * * * *

(vii) All individuals who, whether or not they actually received cash assistance in December 1973:

(A) Were eligible under the State title XIX plan in December 1973 by reason of having been determined to meet the criteria for blindness or disability of the State plan approved under title X, XIV, or XVI of the Act, and

(B) For each consecutive month after December 1973, continue to meet such blindness or disability criteria and continue to meet the other conditions of the State plan under title XIX as in effect in December 1973, and

(C) Meet all current requirements of the State title XIX plan except the criteria for blindness or disability.

(viii) Effective July 1, 1977. In States which provide medical assistance to all recipients of benefits under title XVI or State supplementary payments, any individual who:

(A) Is entitled to monthly insurance benefits under title II of the Act,

(B) Becomes ineligible for benefits under title XVI or State supplementary payments because of title II cost-of-living increases paid under section 215(i) of the Act after April 1977,

(C) Was an eligible recipient of benefits under title XVI or State supplementary payments prior to receiving the title II cost-of-living increase, and

(D) Would still be eligible for benefits under title XVI or State supplementary payments if the amount of title II cost-of-living benefit increases paid after April 1977 and received by the individual (or spouse whose income is deemed available to the individual) were deducted from income. Amounts to be deducted include the increase that resulted in loss of eligibility for cash assistance and any subsequent increases.

In States which exercise their option under section 1902(f) to impose more restrictive medical assistance eligibility conditions on aged, blind and disabled persons than conditions for receipt of benefits under title XVI, persons described in (A) above are entitled to medical assistance under the same terms and conditions as title XVI beneficiaries or supplementary payment recipients in the State. Thus, the amount of the specified title II cost-of-living increases will be deducted from income in determining financial eligibility of such persons.

* * * * *

(c) *Options for coverage of categorically needy.* A State may at its option also cover additional groups of individuals as categorically needy provided they are so specified in the plan. These groups may include any of the following:

(1) Individuals who meet all the conditions of eligibility, including financial eligibility, for aid under title IV-A, benefits under title XVI or State supplementary payments (provided such supplementary payments meet standards specified in § 448.2(d), and the State plan approved under title XIX specifies that recipients of such payments are treated as categorically needy) but are not receiving such assistance.

* * * * *

(d) *Coverage of the medically needy.* (1) If the State opts to include medically needy individuals under title XIX, the State plan must specify that it covers all medically needy groups that correspond to the categorically needy groups covered in the plan; except that this requirement will not apply with respect to individuals required to be covered pursuant to paragraph (b) (1)(iii), (2) (iv), (v), and (vi), and (3)(ii) of this section. (2) Included as medically needy are all individuals who:

(i) Were eligible as medically needy under the State title XIX plan in December 1973 by reason of having been determined to meet the criteria for blindness or disability of the State Plan approved under title X, XIV, or XVI of the Act, and

(ii) For each consecutive month after December 1973 continue to meet such blindness or disability criteria and continue to meet the other conditions of the State plan under title XIX as in effect in December 1973, and

(iii) Meet all current requirements of the State title XIX plan except the criteria for blindness or disability.

2. In § 448.2, paragraphs (d)(4) and (e) are revised. The changes are set forth below:

§ 448.2 Conditions for State plan approval.

* * * * *

(d) If individuals who receive a State supplementary payment are covered as categorically needy, the supplementary payment meets the following standards. It is

* * * * *

(4) Equal to the difference between income and the financial standard used to determine eligibility for the supplement.

(e) Notwithstanding the provisions specified in paragraph (d) of this section, if a State plan provides that persons who would be eligible for cash assistance except that they are in a medical institution (or intermediate care facility) are covered as categorically needy, a special income standard may be established to determine financial eligibility of aged, blind and disabled institutionalized persons, even though a State supplementary payment might not be available to noninstitutionalized persons with incomes below that standard. Such special income standards:

(1) Must be specified in the State plan;

(2) Must be based on the increased needs that institutionalized persons, or reasonable groups of such persons, would have if they were living in the community (e.g., different income standards may be established for persons in need of care in hospitals, nursing homes, and intermediate care facilities);

(3) Will be applied effective with the first full month of institutionalization; and

(4) Will be measured against income after deduction of disregards allowed to other categorically needy aged, blind and disabled persons in the State (but in no case may Federal financial participation be claimed on behalf of persons whose eligibility is based on these standards but whose income exceeds the limit specified in § 448.4(b)(3)).

3. In § 448.3, paragraphs (b)(1)(ii), (8) and (9) are revised. The changes are set forth below:

§ 448.3 State plan requirements on financial eligibility for medical assistance programs.

* * * * *

(b)(1) * * *

(ii) Income and resources to be considered in determining eligibility and the amount of assistance include amounts actually contributed to the applicant or recipient and amounts received from any annuities, pensions, retirement or disability benefits to which he is entitled (including veterans compensation and pensions, workmen's compensation, OASDI benefits, railroad retirement benefits and unemployment compensation). The applicant or recipient must take all appropriate steps to apply for and, if entitled, to obtain such benefits unless he can show his incapacity to do so, or other good cause.

* * * * *

(7) Provide that a lower income level for maintenance shall be used for individuals not living in their own homes but receiving care in hospitals, skilled nursing facilities, intermediate care facilities, and institutions for tuberculosis or mental diseases which are covered under title XIX. This lower income level must be reasonable in amount for clothing and personal needs for such individuals, and

(i) For aged, blind, and disabled individuals, such income level must be at a minimum of $25.00 per month;

(ii) For others, States may establish reasonable standards different from that specified in subdivision (i), provided they are based on a reasonable differential in personal needs.

When such an individual's home is maintained for a spouse or other dependents, an additional amount, established by the State, must be protected for the maintenance needs of any eligible institutionalized individual's spouse or dependents living outside the facility. Such additional amounts must be based on a reasonable assessment of need and may not exceed the maintenance amount recognized by the State for categorically or medically needy persons living in the community. For families, the protected income amount must be adjusted for family size, in accordance with need standards of the State AFDC or medically needy program. A higher level of maintenance may also be applied for a temporary period, not to exceed six months, to allow an individual to apply his income and resources to maintenance of a home if a physician has certified this such individual is likely to return to the home within such temporary period.

(8) Provide, for individuals in long-term care facilities specified in paragraph (b)(7) of this section for the application of income:

(i) First to personal needs which include the needs of a spouse or other dependents and amounts needed to maintain a home as specified in paragraph (b)(7), except that income otherwise protected for personal needs shall be used to pay cost-sharing charges imposed pursuant to § 449.40 of this chapter, if the individual has no other income;

(ii) Then to the cost of medical or remedial care which is not subject to payment by a third party. (Included are health insurance premiums, deductibles or coinsurance charges, and the cost of necessary medical or remedial care recognized under State law but not covered under the State plan. States may set reasonable limits on application of income to such services); and

(iii) Any remaining income to the cost of medical assistance included in the State plan which is not subject to payment by a third party.

(9) Provide that, in determining eligibility for medical assistance of an aged, blind, or disabled individual receiving a benefit under title XVI or a State supplemental payment, who is not eligible for medical assistance unless he can meet additional eligibility criteria from the January 1972 standard, the following amounts will be deducted from income:

(i) The amount of such individual's title XVI benefit and State supplementary payment;

(ii) For individuals defined in § 448.1(b)(3)(ii), the amount of the twenty percent title II benefit increase they received in 1972;

(iii) For individuals defined in § 448.1(b)(2)(viii), the amount of cost-of-living increases in title II benefits specified therein; and

(iv) Incurred expenses for any medical care recognized under State law which is not subject to payment by a third party (including health insurance premiums, deductibles or coinsurance charges). States may set reasonable limits on such medical care to which income will be applied.

* * * * *

4. In § 448.4, paragraphs (a) and (b)(3) are revised, and a new paragraph (e) is added. The changes are set forth below:

§ 448.4 Federal financial participation.

(a) *Administrative costs.* Federal financial participation is available in the necessary administrative costs of (1) determining the eligibility of applicants for the medical assistance program, and (2) providing medical care and services to all individuals covered under the plan, in the cost of whose medical care and services the Federal government shares.

(b) *Medical assistance.* * * *

(3) Federal financial participation is available in payments made on behalf of individuals specified in the plan as categorically needy, except for: aged, blind or disabled individuals whose eligibility is based on receipt of a State supplementary payment (as described in §§ 448.1(b)(2)(ii) and 448.2(d)) and whose income, before application of any disregards applied under title XVI, exceeds 300 percent of the supplemental security income benefit rate established by section 1611(b)(1) of the Social Security Act. This income limit does not apply to those individuals required to be covered pursuant to § 448.1(b)(2)(v) of this chapter or individuals receiving a mandatory supplement under section 212 of Pub. L. 93-66.

* * * * *

(e) *Maintenance of supplementary payment levels.* No Federal financial participation is available under title XIX to any State which makes supplementary payments of the type described in sec. 1616(a) of the Act (including supplementary payments mandated by Sec. 212(a) of Pub. L. 93-66), for any calendar quarter which begins after June 30, 1977, or, if later, after the calendar quarter in which the State first makes such supplementary payments, if the State does not have in effect an agreement with the Secretary to maintain such supplementary payment levels as required by Sec. 1618 of the Act.

5. In § 448.10, paragraphs (b)(2)(i) and (ii) and (d) are revised. The changes are set forth below:

§ 448.10 Coverage and conditions of eligibility for medical assistance.

NOTE: Effective January 1, 1974, the provisions of this section are applicable only to Guam, Puerto Rico and the Virgin Islands. See §§ 448.1 through 448.4 for provisions applicable to other jurisdictions participating in the medical assistance program under title XIX of the Social Security Act.

* * * * *

(b) *State plan requirements.* * * *

(b) * * *

(i) Persons who meet all the conditions of eligibility, including financial eligibility, of one of the State's other approved plans, but are not receiving such assistance.

(ii) Persons in a medical or intermediate care facility who, if they left such facility would be eligible for financial assistance under another of the State's approved plans. This includes persons who have enough income to meet their personal needs while in the facility, but not enough to meet their needs outside the facility according to the appropriate State plan.

* * * * *

(d) *Federal financial participation—*(1) *Administrative costs.* Effective October 30, 1972, Federal financial participation in the necessary administrative costs of (i) determining the eligibility of applicants for the medical assistance program, and (ii) providing medical care and services to all individuals covered under the plan, in the cost of whose medical care and services the Federal Government shares.

* * * * *

6. In § 448.21, paragraphs (a)(2)(i)(C), (3)(i) (B) and (C), and (c) are revised. The changes are set forth below:

§ 448.21 Financial eligibility—medical assistance programs.

(a) *State plan requirements.* * * *

(2) With respect to both the categorically needy and, if they are included in the plan, the medically needy:

(i) * * *

(C) Income and resources to be considered in determining eligibility and the amount of assistance include amounts actually contributed to the applicant or recipient and amounts received from any annuities, pensions, retirement or disability benefits to which he is entitled (including veterans' compensation and pensions, workmen's compensation, OASDI benefits, railroad retirement benefits and unemployment compensation). The applicant or recipient must take all appropriate steps to apply for and, if entitled, to obtain such benefits unless he can show his incapacity to do so, or other good cause.

* * * * *

(3) With respect to the medically needy, if they are included in the plan:

(i) * * *

(B) The income levels for maintenance must be, as a minimum, at the levels of the most liberal money payment standard used by the State, at any time on or after January 1, 1966, as a measure of financial eligibility in any categorical money payment program in the State.

(C) A lower income level for maintenance must be used for individuals not living in their own homes but receiving care in nursing homes, institutions for tuberculosis or mental diseases or other medical or intermediate care facilities providing long-term care. This lower income level must be reasonable in amount for clothing and personal needs for such individuals. When such an individual's home is maintained for a spouse or other dependents, an addi-

tional amount, established by the State, must be protected for the maintenance needs of any eligible institutionalized individual's spouse or dependents living outside the facility. Such additional amounts must be based on a reasonable assessment of need and may not exceed the maintenance amount recognized by the State for categorically or medically needy persons living in the community. For families, the protected income amount must be adjusted for family size, in accordance with need standards of the State AFDC or medically needy program. A higher level of maintenance may also be applied for a temporary period, not to exceed six months, to allow an individual to apply his income and resources to maintenance of a home if a physician has certified that the individual is likely to return to the home within such a temporary period.

* * * * *

(c) *Federal financial participation.*— (1) Federal financial participation is available in payments made in behalf of categorically needy and medically needy individuals.

(2) Federal financial participation is available in payments made in behalf of the individuals and families described in § 448.10(b) (3) and (4) of this chapter.

7. In § 448.60, paragraphs (a)(1) and (b)(3) are revised and new paragraph (b)(11) is added. The changes are set forth below:

§ 448.60 Institutional status.

(a) *Federal financial participation.* (1) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who is an inmate of a public institution except as a patient in a medical institution or as a resident of an intermediate care facility or, effective October 1, 1976, as a resident of a publicly operated community residence which serves no more than 16 residents.

* * * * *

(b) *Definitions.* * * *

(3) "Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. The term "public institution" does not include a medical institution as defined in paragraph (b)(5) of this section, an intermediate care facility as defined in § 449.10(b)(15) of this chapter, nor, effective October 1, 1976, a public community residence which serves no more than sixteen residents, as defined in paragraph (b)(11) of this section.

* * * * *

(11) "Publicly operated community residence which serves no more than 16 residents" is defined in 20 CFR 416.231(b)(6)(i). A publicly operated community residence means:

(a) It must be publicly operated as defined in § 416.231(b)(2); and

(b) It must be designed and planned to serve no more than 16 residents, or the plan and design was changed to serve no more than 16 residents; and

(c) It must be serving 16 or fewer residents; and

(d) It must make available some services beyond food and shelter such as social services, or help with personal living activities, or training in socialization and life skills; occasional or incidental medical or remedial care may also be provided (as defined in 45 CFR 228.1).

(ii) Excluded from the definition of "publicly operated community residences" are the following facilities, even if their accommodations are for 16 residents or less:

(a) Residential facilities located on the grounds of or immediately adjacent to any large institution or multiple purpose complex; and

(b) Educational or vocational training institutions that primarily provide an approved or accredited or recognized program to some or all of the individuals residing within it; and

(c) Correctional or holding facilities which provide for individuals whose personal freedom is restricted because of a court sentence to confinement (prisoners), court ordered holding (material witness, juvenile) or a pending disposition of charges or status (individuals who have been arrested or detained); and

(d) Medical treatment facilities (hospitals and skilled nursing facilities, see 42 U.S.C. 1395x and intermediate care facilities, see 42 U.S.C. 1396d) which provide medical or remedial care on an inpatient basis.

§§ 448.70 and 448.80 [Amended]

8. In §§ 448.70 and 448.80, the parenthetical cross-references in paragraph (a)(1) are corrected to read as follows:

(a) * * *

(1) * * * (see § 448.1(b)(2)(vii) and (d)(2));

9. In § 449.10, paragraph (c)(1) is revised as follows:

§ 449.10 Amount, duration, and scope of medical assistance.

* * * * *

(c) *Limitations.* (1) Federal financial participation in expenditures for medical and remedial care and services listed in paragraph (b) of this section is not available with respect to (i) any individual who is an inmate of a public institution (except as a patient in a medical institution or as a resident of an intermediate care facility or, effective October 1, 1976, as a resident of a publicly operated community residence which serves no more than 16 residents) or (ii) any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases (except for an individual under age 22 who is receiving inpatient psychiatric facility services pursuant to paragraph (b)(16) of this section).

* * * * *

10. In § 449.41, paragraph (c)(1) is revised as follows:

§ 449.41 Coordination of title XIX with part B of title XVIII, Social Security Act.

* * * * *

(c) *Federal financial participation.* (1) There will be no Federal financial participation in the monthly insurance premium under title XVIII, part B of the act which the title XIX State agency pays on behalf of nonmoney payment individuals eligible to receive medical assistance under title XIX of the act, except for those persons required to be covered pursuant to: (i) § 448.1(b)(1)(ii) of this chapter (AFDC families eligible for continued Medicaid coverage under section 209(a) of Pub. L. 92-603); (ii) § 448.1(b)(3)(ii) of this chapter (persons eligible for continued Medicaid coverage despite increased income from title II benefits, as provided under section 249E of Pub. L. 92-603); and,

(iii) Section 448.1(b)(2)(viii) of this chapter, effective July 1, 1977 (persons entitled to continued Medicaid coverage despite increased income from cost-of-living increases in title II benefits, as provided under Section 503 of Pub. L. 94-566).

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: November 10, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: March 3, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-6284 Filed 3-9-78; 8:45 am]

[4110-35]

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Medicaid Claims Processing Systems: Explanation of Benefit Notices

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This rule permits States receiving 75 percent Federal matching for management information systems under the Medicaid program (title XIX, Social Security Act) to send explanation of benefits (EOB) notices to a sample group of Medicaid recipients rather than to all recipients of services, as was previously required. To protect the privacy of Medicaid recipients, this rule also prohibits States from including "confidential services" in EOB notices. This rule implements section 10 of Pub. L. 95-142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments.

DATE: Effective on January 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Larry Rima, 202-245-0851.

SUPPLEMENTARY INFORMATION:

Section 10 of Pub. L. 95-142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments, amended section 1903(a)(3)(B) of the Social Security Act to permit Federal matching for approved Medicaid management information systems:

"* * * which include provision for prompt written notice to each individual who is furnished services covered by the plan, or to each individual in a sample group of individuals who are furnished such services, of the specific services (other than confidential services) so covered, the name of the person or persons furnishing the services, the date or dates on which the services were furnished, and the amount of the payment or payments made under the plan on account of the services."

In discussing the need for this technical revision to the Medicaid statute, the House Committee on Ways and Means said that the previous strict requirement for EOB notices to all recipients limited the growth of approved management information systems, and the Committee questioned its cost-effectiveness because of the high volume of Medicaid claims. The Committee explained that, in permitting States to send EOBs on a sample basis, Congress expects that the samples will be sufficiently large and representative to identify questionable billing patterns. Further, the Committee said it intended "that all confidential services, and services integrally related to a confidential service, be deleted from the explanation of benefit forms in order to assure privacy for the Medicaid patient." (H.R. Rep. No. 95-393, Part I, p. 65-66.) The Senate Committee on Finance cited two examples of "Confidential services" and "services integrally related to confidential service." They are family planning services and venereal disease treatment. (Sen. Rep. No. 95-453, p. 30.) Accordingly, the Medicaid regulations on fraud (42 CFR 450.80) and Federal financial participation for automated claims processing systems (42 CFR 450.90) are being amended to change the EOB requirement from full coverage to a sampling basis. To assist States in implementing this regulation, the Medicaid Bureau of HCFA will issue suggestions for sampling methods.

The statute requires "prompt" issuance of EOBs in automated systems receiving 75 percent Federal financial participation under section 450.90. States are currently required under Federal guidelines to issue EOBs within 45 days from date of claims payment (Medical Assistance Manual, Part 7-71-44-C-3, MSA-PRG-31, p. 41). The Department believes this requirement should be included in the regulation, because EOBs lose their effectiveness if Medicaid beneficiaries receive them too late after services are provided. Forty-five days seems ample time for States to issue EOBs, since the 15 States which now have Medicaid management information systems certified under section 450.90 are already meeting this requirement. Therefore, these regulations incorporate the 45-day limit at 450.90(b)(2)(v).

The Department wants to give the States maximum flexibility in defining "confidential services". However, it expects that States will exclude from EOBs only those particularly sensitive services for which disclosure will violate a recipient's right to privacy.

The Department finds good cause to issue these regulations in final form without using proposed rulemaking procedures, because the amendments are technical in nature and required by statute. They become effective with the calendar quarter (January 1, 1978) beginning after the date of enactment (October 25, 1977). States will have 90 days from the date the regulation is published to submit the plan amendment, in order to permit sufficient time for their administrative procedures.

The regulations being amended were previously codified in Title 45, Part 250, of the Code of Federal Regulations. Recodification changes effective October 1, 1977, transferred those regulations to Title 42, Subchapter C, Part 450; these regulations reflect those changes.

42 CFR Part 450 is amended as set forth below:

1. Section 450.80 is amended by revising paragraph (a)(6) to read as follows:

§ 450.80 Fraud in the medical assistance program.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(6) Provide for establishing a basis for verifying with recipients whether services billed were actually received.

(i) In States which do not receive Federal matching of expenditures for operation of a mechanized claims processing and information retrieval system under section 1903(a)(3)(B), verification may be by a random sample of patients for each provider who is paid significant amounts (high-volume providers) and for each group of providers who do not receive significant amounts (low-volume providers).

(ii) A State which receives Federal matching of expenditures for operation of a mechanized claims processing and information retrieval system under section 1903(a)(3)(B) of the Act must provide prompt written notice to either each individual who receives services covered by the State plan, or each individual in a sample group of individuals who receive services. See § 450.90(b)(2)(v) of this chapter for requirements on providing such notices.

* * * * *

2. Section 450.90 is amended by revising paragraphs (b)(2) and (b)(2)(v) as follows;

§ 450.90 Federal financial participation: Mechanized claims processing and information retrieval systems.

* * * * *

(b) *Federal financial participation.*

(2) Federal financial participation is available at 75 percent for expenditures in the administration of the plan for operation of a mechanized claims processing and information retrieval system approved by the Health Care Financing Administration (HCFA). This approval shall be based upon a finding by HCFA that:

* * * * *

(v) The system provides written notice within 45 days of payment of the claim to each individual who receives services covered by the State plan, or to each individual in a sample group of individuals who receive services. This notice must specify:

(A) the service furnished;

(B) the name of the provider furnishing the service;

(C) the date on which the service was furnished; and

(D) the amount of the payment made under the plan for the service.

A notice shall not specify confidential services (as defined by the State) and

shall not be sent if the only service furnished was confidential.

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: January 26, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: March 3, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-6264 Filed 3-9-78; 8:45 am]

[6315-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Notice 6143-6]

PART 1061—EMERGENCY ENERGY CONSERVATION PROGRAM

Subpart—Policies and Allocations for Fiscal Year 1978 Fundings

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: Community Services Administration is filing its final rule on the Emergency Energy Conservation Program: Policies and Allocations for fiscal year 1978 Fundings. This rule is required in order to immidiately allocate and distribute the funds needed for Regionally supported operational energy programs which were provided for in CSA's fiscal year 1978 appropriation. This rule details how these energy funds will be allocated to each state and sets forth policies and funding criteria which will govern the expenditure of these funds.

DATE: This rule becomes effective March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard M. Saul, Community Services Administration, Office of Program Development, Energy Programs, 1200 19th Street NW., Washington, D.C. 20506, telephone 202-254-5460.

SUPPLEMENTARY INFORMATION: On December 9, 1977, the President signed the CSA fiscal year 1978 appropriation that included $65 million for the CSA Emergency Energy Conservation Program.

The purpose of this rule is to inform CSA grantees and the public of the allocation of $42 million of these funds which are being allocated at this time, and of the procedures CSA will implement to allocate and distribute these funds. This rule also outlines the policies and funding criteria which will govern the expenditure of these funds, including the provision for a reduced non-federal share for all energy program accounts other than accounts 22 and 26 for which the non-federal share was waived previously. This provision was filed in the FEDERAL REGISTER as part of a proposed rule amending § 1061.30-1 through 1061.30-14 (proposed CSA Instruction 6143-1b). This final rule is effective immediately as a thirty day comment period would be impracticable and contrary to the public interest. Many ongoing energy programs are currently without funds needed to continue their services and maintain CETA work crews.

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR Part 1061 is amended as follows:

§ 1061.30 [Amended]

1. In 45 CFR 1061.30-11(b) the last sentence reading "The non-Federal Share requirement shall be in accordance with CSA Instruction 6802-3, Non-Federal Share Requirement for Title II, sections 221, 222(a) and 231 Programs," is revoked.

2. 45 CFR Part 1061 is amended to add the following:

Sec.

1061.52-1 Applicability.
1061.52-2 State and regional funding plans.
1061.52-3 Policy.
1061.52-4 Timeframes.
1061.52-5 Clearinghouse review (A-95).
1061.52-6 Non-Federal share.
1061.52-7 Allocation formula elements.
1061.52-8 Allocations.
1061.52-9 Funding regional T/TA projects.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1061.52-1 Applicability.

This subpart is applicable to grantees funded under section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by the Community Services Administration.

§ 1061.52-2 State and regional funding plans.

(a) In 1977, each State Economic Opportunity Office (SEOO) undertook jointly with the Community Action Agencies and the appropriate CSA Regional Office the development of an Emergency Energy Conservation Program Plan for fiscal year 1977, section 222(a)(12) funds. Responsibility for coordinating this effort resided with the SEOO, and Plans were approved by CSA Regional Offices.

(b) Those plans will form the basis of within-state allocations of fiscal year 1978 funding unless CSA Regional Offices and State Economic Opportunity Offices jointly agree on amendments. The amendments may be based on existing carry-over balances, allocation of Department of Energy funds, or other considerations such as the provision of additional funds to selected grantees which have demonstrated superior program capability.

§ 1061.52-3 Policy.

(a) Grantees should develop proposals for balanced, comprehensive energy conservation programs which include not only Weatherization activities but also strong components in Crisis Intervention, Conservation Education and Advocacy, Alternate Energy, and other activities which respond to the actual energy needs of the communities served.

(b) Once again, this flexible CSA funding should be used to strengthen grantee capability in a way that complements the DOE supplementary weatherization materials funds now available.

§ 1061.52-4 Timeframes.

(a) State Economic Opportunity Offices (SEOO's) wishing to propose amendments to State Plans will immediately notify their appropriate CSA Regional Office of the proposed changes. If there are no changes or as soon as proposed amendments have been agreed to, Regional Offices will notify grantees of the amount of their fiscal year 1978 allocation and request submission of proposals as soon as possible.

(b) Eligible grantees should proceed to submit proposals in accordance with the provisions of §§ 1061.30-1 through 30-14 (CSA Instruction 6143-1a) to Regional Offices as soon as they are notified of allocation amounts.

(c) When a Regional Director determines that a grantee urgently needs funds, he may recommend to the Headquarters' funding official immediate approval of a Form 314, Statement of CSA Grant. The Regional Office will attach a Special Condition to the grant requiring submission of a Work Program within 30 days of acceptance of the grant by the grantee board.

§ 1061.52-5 Clearinghouse review (A-95).

CSA has requested and received from the Office of Management and Budget (OMB) a waiver of the clearinghouse review procedures required under OMB Circular A-95. However, grantees shall notify the appropriate clearinghouse of the waiver as well as submit an information copy

of their application to the appropriate clearinghouses.

§ 1061.52-6 Non-Federal share.

(a) In addition to the existing waiver of the non-Federal share requirement for Crisis Intervention (Program Account 22) and Program Support (Program Account 26) the non-Federal share requirement for these funds is waived for all energy grants to Farmworker governed organizations and recognized Native American Tribal Organizations. The state and local resources that exist to respond to and meet the national priority and Executive Policy of nation-wide energy conservation are limited. At the same time the fiscal year 1977 level of funding increased the size of the Emergency Energy Conservation Program fourfold, thereby placing greatly added demands on these resources which are needed to meet energy conservation priorities in the broader community. Therefore, the non-Federal share requirement for program accounts other than 22 and 26 under the Emergency Energy Conservation Program authorized by section 222(a)(12) of the Economic Opportunity Act, as amended, is reduced to 20 percent.

(b) Where grantees can show that they cannot mobilize the 20 percent non-Federal share, they shall be eligible for consideration for a waiver of that part of the required amount which they cannot provide; and they shall use the procedures described in § 1068.22 (CSA Instruction 6802-5a) to document the lack of resources.

(c) Where a grantee or local administering agency has received a waiver of all or part of the non-Federal share required for other programs supported under Title II of the Economic Opportunity Act of 1964 as amended, the non-Federal share required for energy programs administered by such grantee or agency under Section 222(a)(12) shall be no more than that required for Section 221 programs administered by such grantee or agency.

§ 1061.52-7 Allocation formula elements.

(a) The State-by-State allocation of the fiscal year 1978 Emergency Energy Conservation Program funds is based on the same formula as the final allocation of fiscal year 1977 energy conservation funds, with adjustments made to reflect each State's access to reprogramed Special Crisis Intervention Program (SCIP) funds.

(b) The fiscal year 1977 formula for allocation of funds State by State was as follows:

(c) For purposes of determining the allocation, a base of $18,000 was assigned for each local project or local CAA to undertake a project with these funds, reflecting an agency policy to encourage each project to hire an energy coordinator and permanent work supervisor(s).

(d) The remaining funds were allocated among the States according to the following formula:

(0.587 × population-weighted heating degree days + 0.033 × population-weighted cooling degree days) × (number of poverty households in the State + number of elderly below 125 percent of poverty threshold.)

(e) The resulting number for each State was then divided by the total of such numbers for all States, yielding a percentage which was applied to the balance available after subtraction of the sum of the per-project allotments.

§ 1061.52-8 Allocations.

(a) At this time $42 million is being allocated to operational programs from the fiscal year 1978 funds appropriated for energy programing. However, since 5 percent of this amount will be retained by CSA for obligations in support of Regional T/TA Projects, the amount which will be distributed initially will be $39.9 million as set forth in Appendix A.

(b) In addition, $36,616,059 has been reprogramed or is being reprogramed from unobligated SCIP balances.

(c) Any State with a reprogramed SCIP balance which exceeds what would have been its formula share of $76,516,059, will receive 20 percent of its formula share out of the $39.9 million now being distributed. Eighteen States fall into this category (Appendix A).

(d) The remaining States will be allocated a proportionate share based on their fiscal year 1977 formula allocation, of the balance of the $39.9 million plus the total of their reprogramed SCIP balances. The actual amount of new money to go to each State will be that allocation minus the State's reprogramed SCIP funds (Appendix A).

(e) Of the remaining $23 million appropriated, $4 million is being set aside for Farmworker energy programs and $3 million for Native American energy programs. The balance of $16 million has been temporarily set aside pending further consideration of additional funding plans now in preparation. Policies and procedures covering these set-asides will be the subject of future rules (CSA Notices).

§ 1061.52-9 Funding regional T/TA projects.

(a) *Allocations to regions.* The Regional allocation of the 5 percent ($2.1 million) for obligation in support of Regional T/TA Projects is based on the same formula as the final Regional allocational of fiscal year 1977 energy conservation funds, i.e.:

	Percent of total	Dollar allocation by region
*Region I	6.63	139,230
Region II	12.02	252,420
Region III	11.98	251,580
Region IV	14.76	309,960
Region V	22.70	476,700
Region VI	9.66	202,860
Region VII	6.71	140,910
Region VIII	4.89	102,690
Region IX	6.31	132,510
Region X	4.34	91,140
Total	100.00	2,100,000

(b) Procedures for obligating Regional T/TA funds. No T/TA funds can be obligated by CSA Regional Offices prior to the completion of the following:

(1) Review the T/TA needs of the states in the Region;

(2) Submit a comprehensive Regional T/TA Plan to CSA Headquarters, Attention: Energy Programs, accompanied by a listing of last year's T/TA grantees in the Region and indicating the extent to which the goals of the work programs were met and their effectiveness;

(3) Follow normal funding procedures, upon receipt of Headquarters' approval of the Regional T/TA Plan.

APPENDIX A

Allocation to Regionally Funded Programs by State

Region I	Reprogrammed SCIP Funds	New Allocations of FY 78 Funds	Total Funds Available: Reprogrammed SCIP and New Funds
Connecticut	-0-	861,102	861,102
Maine	-0-	730,486	730,486
Massachusetts	237,937	1,300,437	1,538,374
New Hampshire	-0-	333,798	333,798
Rhode Island	-0-	406,363	406,363
Vermont	788,387	41,496	829,883
Total	1,026,324	3,673,682	4,700,006
Region II			
New Jersey	-0-	1,664,152	1,664,152
New York	3,640,000	2,010,377	5,650,377
Puerto Rico	549,679	32,718	582,397
Virgin Islands	21,242	17,459	38,701
Total	4,210,921	3,724,707	7,935,627
Region III			
Delaware	-0-	140,292	140,292
District of Columbia	454,185	23,940	478,125
Maryland	50,000	743,375	793,375
Pennsylvania	-0-	3,807,233	3,807,233
Virginia	-0-	1,765,743	1,765,743
West Virginia	-0-	894,966	894,966
Total	504,185	7,375,549	7,879,734
Region IV			
Alabama	6,133	1,145,228	1,151,361
Florida	140,000	721,102	861,102
Georgia	-0-	1,286,816	1,286,816
Kentucky	3,240,000	168,378	3,408,378
Mississippi	50,000	786,914	836,914
North Carolina	-0-	1,756,068	1,756,068
South Carolina	890,000	106,134	996,134
Tennessee	298,000	1,109,757	1,407,757
Total	4,624,133	7,080,397	11,704,530

APPENDIX A

Continued:

Allocation to Regionally Funded Programs by State

Region V	Reprogrammed SCIP Funds	New Allocation of FY 78 Funds	Total Funds Available: Reprogrammed SCIP and New Funds
Illinois	-0-	3,149,312	3,149,312
Indiana	1,734,735	192,318	1,927,053
Michigan	-0-	2,791,326	2,791,326
Minnesota	-0-	1,988,275	1,988,275
Ohio	4,477,786	418,950	4,896,736
Wisconsin	868,534	727,891	1,596,425
Total	7.081,055	9,268,072	16,349,127
Region VI			
Arkansas	802,066	107,413	909,479
Louisiana	70,000	1,018,472	1,088,472
New Mexico	-0-	517,629	517,629
Oklahoma	710,380	368,417	1,078,797
Texas	-0-	2,520,417	2,520,417
Total	1,582,446	4,532,348	6,114,794
Region VII			
Iowa	259,070	916,480	1,175,550
Kansas	933,939	87,780	1,021,719
Missouri	1,782,947	216,258	1,999,205
Nebraska	887,600	82,992	970,592
Total	3,863,556	1,303,510	5,167,066
Region VIII			
Colorado	85,000	1,109,900	1,194,900
Montana	1,247,033	55,860	1,302,893
North Dakota	1,265,000	51,870	1,316,870
South Dakota	1,385,999	48,678	1,434,677
Utah	80,000	365,064	445,064
Wyoming	529,670	27,132	556,802
Total	4,592,702	1,658,504	6,251,206

APPENDIX A

Continuation:

Allocation to Regionally Funded Programs by State

Region IX	Reprogrammed SCIP Funds	New Allocation of FY 78 Funds	Total Funds Available: Reprogammed SCIP and New Funds
Arizona	280,000	174,739	454,739
California	2,713,000	581,441	3,294,441
Hawaii	8,000	74,240	82,240
Nevada	58,000	106,480	164,480
Trusts	-0-	-0-	-0-
Total	3,059,000	936,900	3,995,900
Region X			
Alaska	1,120,700	16,758	1,137,458
Idaho	330,000	44,688	374,688
Oregon	1,868,000	123,690	1,991,690
Washington	2,753,037	161,196	2,914,233
Total	6,071,737	346,332	6,418,069
GRAND TOTAL	36,616,059	39,900,000	76,516,059

[FR Doc. 78-6494 Filed 3-9-78; 8:45 am]

proposed rules

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

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 230, 239, 240, and 249]

[Release No. 33-5909, 34-14520, S7-734]

EXAMINATION OF THE EFFECTS OF RULES AND REGULATIONS ON THE ABILITY OF SMALL BUSINESSES TO RAISE CAPITAL AND THE IMPACT ON SMALL BUSINESSES OF DISCLOSURE REQUIREMENTS UNDER THE SECURITIES ACTS

Hearings

AGENCY: Securities and Exchange Commission.

ACTION: Publication of the dates and locations for hearings.

SUMMARY: In Securities Act Release No. 5889 (December 14, 1977) (42 FR 64163, December 22, 1977), the Commission announced that it would hold public hearings concerning the effects of its rules and regulations on the ability of small businesses to raise capital and the impact on small businesses of the disclosure requirements under the securities acts. This document announces the dates and locations of the hearings.

DATES: The hearings will be held on April 11, April 18, April 25, May 2, May 9, and May 16, 1978.

ADDRESSES: The hearings will be at the following locations:

April 11—Washington, D.C.
April 18—Commissions Regional Offices in Los Angeles, Calif.
April 25—Denver, Colo.
May 2—Atlanta, Ga.
May 9—Chicago, Ill.
May 16—Boston, Mass.

FOR FURTHER INFORMATION CONTACT:

Paul A. Belvin or John A. Granda, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1750 or 202-376-8090;

or the following persons located at the Commissions Regional Offices;

James W. Mercer, 10960 Wilshire Boulevard, Suite 1710, Los Angeles, Calif. 90024, 213-984-0011; William J. Klein, Two Park Central, Room 640, 1515 Arapahoe Street, Denver, Colo. 80202, 303-327-2071; Everett Leo Mast, 1375 Peachtree Street NE., Suite 788, Atlanta, Ga. 30309, 404-257-4844; Dennis B. O'Boyle, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1204, Chicago, Ill. 60604, 312-353-3378; Katherine W. Keane, 150 Causeway Street, Boston, Mass. 02114, 617-223-2721.

Specific times and room locations for the hearings will be determined later and may be obtained by phoning or writing any of the individuals listed above.

In the very near future, the Commission will issue a release listing the issues to be considered at the hearings.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 2, 1978.

[FR Doc. 78-6305 Filed 3-9-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 133, 150, 166, 182, 184 and 186]

[Docket No. 77G-0379]

SORBIC ACID AND ITS SALTS

Proposed Affirmation and Deletion of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm potassium sorbate and sorbic acid as generally recognized as safe (GRAS) as direct human food ingredients, to delete calcium and sodium sorbates from the GRAS list, and to amend the standards of identity for some cheeses, fruit jellies, jams and preserves, and margarine. The safety of these ingredients has been evaluated pursuant to the comprehensive safety review being conducted by the agency.

DATES: Comments by May 9, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A comprehensive study of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction is being conducted by FDA. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of sorbic acid and calcium, potassium, and sodium sorbates has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of potassium sorbate and sorbic acid and to delete calcium and sodium sorbates from the GRAS list.

Sorbic acid, *trans, trans*-2,4-hexadienoic acid, was isolated in 1859 from the berries of the mountain ash, *Sorbus aucuparia L.*, where it occurs as the lactone, parasorbic acid. Commercially, sorbic acid and its salts have also been manufactured by organic synthesis and used as antimicrobial preservatives. The antimicrobial activity of sorbates is demonstrated below pH 6.5 and increases as the pH of the medium is lowered. Broad spectrum fungistatic activity is exhibited against yeasts and molds, and bacteriostatic activity is exhibited against catalase-positive organisms. As chemical preservatives, sorbates can be used as sprays, dips, or coatings on wrapping materials, or can be incorporated directly into food. It is reported, however, that only sorbic acid and potassium sorbates are widely used as chemical preservatives.

The particular sorbate used in foods is determined to a large extent by its solubility in water. Potassium sorbate (58.2 grams per 100 milliliters at 20° C) is more soluble than sorbic acid (0.15 grams per 100 milliliters at 20° C). Sorbic acid and its salts are also somewhat unstable. By virture of their double bond system, they polymerize readily when catalyzed by free radi-

cals. Autoxidation results in the formation of peroxides, followed by degradation and polymerization.

Section 182.3225 *Calcium sorbate* (21 CFR 182.3225), § 182.3795 *Sodium sorbate* (21 CFR 182.3795), § 182.3640 *Potassium sorbate* (21 CFR 182.3640), and § 182.3089 *Sorbic acid* (21 CFR 182.3089) are listed as GRAS for use as chemical preservatives, pursuant to regulations published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368). Potassium and sodium sorbates are also listed in § 182.90 (21 CFR 182.90) as GRAS substances that may migrate to food from paper and paperboard products used in food packaging, pursuant to regulations published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421). Sorbic acid is listed in § 181.23 (21 CFR 181.23) as a prior sanction substance that is employed in the manufacture of food packaging materials.

Part 133 (21 CFR Part 133) permits the use of sorbic acid, potassium sorbate, or sodium sorbate as optional mold-inhibiting ingredients in various cheeses in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid, either alone or in combination. Part 150 (21 CFR Part 150) permits the use of sorbic acid, potassium sorbate, or sodium sorbate as preservatives in artifically sweetened jams, jellies, and fruit preserves, either alone or in combination, where their combined weight does not exceed 0.1 percent in the finished food. Part 166 (21 CFR Part 166) permits sorbic acid and its calcium, potassium, and sodium salts as preservatives in margarine either individually, not to exceed 0.1 percent by weight, or in combination, not to exceed 0.2 percent by weight, calculated as sorbic acid in the finished food.

Additionally, sorbic acid is listed in § 177.2260 (21 CFR 177.2260) as an adjuvant substance that may be used with dimethylpolysiloxane and methylcellulose as an antifoaming agent for resin-bonded filters.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which sorbic acid and its salts were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to sorbic acid and its salts. In 1970 the use of sorbic acid and potassium sorbate was estimated to be about 1.5 and 1.8 million pounds, respectively. Between 1960 and 1970 the use of sorbic acid increased about 13-fold and potassium sorbate about 4-fold. None of the manufacturers that were surveyed reported using calcium sorbate or sodium sorbate in foods.

Sorbic acid and its salts have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered: (1) chemical toxicity; (2) occupational hazards; (3) metabolism; (4) reaction products; (5) degradation products; (6) any reported carcinogenicity; teratogenicity; or mutagenicity; (7) dose response; (8) reproductive effects; (9) histology; (10) embryology; (11) behavioral effects; (12) detection; and (13) processing. A total of 638 abstracts or sorbic acid and its salts was reviewed, and 60 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Sorbic acid is a carboxylic acid and readily forms salts in biological systems. Thus the physiological effects of the acid and its salts may be expected to be similar with respect to the sorbate ion.

The metabolism of [1—^{14}C] sorbic acid (NaOH neutralized) administered by stomach tube to female Sprague-Dawley rats (about 920 mg sorbic acid per kg body weight) was reported as follows: 85 percent of the radioactivity was found in the expired carbon dioxide within 4 to 10 hours, 0.4 percent in the feces, 2 percent in the urine, 3 percent in internal organs and blood, 3 percent in skeletal muscles, and 6.6 percent elsewhere in the carcass. There was no labeling of the liver or muscle glycogen, and some radioactivity was associated with the lipid fraction of the carcass, internal organs and skin. The percentage of the radioactivity found in expired carbon dioxide was independent of dosage between 61 to 1213 mg sorbic acid per kg body weight. Caproic acid in similar tests was oxidized at the same rate and to the same extent.

Fasting female rats received sodium sorbate or sodium caproate by stomach tube at levels of 75 or 150 mg (calculated as acetone) per 100 sq cm of body surface per day in two divided doses (about 6 g sorbic acid per kg body weight); the proportion excreted as ketone bodies was approximately the same. The authors concluded that sorbic acid and caproic acid were metabolized via acetone bodies, and that under normal conditions sorbic acid is completely oxidized to carbon dioxide and water.

The urine of rabbits fed sorbic acid (3 g per kg body weight) contained muconic acid. Small amounts of sorbic acid and muconic acid also have been reported in the urine of mice given water solutions of the sodium salt of sorbic acid by gastric intubation (40 and 3,000 mg per kg of body weight). The mice were given food and water *ad libitum* and, in 4 days, 81± 10 percent of the sorbic acid was oxidized to carbon dioxide and water; about 4 percent was in the urine, part of it as muconic acid. Chicks utilize sorbic acid as a source of energy.

The oral LD_{50} for sorbic acid in fed Sherman rats has been reported to be from 7.36 g to 10.50 g per kg body weight. In rats fasted for 18 hours prior to testing, the LD_{50} for sodium sorbate (calculated as sorbic acid) was 3.6 g per kg for females (163 to 267 g body weight) and 4.3 g per kg for males (212 to 430 g body weight). In fed rats a higher LD_{50} for sodium sorbate (calculated as sorbic acid) was found: 5.9 g per kg (male and female rats, 90 to 120 g). The higher LD_{50} value for sorbic acid as compared to sodium sorbate was attributed by the authors to its less rapid absorption from the gut. The oral LD_{50} of potassium sorbate in the rat has been reported as 4.9 and 6.2 g per kg body weight for the "solid" and "mixed isomers", respectively.

Sorbic acid (KOH neutralized) fed as 2 percent of the diet (about 2 g per kg body weight) to 8-week-old Wistar rats for 10 weeks had no effect on growth. Slight enlargement but no histological abnormalities of the livers were noted. Sorbic acid fed for 22 weeks to rats at 1.5 percent of the diet (1.2 g per kg body weight) had no adverse effect on hepatic and pancreatic functions or on body and organ weights. In these and other reports changes were noted in concentrations of bilirubin and cholesterol in the bile and in secretion of pancreatic juice. However, from the data given in the reports it is not possible to assess the significance of these findings or the causative factors.

Rats were fed an 8 percent sorbic acid diet (5.1 g per kg body weight) for 90 days. The only effect noted was slight enlargement of the livers that were otherwise normal. A 4 percent diet did not cause liver enlargement. Another report indicates that rats can tolerate 10 percent sorbic acid in the diet for 4 months. The test animals tended to have a higher ratio of liver weight to body weight than did the control animals. Liver homogenates of first generation animals fed sorbic acid had lower oxygen consumption than controls. Reproductive performance of females fed at the 10 percent level was found to be similar to that of the controls.

Groups of 50 male and 50 female mice intubated daily with sorbic acid (80 mg per kg body weight) for 3 months gained less weight than did controls. Reduced weight gains were not attributed by the authors to reduced feed intake.

Potassium sorbate ("solid or mixed isomers") was fed to groups of 10 rats (5 male and 5 female) at levels of 0, 1, 2, 5, and 10 percent of the diet for 3 months. Relative liver weights were the same in all groups. Kidney weights were increased at 10 percent and to a lesser degree at the 5 percent level (2.5 g per kg for a 400 g rat consuming 20 g of feed per day). No controls for high potassium intake were described. Weight gains of female animals were depressed initially when fed at the 10 percent level and to a lesser degree at the 5 percent level. In the same report eight dogs received 1 percent and eight dogs 2 percent potassium sorbate in the diet for 3 months and gained the same weight as four control dogs. At autopsy, gross examination revealed no deleterious effects attributable to potassium sorbate. Other researchers reported that three dogs fed 4 percent sorbic acid in the diet for 3 months grew normally and showed no deleterious effects attributable to the sorbate on histopathological examination.

In a 17-month study, 25 male and 25 female mice were fed sorbic acid (40 mg per kg body weight) daily as a paste prior to the main feed. Compared to controls the weights of liver, kidney and testes relative to body weight were lower for experimental animals sacrificed at the end of the test.

These changes were not considered pathological by the investigators.

One hundred rats maintained on 0.1, 0.5 and 5.0 percent sorbic acid in the diet (50, 250 and 2500 mg per kg body weight per day) for a test period of 1000 days did not differ from controls in growth, reproduction, health, life expectancy or cause of death.

A group of rats maintained through the second generation on the 0.1 percent diets exhibited no differences from controls in growth or reproduction. Thirty rats of the second generation received 5 percent sorbic acid in the diet for 252 days with no demonstrable pathological findings. An unpublished report from the same laboratory concerned 100 rats (50 males, 50 females) fed a diet providing 5 percent sorbic acid during their life span. The average life span of males compared to controls was 811 vs. 709 days and for females 789 vs. 804 days. There were no differences in organ weights of individual groups. In each group (5 percent sorbic acid and controls) only two tumors were found. There were no abnormalities in liver, kidney, heart or testes.

Dickens et al. attempted to study the carcinogenicity of sorbic acid; however, the results were inconclusive. In a repetition of these tests using sorbic acid from another source, no tumors were obtained in Wistar rats when sorbic acid (2 mg in 0.5 ml in peanut oil) was injected subcutaneously twice weekly for 56 to 60 weeks. Also patassium sorbate did not induce tumors when fed for 60 weeks to rats at 0.1 percent of the diet or when dissolved in their drinking water at 0.3 percent.

In another carcinogenicity study, mice that had been fed a control diet or a diet supplying up to 300 mg sorbic acid per kg body weight for 3 months received ascitic Ehrlich cancer intraperitoneally by transplant. Within a 66-day observation period, the percentage of animals that developed tumors in control and experimental groups did not differ.

No carcinogenic effect was demonstrated by sorbic acid in rats given dietary levels up to 10 percent (about 5 g per kg body weight daily) for 2 years. Groups of 48 male (90 to 145 g) and 48 female rats (80 to 130 g) were fed diets containing 0, 1.5 or 10 percent sorbic acid. At the 10 percent level the thyroid weight in males, the relative liver weights in both sexes, and the relative kidney, small intestine, and ovary weights in females were increased slightly. No significant differences were found between the control and treated groups by hematological examinations, analysis of serum, studies of renal function by histopathological examination, or in mortality rate.

Tests of potassium sorbate for teratogenicity by the chick embryo test and formutagenicity in *Salmonella typhimurium* and *Saccharomyces cerevisiae* were negative. Daily administration of up to 460 mg per kg body weight to pregnant mice (albino CD-1) or up to 340 mg per kg body weight to pregnant rats (Wistar derived stock) for 10 consecutive days (day 6 to 15 of gestation) had no clearly discernible effect on nidation or on maternal or fetal survival. The number of abnormalities seen in either soft or skeletal tissues of the test groups did not differ from the number occurring spontaneously in sham-treated controls. The Select Committee is unaware of similar tests on sorbic acid.

All of the available safety information on sorbic acid and its salts has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Sorbic acid and its salts demonstrate very low acute or chronic tosicity for experimental animals. In animals sorbate is metabolized by the normal fatty acid pathway. Although no metabolic or toxicological studies have been conducted in man, the similarity of the pathways of fatty acid metabolism in man and animals suggests that no deleterious effects are to be expected from sorbic acid in the diet even in amounts many times greater than those at which it appears to be used.

It is the conclusion of the Select Committee that there is no evidence in the available information on sorbic acid and its sodium, patassium and calcium salts that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on sorbic acid and its salts, the Commissioner concurs with this conclusion. The Commissioner, therefore, concludes that no change in the current GRAS status of sorbic acid and potassium sorbate is justified. Because no information was submitted on current food uses for calcium and sodium sorbates in response to the survey of food manufacturers, and due also to the instability of sodium sorbate reported by the Joint FAO/WHO Committee on food additives, the Commissioner concludes that insufficient data and information are available to affirm the GRAS status of these ingredients. He proposes, therefore, to delete calcium and sodium sorbates as GRAS direct human food ingredients, and sodium sorbate as an indirect GRAS ingredient, unless information is provided which demonstrates that the instability of sodium sorbate does not present a health hazard, and which includes human food uses (levels of addition, intended technical effects, and food to which the substance is added) of both ingredients. This information should be submitted as comments on this proposal during the comment period.

As a result of the general safety review of GRAS ingredients, the commissioner has determined that some standards of identity for foods require certain changes to bring them into conformity with the findings of the safety review. Accordingly, the proposed removal of calcium and sodium sorbates from the GRAS list requires that certain of the standards for cheeses (21 CFR Part 133) and jams, jellies, and preserves (21 CFR Part 150) and the standard for margarine (21 CFR Part 166) be amended. Comments regarding the proposed changes in food standards of identity as set out below should address questions regarding the safe use of these GRAS ingredients.

Copies of the scientific literature review on sorbic acid and its salts, teratogenic and mutagenic evaluations of potassium sorbate, and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161, as follows:

Title	Order No.	Price code	Price[1]
Sorbic acid and derivatives (scientific literature review)	PB-223-864/AS	A05	$6.00
Potassium sorbate (teratogenic evaluation)	PB-245-520/AS	A03	4.50
Potassium sorbate (mutagenic evaluation)	PB-245-434/AS	A04	5.25
Sorbic acid and its salts (select committee report)	PB-262-663/AS	A02	4.00

[1] Prices subject to change.

This proposed action does not affect the present use of sorbic acid and its salts for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 401, 409, 701 (a), and (e), 52 Stat. 1046, 1055, 70 Stat. 919 as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 341, 348, 371(a), and (e))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 133, 150, 166, 182, 184, and 186 be amended as follows:

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

1. Part 133 is amended:

a. By revising paragraph (d) of § 133.102, to read as follows:

§ 133.102 Asiago fresh and asiago soft cheese.

* * * * *

(d) Asiago fresh cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3

percent by weight, calculated as sorbic acid.

* * * * *

b. By revising paragraph (d) of § 133.106, to read as follows:

§ 133.106 Blue cheese.

* * * * *

(d) The food may have applied to its surface an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

c. By revising paragraph (d) of § 133.108 to read as follows:

§ 133.108 Brick cheese.

* * * * *

(d) Brick cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

d. By revising paragraph (d) of § 133.111, to read as follows:

§ 133.111 Caciocavallo siciliano cheese

* * * * *

(d) Caciocavallo siciliano cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

e. By revising paragraph (d) of § 133.113, to read as follows:

§ 133.113 Cheddar cheese.

* * * * *

(d) Cheddar cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold/inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

f. In § 133.116, by deleting paragraph (b) and redesignating paragraphs (c), (d), (e), and (f) as paragraphs (b), (c), (d) and (e), respectively, as follows:

§ 133.116 Low sodium cheddar cheese.

* * * * *

(b) It contains not more than 96 milligrams of sodium per pound of finished food.

(c) The name of the food is "low sodium cheddar cheese". The letters in the words "low sodium" shall be of the same size and style of type as the letters in the words "cheddar cheese", wherever such words appear on the label.

(d) If a salt substitute as provided for in paragraph (a) of this section is used, the label shall bear the statement "———— added as a salt substitute", the blank being filled in with the common name or names of the ingredient or ingredients used as a salt substitute.

(e) Low sodium cheddar cheese is subject of § 105.69 of this chapter.

g. By revising paragraph (d)(2) of § 133.118, to read as follows:

§ 133.118 Colby cheese.

* * * * *

(d) * * *

(2) Colby cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to excees 0.3 percent by weight, calculated as sorbic acid.

* * * * *

h. In § 133.121, paragraph (b) is deleted and paragraphs (c), (d), (e), and (f) are redesignated as (b), (c), (d), and (e), respectively, as follows:

§ 133.121 Low sodium colby cheese.

* * * * *

(b) It contains not more than 96 milligrams of sodium per pound of finished food.

(c) The name of the food is "low sodium colby cheese". The letters in the words "low sodium" shall be of the same size and style of type as the letters in the words "colby cheese", wherever such words appear on the label.

(d) If a salt substitute as provided for in paragraph (a) of this section is used, the label shall bear the statement "———— added as a salt substitute", the blank being filled in with the common name or names of the ingredient or ingredients used as a salt substitute.

(e) Low sodium colby cheese is subject to § 105.69 of this chapter.

i. By revising paragraph (c)(6) of § 133.123, to read as follows:

§ 133.123 Cold-pack and club cheese.

* * * * *

(c) * * *

(6) Cold-pack cheese in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid or consisting of not more than 0.3 percent by weight of sodium propionate, and calcium propionate, or a combination of sodium propionate and calcium propionate.

* * * * *

j. By revising paragraph (e)(7) of § 133.124, to read as follows:

§ 133.124 Cold-pack cheese food.

* * * * *

(e) * * *

(7) Cold-pack cheese food in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid or consisting of not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

* * * * *

k. By revising paragraph (d) of § 133.136, to read as follows:

§ 133.136 Washed curd and soaked curd cheese.

* * * * *

(d) Washed curd cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

l. By revising paragraph (d) of § 133.138, to read as follows:

§ 133.138 Edam cheese.

* * * * *

(d) Edam cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

m. By revising paragraph (d) of § 133.141, to read as follows:

§ 133.141 Gorgonzola cheese.

* * * * *

(d) The food may have applied to its surface an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

n. By revising paragrph (d) of § 133.144, to read as follows:

§ 133.144 Granular and stirred curd cheese.

* * * * *

(d) Granular cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

o. By revising paragraph (b)(1) of § 133.146, to read as follows:

§ 133.146 Grated cheese.

* * * * *

(b) * * *

(1) A mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight of the finished food calculated as sorbic acid. Potassium sorbate may be applied in aqueous solution, the amount of water used being not more than that required for application of this water-soluble salt in accordance with good commercial practice.

* * * * *

p. By revising paragraph (d) of § 133.148, to read as follows:

§ 133.148 Hard grating cheese.

* * * * *

(d) Hard grating cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

q. By revising paragraph (d) of § 133.149, to read as follows:

§ 133.149 Gruyere cheese.

* * * * *

(d) Gruyere cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

r. By revising paragraph (d) of § 133.150, to read as follows:

§ 133.150 Hard cheese.

* * * * *

(d) Hard cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

s. By revising paragraph (d) of § 133.153, to read as follows:

§ 133.153 Monterey cheese and monterey jack cheese.

* * * * *

(d) Monterey cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

t. By revising paragraph (d) of § 133.156, to read as follows:

§ 133.156 Low-moisture mozzarella and scamorza cheese.

* * * * *

(d) Low-moisture mozzarella cheese, low-moisture scamorza cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

u. By revising paragraph (d) of § 133.160, to read as follows:

§ 133.160 Muenster and munster cheese.

* * * * *

(d) Muenster cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting or sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

v. By revising paragraph (d) of § 133.165, to read as follows:

§ 133.165 Parmesan and reggiano cheese.

* * * * *

(d) Parmesan cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

w. By revising paragraph (d)(7) of § 133.169, to read as follows:

§ 133.169 Pasteurized process cheese.

* * * * *

(d) * * *

(7) Pasteurized process chese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of not more than 0.2 percent by weight of sorbic acid and/or potassium sorbate or consisting of not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

* * * * *

x. By revising paragraph (e) of § 133.173, to read as follows:

§ 133.173 Pasteurized process cheese food.

* * * * *

(e) * * *

(7) Pasteurized process cheese food in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of not more than 0.2 percent by weight of sorbic acid and/or potassium sorbate or consisting of not more than 0.3 percent by weight of sodium propionate, calcium pripionate, or a combination of sodium propionate and calcium pripionate.

* * * * *

y. By revising paragraph (f)(8) of § 133.179, to read as follows:

§ 133.179 Pasteurized process cheese spread.

* * * * *

(f) * * *

(8) Pasteurized process cheese spread in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.2 percent by weight, calculated as sorbic acid, or consisting of not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination

of sodium propionate and calcium propionate.

* * * * *

z. By revising paragraph (d) of § 133.181, to read as follows:

§ 133.181 Provolone and pasta filata cheese.

* * * * *

(d) Provolone cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

aa. By revising paragraph (d) of § 133.183, to read as follows:

§ 133.183 Romano cheese.

* * * * *

(d) Romano cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

bb. By revising paragraph (d) of § 133.187, to read as follows:

§ 133.187 Semisoft cheeses.

* * * * *

(d) Semisoft cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

cc. By revising paragraph (d) of § 133.188, to read as follows:

§ 133.188 Semisoft part-skim cheeses.

* * * * *

(d) Semisoft part-skim cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorvate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

dd. By revising paragraph (d) of §133.190, to read as follows:

§ 133.190 Spiced cheeses.

* * * * *

(d) Spiced cheeses in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

* * * * *

ee. By revising paragraph (d) of § 133.195, to read as follows:

§ 133.195 Swiss and emmentaler cheese.

* * * * *

(d) Swiss cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid and/or potassium sorbate in an amount not to exceed 0.3 percent by weight, calculated sorbic acid.

* * * * *

PARTS 150—FRUIT BUTTERS, JELLIES, PRESERVES, AND RELATED PRODUCTS

2. Part 150 is amended:

a. By revising paragraph (a)(6) of § 150.141, to read as follows:

§ 150.141 Artificially sweetened fruit jelly.

* * * * *

(a) * * *

(6) Ascorbic acid, sorbic acid, potassium sorbate, sodium propionate, calcium propionate, sodium benzoate, benzoic acid, methylparaben (methyl-*p*-hydroxybenzoate), propylparaben (propyl-*p*-hydroxybenzoate), or any combination of two or more of these, in a quantity reasonably necessary as a preservative, but not to exceed 0.1 percent by weight of the finished food.

* * * * *

b. By revising paragraph (a)(6) of § 150.161, to read as follows:

§ 150.161 Artificially sweetened fruit preserves and jams.

(a) * * *

* * * * *

(6) Ascorbic acid, sorbic acid, potassium sorbate, sodium propionate, calcium propionate, sodium benzoate, benzoic acid, methylparaben (methyl-*p*-hydroxybenzoate), propylparaben (propyl-*p*-hydroxybenzoate), or any combination of two or more of these, in a quantity reasonably necessary as a preservative, but not to exceed 0.1 percent by weight of the finished food.

* * * * *

PART 166—MARGARINE

3. Part 166 is amended in § 166.110 by revising paragraph (b)(5), to read as follows:

§ 166.110 Margarine.

* * * * *

(b) * * *

(5) Preservatives including but not limited to the following within these maximum amounts in percent by weight of the finished food: Sorbic acid, potassium sorbate, benzoic acid, sodium benzoate, potassium benzoate and calcium benzoate, individually, 0.1 percent, or in combination, 0.2 percent, expressed as the acids; calcium disodium EDTA, 0.0075 percent; propyl, octyl, and dodecyl gallates, BHT, BHA, ascorbyl palmitate, ascorbyl stearate, all individually or in combination, 0.02 percent, stearyl citrate, 0.15 percent; isopropyl citrate mixture, 0.02 percent.

* * * * *

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

4. Part 182 is amended:

§ 182.90 [Amended]

a. By amending § 182.90 Substances migrating to food from paper and paperboard products by deleting the entries "Potassium sorbate" and "Sodium sorbate."

§ 182.3089 [Deleted]

b. By deleting § 182.3089 Sorbic acid.

§ 182.3225 [Deleted]

c. By deleting § 182.3225 Calcium sorbate.

§ 182.3640 [Deleted]

d. By deleting § 182.3640 Potassium sorbate.

§ 182.3795 [Deleted]

e. By deleting § 182.3795 Sodium sorbate.

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

5. Part 184 is amended:

a. By adding new § 184.1089, to read as follows:

§ 184.1089 Sorbic acid.

(a) Sorbic acid ($C_6H_8O_2$, CAS Reg. No. 110-44-1) is *trans, trans*-2, 4-hexadienoic acid and occurs in the berries of the mountain ash, *Sorbus aucuparia L.*, as the lactone, called parasorbic acid. It is produced commercially either by the oxidation of 2, 4-hexadienol or by reaction of ketene and crotonaldehyde, through a polymeric resin.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1].

(c) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter and as a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level as served of 0.23 percent for baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, 0.3 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 1.4 percent for soft candy as defined in § 170.3(n)(38) of this chapter, and 0.2 percent or less for all other food categories.

b. By adding new § 184.1640, to read as follows:

§ 184.1640 Potassium sorbate.

(a) Potassium sorbate ($C_6H_7KO_2$, CAS Reg. No. 590-00-1) is the potassium salt of sorbic acid. It is prepared by neutralizing sorbic acid with potassium hydroxide. The product exists as white crystals, a crystalline power or as pellets.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d. Ed. (1972)[1].

(c) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter, a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter and as pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient isused in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level as served of 0.1 percent for baked goods as defined in § 170.3(n)(1) of this chapter; 0.1 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; 0.3 percent for cheeses as defined in § 170.3(n)(5) of this chapter; 0.2 percent for confections and frostings as defined in § 170.3(n)(9) of this chapter; 1.6 percent for fats and oils as defined in § 170.3(n)(12) of this chapter; 0.8 percent for gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter; 0.7 percent for sweet sauces, toppings, and syrups as defined in § 170.3(n)(43) of this chapter; and 0.12 percent or less for all other food categories.

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

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

6. Part 186 is amended by adding new § 186.3640, to read as follows:

§ 186.3640 Potassium sorbate.

(a) Potassium sorbate ($C_6H_7KO_2$, CAS Reg. No. 590-00-1) is the potassium salt of sorbic acid. It is prepared by neutralizing sorbic acid with potassium hydroxide. The product exists as white crystals, a crystalline power, or as pellets.

(b) The ingredient meets the specifications of the Food Chemicals Codex 2d Ed. (1972)[1].

(c) The ingredient is used or intended for use as a constituent of food-packaging materials.

(d) The ingredient is used at levels not to exceed good manufacturing practice.

The Commissioner hereby gives notice that he is unaware of any prior sanctions for the use of these ingredients in food under conditions different from those proposed herein or in Part 181 (21 CFR Part 181). Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation porposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before May 9, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Recieved comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107.

Dated: March 2, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE: Incorporation by reference approved by the Director of the Office of the FEDERAL REGISTER on July 10, 1973. Referenced material is on file at the Federal Register's Library.

[FR Doc.78-6054 Filed 3-9-78; 8:45 am]

[4110-03]

[21 CFR Part 514]

[Docket No. 76N-0358]

NEW ANIMAL DRUG APPLICATIONS

Approval of Supplemental Applications; Extension of Time for Filing Comments

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document extends for an additional 30 days the time for filing comments on proposed criteria for approving supplemental new animal drug applications. This action is taken in response to a request for an extension.

DATES: Comments by March 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Ann B. Holt, Bureau of Veterinary Medicine (HFV-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: A proposed rule concerning the criteria for approval of supplemental new animal drug applications was published in the FEDERAL REGISTER of December 23, 1977 (42 FR 64367). That document provided 60 days, to February 21, 1978, for commenting on the proposal.

The Animal Health Institute (AHI) has noted that, because the proposal was published only 2 days before the Christmas holidays, it could not be reviewed by interested AHI member company representatives until well after the first of the year. Therefore, the AHI has rquested a 30-day extension of the comment period to allow its member company representatives sufficient time to develop adequate and comprehensive comments on the proposal.

The Commissioner of Food and Drugs finds that, for good reason appearing, the time for filing comments, subject to the conditions of the published proposed rule, is extended to March 23, 1978.

Interested persons may, on or before March 23, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and authority delegated to the Commissioner (21 CFR 5.1.).

Dated: March 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6426 Filed 3-8-78; 11:03 am]

[4110-03]

[21 CFR Part 740]

[Docket No. 77P-0353]

COAL TAR HAIR DYES CONTAINING 4 - METHOXY - *M* - PHENYLENEDIAMINE (2,4-DIAMINOANISOLE) OR 4 - METHOXY - *M* - PHENYLENEDIAMINE SULFATE (2,4-DIAMINOANISOLE SULFATE)

Proposed Warning Statement; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period for proposed rule.

SUMMARY: This document extends to May 8, 1978 the comment period on the proposal to require a warning statement and warning posters on coal tar hair dyes containing 4-methoxy-*m*-phenylenediamine (also known as 2,4-diaminoanisole) or 4-methoxy-*m*-phenylenediamine sulfate (also known as 2,4-diaminoanisole sulfate). This action is taken because of requests for extension of time. The proposed warning will inform consumers about the risk of cancer that may result from using hair dyes containing these ingredients.

DATES: Comments by May 8, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John A. Wenninger, Bureau of Foods (HFF-441), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1061.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 6, 1978 (43 FR 1101), the Commissioner of Food and Drugs issued a proposal to require warning labels on coal tar hair dyes containing 4-methoxy-*m*-phenylenediamine (also known as 2,4-diaminoanisole) or 4-methoxy-*m*-phenylenediamine sulfate (also known as 2,4-diaminoanisole sulfate) to warn consumers about the risk of cancer that may result from using hair dyes containing these ingredients. The proposal would also require that posters be displayed in beauty salons alerting patrons to ask to read the label on the hair dye preparation to be used on their hair. Interested persons were requested to submit their comments on the proposal on or before March 7, 1978.

The Commissioner is extending the comment period to close of business, May 8, 1978.

The Commissioner has received requests for extension of time for comment by the Cosmetic, Toiletry and Fragrance Association (CTFA) and from the law firm of Kilcullen, Smith and Heenan on behalf of the National Beauty and Barber Manufacturers Association. The CTFA request sought an extension of time to comment for several reasons, including completing industry-sponsored studies and reviewing background material and tissue slides relating to the National Cancer Institute (NCI) preliminary report. CTFA made Freedom of Information Act requests to FDA and NCI in support of its request for an extension. FDA does not have the background material. Further information on the availability of the material is expected to be indicated in NCI's response to CTFA's request for the information. The extension of the comment period until May 8, 1978 will permit consideration of the disposition of the request for background material and an opportunity for comments on any material that becomes available. Requests for access to the background material may be made to NCI. Any further information on the availability of the background material will be placed on file with the Hearing Clerk when ascertained.

Interested persons may, on or before May 8, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 3, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-6277 Filed 3-9-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. S-250]

SELECTED GENERAL INDUSTRY SAFETY AND HEALTH STANDARDS

Extension of Time for Written Comments, Objections, and Requests for a Hearing

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

ACTION: Extension of time to file written comments, objections, and requests for a hearing.

SUMMARY: This notice extends the time for written submissions concerning the rulemaking proceeding on the revocation of selected general industry safety and health standards proposed on December 13, 1977 (42 FR 62734).

DATES: Written comments, objections and requests for a hearing must be postmarked by May 3, 1978.

ADDRESS: Submit written comments, objections, and requests to OSHA Docket Office, Docket No. S-250,

Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. John Proctor, Office of Safety Standards, Occupational Safety and Health Administration, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7216.

SUPPLEMENTARY INFORMATION: On December 13, 1977, a notice was published in the FEDERAL REGISTER (42 FR 62734) of a proposed revocation of certain selected general industry safety and health standards which appear in 29 CFR Part 1910. The notice had requested the submission of public statements and comments not later than March 3, 1978.

Subsequently, several interested parties requested extensions of time to submit their comments. The basis for the requests is the broad scope of the proposal.

OSHA has decided to grant these requests as set forth below. In all other respects the procedures and requirements of the December 13, 1977, FEDERAL REGISTER notice apply.

SUBMISSION OF WRITTEN COMMENTS: Written comments, objections, and requests for public hearings from interested parties must be submitted no later than May 3, 1978. Comments must be submitted in quadruplicate to the Docket Officer, Docket No. S-250, Technical Data Center, Room S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7894.

Signed at Washington, D.C., this 3rd day of March 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-6387 Filed 3-9-78; 8:45 am]

[4510-26]

[29 CFR Part 1910]

[Docket No. S-251]

SPECIAL INDUSTRY SAFETY AND HEALTH STANDARDS

Extension of Time for Written Comments, Objections, and Requests for a Hearing

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

ACTION: Extension of time to file written comments, objections, and requests for a hearing.

SUMMARY: This notice extends the time for written submissions concerning the rulemaking proceeding on the revocation of selected special industry safety and health standards proposed on December 13, 1977 (42 FR 62892).

DATES: Written comments, objections and requests for a hearing must be postmarked by May 3, 1978.

ADDRESS: Submit written comments, objections, and requests to OSHA Docket Office, Docket No. S-251, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. John Proctor, Office of Safety Standards, Occupational Safety and Health Administration, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7216.

SUPPLEMENTARY INFORMATION: On December 13, 1977, a notice was published in the FEDERAL REGISTER (42 FR 62892) of a proposed revocation of certain special industry safety and health standards which appear in 29 CFR Part 1910. The notice had requested the submission of public statements and comments not later than March 3, 1978.

Subsequently, several interested parties requested extensions of time to submit their comments. The basis for the requests is the broad scope of the proposal.

OSHA has decided to grant these requests as set forth below. In all other respects the procedures and requirements of the December 13, 1977, FEDERAL REGISTER notice apply.

SUBMISSION OF WRITTEN COMMENTS: Written comments, objections, and requests for public hearings from interested parties must be submitted no later than May 3, 1978. Comments must be submitted in quadruplicate to the Docket Officer, Docket No. S-251, Technical Data Center, Room S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7894.

Signed at Washington, D.C., this 3rd day of March 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-6386 Filed 3-9-78; 8:45 am]

[7710-12]

POSTAL SERVICE

[39 CFR Part 111]

THIRD CLASS

Required Marking of Single-Piece Third-Class Mail

AGENCY: U.S. Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend postal regulations to require that all mailings at the single-piece third-class rate, whether sealed or unsealed, be marked Third Class and that any such mail not so marked be charged the appropriate first-class postage. The Postal Service must be able to identify the class of mail to ensure it receives the appropriate treatment. Third-class mail may be easily confused with first-class mail and may receive inappropriate handling and distribution treatment. Under the current regulations only sealed pieces mailed at the single-piece third-class rate must be marked Third Class. In addition, there is presently no regulation permitting the Postal Service to charge first-class postage for an unmarked piece of third-class mail, whether sealed or unsealed. To avoid this problem, the Postal Service proposes to require all material sent at single-piece third-class rates to be marked Third Class and to charge first-class postage on any pieces which do not bear such markings.

DATE: Comments must be received on or before April 10, 1978.

ADDRESS: Written comments should be directed to Director, Office of Mail Classification, Rates and Classification Department, United States Postal Service, 475 L'Enfant Plaza, West SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 1610.

FOR FURTHER INFORMATION CONTACT:

Mr. Ashley Lyons, 202-245-4767.

SUPPLEMENTARY INFORMATION: The Postal Service proposes to amend, to carry out the purpose described above, sections 134.41 and 134.8 of the Postal Service Manual, Chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

PART 134—THIRD CLASS

1. In 134.4 revise .41 to read as follows:

134.4 PREPARATION—PAYMENT OF POSTAGE

.41 SINGLE-PIECE MAILINGS

.411 *Mailing Size and Payment of Postage.* Mailers of third-class mail at other than bulk rates may use any method of

paying postage, and may mail any number of pieces at one time, except when permit imprints are used (see 145.5).

.412 *Markings Required.* Each piece mailed at the single-piece third-class postage rates in 134.11 must be legibly marked on the address side, preferably below the postage and above the name of the addressee, with the two words THIRD CLASS. The marking may be included as part of a permit imprint, and it may be printed adjacent to the meter stamp by a postage meter. The marking will not be considered adequate if it is included as a part of a decorative design or advertisement. Pieces not marked as required will be treated as first-class mail and will be charged the applicable first-class postage.

2. Revise 134.8 to read as follows:

134.8 SEALING

Third class mail must be prepared by the mailer so that it can be easily examined. Third-class mail which is not sealed or secured so that it may be handled by machines is not recommended. Mailing of sealed articles at the third-class rates of postage is considered consent by the mailer to postal inspection of the contents.

An appropriate amendment to 39 CFR 11.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-6303 Filed 3-9-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6050-01]

ACTION

DOMESTIC AND ANTIPOVERTY OPERATIONS, VISTA PROGRAM

VISTA Program Criteria and Implementation Guidelines

This notice explains the program criteria and implementation guidelines for the VISTA Volunteer program. The VISTA program is authorized pursuant to title I, part A of the Domestic Volunteer Service Act, Pub. L. 93-113, 87 Stat. 396.

By reason of the fact that the material contained herein is a general statement of agency policy and procedure, relevant provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay of effective date are inapplicable.

Pursuant to section 420 of Pub. L. 93-113, 42 U.S.C. 5059, ACTION guidelines are effective 30 days after publication in the FEDERAL REGISTER.

1. *Criteria for selecting VISTA sponsors.* The criteria listed below are to be used by ACTION staff in the selection of VISTA sponsors. All of the elements stated must be found in the applicant sponsor's proposed project.

A VISTA sponsor will manage a project which is poverty-oriented in scope and mission. Such a project must:

(1) Have as a method of attacking poverty and poverty-related problems: (a) the organization of low-income community residents to bring long term benefits to the community through their own collective efforts or the establishment of a grassroots advocacy system; or (b) supporting the efforts of a low-income citizen participation or grassroots advocacy organization(s).

(2) Have as a long term effect: (a) increasing access of low-income people to decisionmaking through cooperative efforts with existing public or private institutions; or (b) the creation of mechanisms for participation of low-income people in the decisionmaking processes which affect their lives.

(3) Show that the goals, objectives, and volunteer tasks are attainable within the time-frame during which the volunteers will be working on the project and will produce a measurable result.

(4) Make reasonable efforts to recruit and involve low-income community residents in the sponsoring organization and develop their leadership skills.

(5) Provide frequent and effective supervision of the volunteers and have the management capability to carry out the project.

(6) Identify resources needed and make them available for volunteers to perform their tasks.

(7) Comply with ACTION legislation, policies, and procedures established for the management of the VISTA Program.

2. *Implementation of criteria for new applications.* Organizations which are interested in applying for VISTA resources should contact the local ACTION State office for instructions and assistance in preparing an application. Applications submitted by potential sponsors will be reviewed in light of the above criteria. Those that comply with the criteria will be evaluated by the State and Regional ACTION office, compared to other applications received, and a decision made as to which applications will be accepted. Applications which do not comply with the criteria will be rejected. Applicants will be informed of the areas of noncompliance.

Regional or State Directors may request the Director of VISTA to waive specific VISTA criteria not mandated by law if the special needs of a particular community or group necessitate such a waiver.

3. *Implementation of new criteria for existing sponsors.*

(1) *Notice.* (a) All existing sponsors will be notified of the new criteria as soon as they are published in the FEDERAL REGISTER. Sponsors will be told that their application for renewal will be reviewed in light of these new criteria, so that they may design their project accordingly.

(b) By July 1, 1978, all State offices will review existing VISTA projects to determine whether they would be in compliance with new criteria if those criteria were applied to the project as currently constituted. Those that do not appear to comply will be notified of this fact with the reasons for noncompliance explained. Sponsors will be reminded that any application for renewal must comply with the new criteria.

(2) *Review of continuation applications.* (a) Sponsoring organizations whose memoranda of agreement are renewable after June 30, 1978, will be reviewed in light of new program criteria. If the application does not comply with the new criteria, the sponsor will be notified that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with ACTION procedures. See 40 FR 23311, May 29, 1975.

(b) Sponsoring organizations whose Memoranda of Agreement are renewable between April 1, 1978 and June 30, 1978:

1. May be extended by State Directors for a reasonable amount of time (e.g., 3 months) to allow revision of the renewal proposal to conform with the new criteria, or

2. May be renewed noncompetitively if the State Program Director so desires, if the Regional Director concurs and if their proposal conforms to the new criteria, or

3. May be extended or renewed for one year under the old criteria to allow orderly transition if:

a. The State Program Director is satisfied with the program performance in the past year, and he/she believes the proposal conforms to the old criteria and the Regional Director concurs, and

b. The extension or renewal is necessary to insure that the organization has the opportunity for an orderly transition to continuance without VISTA Volunteers or to completion of the project, and

c. The sponsoring organization is clearly informed in writing at the time of extension or renewal that under no circumstances can the VISTA project continue after that period without submission of a new proposal conforming to the new criteria that is chosen under the competitive procedures that have been outlined.

(c) Technical assistance will be given by National, Regional, and ACTION State staffs to sponsors who are denied renewal but have been granted an extension to enable the sponsors to make an orderly transition to a system of providing services which is not dependent on the use of VISTA Volunteers.

(d) By July 10, 1979, all VISTA projects will be in compliance with these criteria.

(e) All sponsors submitting continuation proposals on the basis of the

April 10, 1978, criteria will be reviewed on the basis of the individual project performance for up to 3 years. The fourth year continuation proposal will be compared against other new applications received.

This notice is issued in Washington, D.C., on March 8, 1978.

JOHN LEWIS,
Director of Domestic Operations, ACTION.

[FR Doc. 78-6429 Filed 3-9-78; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists will meet at 9 a.m., on March 29, 1978, at the Sheraton-Dallas Hotel, 2117 Live Oaks and Olive Streets, Dallas, Tex.

The purpose of this meeting will be to conduct a detailed final review of proposed draft regulations for section 6 of the National Forest Management Act of 1976, prior to publication in the FEDERAL REGISTER.

The meeting will be open to the public. Persons who wish to attend and/or furnish written statements should notify Charles R. Hartgraves, Director of Land Management Planning, Forest Service, P.O. Box 2417, Washington, D.C. 20013 (Area Code 202-447-5933).

Dated: March 7, 1978.

CHESTER A. SHIELDS,
Associate Deputy for Administration.

[FR Doc. 78-6384 Filed 3-9-78; 8:45 am]

[3410-15]

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE

Draft Environmental Impact Statement

On December 27, 1977, a notice was published in the FEDERAL REGISTER announcing the availability of the USDA-REA Draft Environmental Impact Statement which had been prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the release of loan funds by the Rural Electrification Administration to Dairyland Power Cooperative of La Crosse, Wis. The REA financing would permit the construction of approximately 19 miles of 161 kV transmission line from Genoa, Wis., to Lansing, Iowa. Counties transversed were stated to be Vernon and Crawford in Wisconsin and Allamakee in Iowa. That notice stated that comments must be received by February 27, 1978, to be considered in connection with REA's proposed funding action.

That Draft Environmental Impact Statement described the two most feasible routing alternatives for the construction of the transmission facilities. While both routes were specified as being environmentally acceptable, the Draft Environmental Impact Statement indicated that the route through Wisconsin with a Mississippi River crossing in the Lansing, Iowa, area (Wisconsin route) was considered by REA to be superior to the routing involving the Mississippi River crossing at Genoa, Wis., and proceeding to Lansing, Iowa, through Minnesota (Minnesota-Iowa route).

On February 2, 1978, the U.S. Department of the Interior, Fish and Wildlife Service notified Dairyland Power Cooperative that it had denied Dairyland's request to construct the 161 kV line across the wildlife refuge area at Lansing, Iowa. Dairyland Power Cooperative plans to appeal this decision of the Fish and Wildlife Service within the Department of the Interior.

If Dairyland Power Cooperative is unsuccessful in its appeal process, then the Wisconsin route option will be effectively precluded and the Minnesota-Iowa route will be the most feasible and environmentally acceptable alternate available.

In view of the above events REA is extending the comment period on the draft statement an additional 45 days or through April 13, 1978.

Comments concerning the environmental impact of the proposed construction should be addressed to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 2d day of March 1978.

DAVID A. HAMIL,
Administrator.

[FR Doc. 78-6215 Filed 3-9-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-3-7; Dockets 31400, 28342, and 31270]

COLORADO SKI-POINTS INVESTIGATION

Applications; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1978.

Colorado Ski-Points Investigation (Docket 31400).

Application of Rocky Mountain Airways, Inc., for a certificate of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended (Docket 28342), and application of Aspen Airways, Inc. for an amendment of its certificate of public convenience and necessity to add the intermediate points of Montrose-Delta, Colo., and Gunnison, Colo., to Route 155 (Docket 31270).

On September 15, 1977, the Board initiated the Colorado Ski-points Investigation in Docket 31400, to consider nonstop service in three markets in Colorado. (Order 77-9-52.)

On December 23, 1977, the Board expanded the investigation in Docket 31400 to include additional Colorado markets and additional issues, and granted a temporary exemption to Aspen Airways to provide scheduled air transportation between Denver and Gunnison, Colo. (Order 77-12-130.)

This order is concerned with: (1) A petition filed by Rocky Mountain Airways for reconsideration of Order 77-12-130, (2) a motion filed by Rocky Mountain to consolidate its amendment No. 2 to its application in Docket 28342 with Docket 31400, and (3) Aspen Airways' motion for leave to file an unauthorized document, a petition for reconsideration of Order 77-12-130.

1. Petition of Rocky Mountain Airways, Inc., for reconsideration of Order 77-12-130. In Order 77-12-130 the Board expanded the issues in this case to include the question of whether the public convenience and necessity require the certification of an air carrier or carriers to engage in air transportation between and among a number of points in Colorado, or the deletion of any air carrier between any pair of points in issue.

Before the prehearing conference on January 11, 1978, Rocky Mountain applied for authority to serve one of the new markets put in issue by Order 77-12-130, and to offer intermediate stop service in other markets. Intermediate stop service was put in issue by Order 77-12-130. By January 11, 1978, however, no carrier had applied for authority to serve some of the Colorado markets put in issue by Order 77-12-130.

Rocky Mountain requests that markets for which no air carrier had filed an application before the prehearing conference not be considered in this case, so that the expense of producing evidence relating to them could be avoided. This request is granted. The markets at issue in the proposed order are limited ones sought by applicant carriers.

Order 77-12-130 also put in issue the question of whether any air carrier should be deleted between any pair of points in issue. The question of deletion as a separate issue involves only Frontier. Aspen's only authority under its temporary certificate is between

Denver and Aspen, and the question of whether this certificate should be renewed is already in issue. Deletion of Aspen's authority need not be made a separate issue. Rocky Mountain does not operate under a 401 certificate at this time, so deletion of its authority is not in issue. The question is at what points (or between what pairs of points) should deletion of Frontier's authority be put in issue.

The deletion of Frontier's authority is a corollary to the question of whether the carrier should continue to receive subsidy for services between points in which new, subsidy-ineligible awards may be made in this case. As we noted in Order 77-12-130 (p. 4), "Frontier's deletion in such markets should be considered, in the event it appears that Frontier could not or would not operate in the markets absent subsidy." Frontier has asked that its deletion at Gunnison and Hayden/Steamboat Springs/Craig be put in issue, although it has not yet taken a position on whether it should be deleted. We will limit the deletion issue to the points requested by Frontier. However, it should be recognized that the amendment of Frontier's certificate to make the segments involved here ineligible for subsidy remains an issue regardless of whether deletion is also considered.

In Order 77-12-130, the Board put the Denver-Gunnison and Aspen-Grand Junction markets in issue, as well as intermediate stop service between a number of points. Before the prehearing conference, Rocky Mountain applied for authority to serve Gunnison and Grand Junction, and for intermediate stop authority between the terminal point Denver, the intermediate points: (a) Vail/Eagle, (b) Hayden/Steamboat Springs/Craig, (c) Aspen, and (d) Gunnison, and the terminal point Denver. Rocky Mountain asks that it not be required to file the environmental evaluations for this new authority until a reasonable time after the Board's action on its petition.

All applicants who have not already submitted environmental evaluations for markets they are seeking in this case shall submit these evaluations within 30 days after service of this order.

Finally, Rocky Mountain requests the Board to withdraw its approval of Aspen's temporary exemption permitting interlining in the Denver-Gunnison market.

In support of its position, Rocky Mountain argues that: (1) Aspen failed to comply with section 302.402(c) of the Board's Rules (supporting evidence to be filed with an application for exemption), and this issue was not discussed in Order 77-12-130; (2) the Board failed to make any independent factual findings as to the public need for the exemption; (3) Aspen did not file an environmental evaluation with its exemption application; and (4) a Colorado District Court set aside the order of the Colorado Public Utilities Commission giving Aspen temporary intrastate authority in the Denver-Gunnison market.

We have made independent findings on the basis of supporting evidence available to us in the dockets involved here. Therefore, the first two arguments are without merit.

As to the third point, Aspen did not file an environmental evaluation with its exemption application, but it did file an environmental evaluation for the Denver-Gunnison market in Docket 31270, which was consolidated with Docket 31400. In any event, Aspen already is offering intrastate transportation between Denver and Gunnison, so that the granting of exemption authority to Aspen would have no significant adverse effect on the environment. The temporary exemption authority allows out-of-state passengers to purchase interline tickets including Aspen flights, but should not result in any additional flights in this market.

The Board finds that the temporary exemption authority granted to Aspen does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

As to the fourth point made by Rocky Mountain, on December 28, 1977, a Colorado District Court set aside the order of the Colorado Public Utilities Commission giving Aspen temporary intrastate authority in the Denver-Gunnison market, but after that decision, the Colorado Public Utilities Commission made new findings as required by the District Court, and again issued temporary intrastate authority to Aspen in that market (as well as Denver-Montrose).

Rocky Mountain's request that approval of Aspen's request for a temporary exemption permitting interlining in the Denver-Gunnison market be withdrawn will be denied.

2. *Rocky Mountain's motion to consolidate its amendment No. 2 to its application in Docket 28342 with Docket 31400.* In amendment No. 2 Rocky Mountain applies for authority to engage in air transportation between Aspen and Grand Junction, and intermediate stop service in other Colorado markets. The Board added these issues to this case in Order 77-12-130. The motion will be granted.

3. *Petition of Aspen Airways for reconsideration of Order 77-12-130.* On January 17, 1978, Aspen Airways filed a motion for leave to file an otherwise unauthorized document, a petition for reconsideration of Order 77-12-130. Aspen again is requesting the Board to expand the scope of this case to include service in the Denver-Montrose market, because the Colorado Public Utilities Commission recently found an "immediate and urgent need" for air services between any and all of the points Denver, Aspen, Gunnison, and Montrose. Aspen's motion for leave to file an otherwise unauthorized document will be granted, but its petition for reconsideration of Order 77-12-130 will be denied. (The Montrose County Airport Authority filed an answer to the petition of Aspen, opposing reconsideration, along with a motion for leave to file an otherwise unauthorized document. The motion will be granted.)

The Denver-Montrose market is now served by Frontier, and the city of Montrose believes the service to be adequate. A need for additional service in this market may or may not exist, but the city of Montrose does not want additional service at this time, and Montrose is not a major Colorado ski point terminal. Under these circumstances it would not be appropriate to include Montrose in the Colorado Ski-Points Investigation.

Accordingly, it is ordered:

A. Rocky Mountain's petition for reconsideration of Order 77-12-130 is granted to the extent that the issues in Docket 31400 will be revised, and additional time will be given to submit environmental evaluations, but denied as to the request that the Board withdraw its approval of Aspen's temporary exemption permitting interlining in the Denver-Gunnison market.

B. Rocky Mountain's motion to consolidate its amendment No. 2 to its application in Docket 28342 with Docket 31400 is granted.

C. Aspen Airways' motion for leave to file an unauthorized document is granted, and its petition for reconsideration of Order 77-12-130 be denied.

D. The motion of the Montrose County Airport Authority for leave to file a late document is granted.

E. The issues in the Colorado Ski-Points Investigation, Docket 31400, shall include, but not be limited to, the following:

1. Do the public convenience and necessity require the certification of an air carrier or carriers to engage in nonstop air transportation between:

Denver and Aspen,
Denver and Vail/Eagle,
Denver and Gunnison,
Denver and Hayden/Steamboat Springs/Craig,
Aspen and Gunnison,
Aspen and Grand Junction,
Aspen and Hayden/Steamboat Springs/Craig?

2. Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in intermediate stop air transportation

between the terminal point Denver, the intermediate points: (a) Vail/Eagle, (b) Hayden/Steamboat Springs/Craig, (c) Aspen, and (d) Gunnison, and the terminal point Denver, and/or between the terminal point Denver, the intermediate points Gunnison and Vail/Eagle, and the terminal point Aspen?[1]

3. If any application is granted, which carrier(s) should be authorized to engage in any of the air transportation described in (1) and/or (2)?

4. If any application is granted, what terms, conditions, and limitations, if any, should be placed upon the operation of such carrier(s)?

5. If the application of Rocky Mountain is granted, and a certificate is issued to it, what terms, conditions, and limitations, if any, should be placed upon its operation?[2]

6. (a) Should the application of Aspen Airways for amendment of its certificate or for a new certificate be granted, (b) if a certificate is issued to it, what terms, conditions, and limitations, if any, should be placed upon its operation?[2]

7. Is Rocky Mountain fit, willing, and able to perform properly the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958 and the rules, regulations, and requirements of the Board thereunder?

8. Is Aspen Airways fit, willing, and able to perform properly the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958 and the rules, regulations, and requirements of the Board thereunder?

9. If the application of Rocky Mountain is granted and a certificate is issued to Rocky Mountain, would such action give rise to any control or interlocking relationships which are prohibited by section 408 or 409 of the Act in the absence of Board approval?

10. If the application of Aspen Airways is granted and a certificate is issued to Aspen Airways, would such action give rise to any control or interlocking relationships which are prohibited by section 408 or 409 of the Act in the absence of Board approval?

11. If the answer to issue 9 or 10 is affirmative, is it in the public interest to approve or exempt any or all such relationships and, if so, what terms, conditions, or limitations should be attacted to such approval or exemptions?

12. If the answer to (1) and/or (2) is in the affirmative, is it in the public interest to authorize any such carrier(s) to operate as an air taxi(s) pursuant to 14 CFR part 298 in other markets which such carrier(s) is (are) not certificated to serve?

13. If no certificate is issued to Rocky Mountain, is it in the public interest to issue exemption authority to Rocky Mountain, pursuant to section 416 of the Federal Aviation Act, to engage in air transportation with large aircraft between Denver, on the one hand, and: (a) Aspen, (b) Vail/Eagle, (c) Hayden/Steamboat Springs/Craig, and/or (d) Gunnison, on the other hand; between Aspen on the one hand, and Grand Junction on the other hand; and/or intermediate stop air transportation between the terminal point Denver, the intermediate points: (a) Vail/Eagle, (b) Hayden/Steamboat Springs/Craig, (c) Aspen, and (d) Gunnison, and the terminal point Denver?

14. Do the public convenience and necessity require the amendment, modification, or suspension of the certificate of Frontier with respect to service at Gunnison and Hayden/Steamboat Springs/Craig pursuant to Section 401(g) of the Act?

15. What terms, conditions, and limitations, if any, should be placed on the operations of any carrier which is a party to this case relating to whether any existing or new authority should be made permissive and/or ineligible for subsidy?

E. Environmental evaluations shall be submitted by each carrier for each market in which it has applied for authority on or before 30 days after service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-6351 Filed 3-9-78; 8:45 am]

[1] Issues 1 and 2 overlap each other in some markets.

[2] This includes, but is not limited to the consideration: Should the authority granted be temporary or permanent and, if temporary, what should be its duration?

[3] All Members concurred except vice Chairman Minetti who did not participate.

[6320-01]

[Order 78-3-2, Dockets 24694, 31976, 32099, 32101, 32096, 32102, 31644, 32074]

MIAMI-LOS ANGELES COMPETITIVE NONSTOP CASE AND LOW-FARE CASE

Applications; Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March, 1978.

Miami-Los Angeles Competitive Nonstop Case (Docket 24694), Miami-Los Angeles Low-Fare Case (Docket 31976); Applications of American Airlines; Eastern Air Lines; Northwest Airlines; Pan American World Airways; World Airways; and Western Air Lines (Dockets 32099; 32101; 32096; 32102; 31644; 32074).

On January 11, 1978, we decided to (a) reopen Docket 24694 to consider, on an updated record, whether Pan American World Airways or Western Air Lines should be temporarily authorized to compete with National Airlines over the Miami-Los Angeles route, and (b) institute a new Low-Fare case in Docket 31976 to decide whether the public convenience and necessity require additional carriers between Miami and Los Angeles. We shall examine in this latter connection whether we can secure the maintenance of low-fare service in the market over the longer term. See Order 78-1-35, January 11, 1978. Petitions for reconsideration of our decision were filed on February 2, 1978, by the Tampa-Bay Area Parties, Pan American, Western, and World Airways. Answers were filed on February 13, 1978.

Briefly summarized, Pan American and National urge at least a temporary deferral of the Low-Fare case, with a view toward abandoning it entirely. Both petitioners argue that all of the Board's objectives in the new case can be accomplished without the expenditure of additional time and effort; Pan American states that the Board could simply entertain the possibility of awarding authority to both it and Western in the reopened proceeding, that lower fares will result without additional carriers, and that another case may not be necessary; National agrees that the benefits of low-fare service can be accomplished (and, according to National are already being accomplished) without a new case and asserts that the Board's view of a need for additional applicants stems from a misunderstanding of the demand elasticity of the Miami-Los Angeles market. Western supports these petitions insofar as they request deferral of procedural steps in the Low-Fare case, arguing that sound administration requires that litigation over the Miami-Los Angeles route be brought to an end. Western also urges the Board to make a permanent award in Docket 24694, asserting that the issue of temporary authority has not been raised to this point in the case. National and Western argue, further, that at a minimum a deferral is prudent until the court decides the numerous motions before it concerning the scope of its mandate with respect to Docket 24694.[1]

World Airways urges the Board to include Tampa, Fla., Oakland, Calif.,

[1] Pan American has moved for a clarification of the mandate, asserting that the court did not prohibit the dual certification of Western and Pan American. Western has moved for an order preventing both the grant of temporary authority in Docket 24694 and the institution of a new low-fare case. National has asked the court to vacate the Board's 1976 decision entirely.

and San Juan, P.R. in the new proceeding. World claims that the limited size of the Miami-Los Angeles market diminishes the likelihood that a new entrant will be able to submit an economically viable low-fare proposal and that the inclusion of additional markets would both increase the potential for low-fare service by a new entrant in the original market and lead to the introduction of low-fare service in several additional markets. The Tampa parties, joined by Western, support the inclusion of Tampa as an additional point in any Low-Fare case which may go forward. Eastern Air Lines, Delta Air Lines, Pan American and National oppose an expansion of the Low-Fare case. The Government of Puerto Rico supports inclusion of all three new points.

National has also filed two motions. The first, filed on February 17, requests a dismissal of applications by five carriers for alleged failure to specify the low-fare service to be offered or the mechanisms for enforcing low fares. The second, filed on February 21, seeks to defer the date for filing initial comments until after Court of Appeals action on the motions now before the Court.

We have decided to deny the petitions and motions insofar as they request any delay in the two proceedings and will, instead, move forward expeditiously in both the remanded proceeding and the new one. We shall also expand the new case to include Tampa, Fla. and Oakland, Calif. and shall consolidate pending applications.

1. *Deferral.*—We see no reason to delay either proceeding by awaiting a ruling from the Court of Appeals on various motions now before it, or to abandon the new case. We believe that our action is fully consistent with the Court's mandate, although we recognize that the court is the ultimate arbiter of that question. The court remanded Docket 24694 to permit an updating of the record and we are providing exactly that opportunity in the expedited proceeding. Our institution of a new case is clearly not intended to circumvent the court's direction, and, frankly, we are surprised that any petitioner would suggest that it is. Although some consideration during the decisional process was given to a more expansive approach to Docket 24694 (and eliminating a separate low-fare proceeding), the Board decided on balance that the issue of multiple route awards and low fares could better be explored in a newly-instituted case open to all carriers. Even if the court were to determine that we could consider making awards to both Western and Pan American in the reopened phase of Docket 24694 as requested by Pan American, or were to vacate the Board's 1976 decision entirely as requested by National, we would wish to move forward much as we are doing now.

We will not eliminate the possibility of temporary authority in Docket 24694. Although our original award to Western was unlimited in duration, the question of temporary operating authority was—and remains—an issue in Docket 24694 and we see nothing in the court's opinion, the terms of the mandate, or law or logic which would—or should—preclude the Board from limiting the authority ultimately to be awarded to Pan American or Western in view of the current requirements of the public convenience and necessity. Temporary authority, in our judgment, is a useful mechanism for encouraging the maintenance of low fares while we are deciding the new Low-Fare case and gives us maximum flexibility to shape our long-term awards to the benefit of the traveling public. We should reiterate, in this connection, that we have recently moved on a number of fronts toward a policy of encouraging price competition and lower fares. The case which we instituted in January accords the Board an opportunity to consider low-fare service in a large and key transcontinental market—an issue sufficiently important in our judgment to justify the expenditure of time and effort despite the long history of this case.[2]

We do not agree with National that our institution of a low-fare case rests on a misunderstanding of the actual history of fares and traffic in the market. National is correct that the current record is insufficient to allow definite findings on whether price elasticity is sufficient to permit lower fares on a sustaining basis. That issue, of course, will be litigated in the new case. But we have sufficient empirical evidence in both long-haul and short-haul markets to demonstrate as a general matter that lower fares can generate new traffic and even bring about more frequent service. The fact that a substantial portion of the traffic in the Miami-Los Angeles market already uses discount fares supports—rather than rebuts—our view that lower normal fares may well present a real opportunity to stimulate new traffic and improve efficiency—contrary to National's argument.

2. *Expansion of the Low-Fare Case.*—We will expand the proceeding to include Oakland, Calif. and Tampa, Fla. but shall not include San Juan, P.R. We shall also consolidate pending applications. We are sympathetic to World's argument that a narrow scope for this case may unnecessarily deprive the Board and the public of the opportunity to consider a meaningful application for low-fare service by a new entrant. While certain of the Tampa/Oakland markets are relatively small and might not, standing alone, necessarily warrant a priority hearing at this time, we prefer not to foreclose the possibility for more efficient operations or jeopardize the prospect for low fares solely on procedural grounds. We are convinced that the inclusion of Tampa and Oakland will not unduly increase the complexity of the case or shift its fundamental focus—which will remain on the need for low-fare long-haul service between California and Florida. Similarly, it should not expand the case unduly. National Air Lines is the incumbent carrier in all the California-Florida markets at issue and it is unlikely that our inclusion of these new markets will draw substantially more applicants.

We will not include San Juan. All of the San Juan markets except Miami-San Juan are small and are not likely to add significant traffic support to the Southern transcontinental operations which are the central focus of the instant case. Morever, the inclusion of San Juan will shift the focus of the case and is likely to expand and delay it substantially. In any event, the general question of new Mainland-Puerto Rico service, including the possibility of new Miami-San Juan nonstop service and one-stop service between the west coast and San Juan via Miami, is being examined in the *Caribbean Service Investigation*, Docket 30697 and we believe it is better considered in that context. See Order 77-4-28, April 6, 1977.[3]

3. *Consolidation of Applications.*—Applications, coupled with motions to consolidate, have been filed by American Airlines, Eastern Air Lines, Northwest Airlines, Pan American World Airways, World Airways and Western Air Lines. These applications shall be consolidated to the extent consistent with the scope of the issues. The actual fares proposed, plus the mechanisms for enforcement of low fares, shall be for the judge and the Board to evaluate in the course of the case—as we are doing in all other cases.[4]

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[2] Western is welcome to renew its request for indefinite authority when it files its materials in Docket 24694.

[3] In the *Caribbean* Case the Commonwealth of Puerto Rico seeks to include the issue of new service to Puerto Rico from ten Mainland points incuding Miami but not including Oakland or Los Angeles. Western and National, however, seek Miami-San Juan nonstop authority and could, if successful, offer new service between the West Coast and Puerto Rico via Miami. The Board has yet to decide on the precise scope of the *Caribbean* Case.

[4] See *Transcontinental Low-Fare Route Proceeding*, Order 77-6-23, June 7, 1977, pp. 7-8. See also *Chicago-Midway Low-Fare Route Proceeding*, Orders 76-12-149, Decem-

—Continued

There will be no need for these applicants to file amended applications to include the new markets but we shall, consistently with past practice, solicit applications from other interested persons.

Accordingly, it is ordered, That: 1. Docket 31976 shall be expanded to include consideration of the following issues.

(a) Does the public convenience and necessity require (i) the modificaion, of the certificate of the successful applicant in Docket 24694 to renew the authority to operate nonstop service between Miami-Fort Lauderdale, Fla., and Los Angeles-Ontario-Long Beach, Calif., and (ii) the authorization of a different, or additional, carrier or carriers to engage in air transportation between the terminal point Miami-Fort Lauderdale, Fla., the intermediate points Tampa-St. Petersburg-Clearwater, Fla., and Los Angeles-Ontario-Long Beach, Calif., and the terminal point Oakland, Calif.: *Provided,* that all flights must serve a point in California and a point in Florida.[5]

(b) If the answer to (a) is in the affirmative, which air carrier or carriers should be authorized to engage in such service?

(c) What terms, conditions, and/or limitations, if any, should be attached to any new authority which may be awarded?

2. Any authority awarded in this case shall be ineligible for Federal subsidy;

3. The applications of American Airlines, Docket 32009; Eastern Air Lines, Docket 32101; Northwest Airlines, Docket 32096; Pan American World Airways, Docket 32102, Western Air Lines, Docket 31644; and World Airways, Docket 32074, to the extent that they conform to the scope of Docket 31976, be consolidated with that proceeding; otherwise they are dismissed;

4. Applications within the expanded scope of the case, and motions to consolidate, shall be filed within 21 days of the service date of this order, and answers to those applications and motions shall be filed 7 days later;[6] and

5. Except to the extent granted, all petitions, motions, and requests are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-6350 Filed, 3-9-78; 8:45 am]

—Continued

ber 28, 1976 and 77-5-81, May 17, 1977; *Chicago-Albany/Syracuse-Boston Competitive Service Investigation,* Order 77-12-50, December 9, 1977; *Baltimore/Washington Houston Low-Fare Route Case,* Order 77-12-115, December 22, 1977; and *Pittsburgh-Orlando-Daytona Beach Route Proceeding,* Order 78-2-42, February 9, 1978.

[5] The form of authority (e.g., the inclusion of all points on a single segment, or the award of separate segments) will await the development of the record. We do not foreclose the award of fill-up rights between Miami and Tampa, or Los Angeles and Oakland, on California flights serving more than one point in either or both states.

[6] We delegate to the presiding administrative law judge the authority to consolidate by order any new applications which conform to the scope of the proceeding.

[7] All members concurred.

[6320-01]

[Docket 32118; Order 78-2-70]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension and Investigation Regarding Increased Excess Baggage Charges; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of February, 1978.

In the matter of increased excess baggage charges proposed by Pan American World Airways, Inc. (Docket 32118) Order of Suspension and Investigation.

In FR Doc. 78-4552 appearing at 7248 in the issue for Tuesday, February 21, 1978, refer to Appendix A and revise it to read as follows:

TARIFF CAB No, 142, ISSUED BY AIRLINE TARIFF PUBLISHING CO., AGENT

On 53rd Revised Page 148-D, the cancellation of PA provisions from Rule 340(B)(1).

On 54th, 55th, and 56th Revised Pages 148-D, the omission of PA provisions from Rule 340(B)(1).

On 29th Revised Page 164-C, the exception to Rule 365(B)(2)(b) and the exception to Rule 365(B)(5).

This suspension does not stay the cancellation of 28th Revised Page 164-C.

TARIFF CAB No. 55, ISSUED BY AIR TARIFFS CORP., AGENT

On 15th Revised Page 44-B, the exception to Rule No. 16(I)(1).

This suspension does not stay the cancellation of 14th Revised Page 44-B.

By the Civil Aeronautics Board.

Dated: March 3, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-6348 Filed 3-9-78; 8:45 am]

[6320-01]

[Docket 32118; Order 78-2-120]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension and Investigation Regarding Proposed Increased Excess Baggage Charges; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of February, 1978.

In the matter of increased excess baggage charges proposed by Pan American World Airways, Inc. (Docket 32118). Order of suspension and investigation.

In FR Doc. 78-5395 appearing at page 8280 in the issue for Wednesday, March 1, 1978, refer to Appendix A and revise it to read as follows:

TARIFF CAB No. 55, ISSUED BY AIR TARIFFS CORPORATION, AGENT

On 30th, 31st, and 32nd Revised Pages 46-H:

1. the parenthetical expression "(Not applicable to PA)" in Rule No. 16(V)(3)(c).

2. the exception to subparagraphs (a), (b), and (d) of Rule No. 16(V)(3) and the exception to that exception.

This suspension does not stay the cancellation of 27th, 28th, and 29th Revised Pages 46-H.

Dated: March 3, 1978.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-6349 Filed 3-9-78; 8:45 am]

[6320-01]

[Docket No. 31891]

PIEDMONT AVIATION, INC.

Proposed Approval of Application

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until March 14, 1978, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 7, 1978.

MICHAEL E. LEVINE,
Director-designate, Bureau of Pricing and Domestic Aviation.

Issued under delegated authority.

Application of Piedmont Aviation, Inc., for exemption or approval under section 408 of the Federal Aviation Act of 1958, as amended; Order of Approval.

Piedmont Aviation, Inc. (Piedmont) requests exemption or approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended, of its acquisition of the assets of Baldwin Aviation, Inc., d.b.a. Winston-Salem Air (Baldwin).

Piedmont is a certificated air carrier with fixed base operations at Winston-Salem and Greensboro, N.C., and at Norfolk, Manassas, Richmond, Roanoke, and Charlottesville, Va. Baldwin is a fixed base operator in Winston-Salem engaging in aircraft sales, aircraft maintenance and servicing, fuel services, and air taxi operations at Smith Reynolds Airport.

By an agreement expressly contingent on Board approval, Piedmont will purchase most of the assets of Baldwin, though it will not acquire Baldwin's air taxi authority.

In support of its request, Piedmont states that the proposed acquisition will not create a monopoly, restrain competition or jeopardize any other air carrier. Although Baldwin is the only fixed base operator at Smith Reynolds, apart from the general aviation activities of Piedmont, the applicant submits evidence of similar fixed base services at other airports near Smith Reynolds. There are two fixed base operators at the Greensboro/High Point/Winston-Salem Airport, 16 miles from Smith Reynolds, and one at Strawberry Hill Airport, 15 miles away. In addition, there are several competitors within 30 miles of Smith Reynolds. These smaller airports can in general only handle noncertificated traffic. However, since Piedmont is the only certificated carrier using Smith Reynolds, there will be no lessening of competition among fixed base operators servicing certificated carriers.

Other certificated carriers use larger airports, other than Smith Reynolds, where alternative suppliers of fixed base services are available.

Moreover, the applicant states that the acquisition is not contrary to the Board's Statement of General Policy (see section 399.90) concerning engagement of subsidized carriers in nontransport activities. Piedmont points out that it has undertaken fixed base operations for longer than it has been a carrier; that its fixed base operations have yielded a profit; and that there is little diversion of management since Piedmont is already engaged in these activities at Smith Reynolds. Baldwin's assets will merely be added to Piedmont's fixed base operations at Smith Reynolds.

Finally, the application cites as precedent for this acquisition, the Board exemptions of similar acquisitions of fixed base operators. Acquisition of Marshall Aviation, Inc., Order 74-11-134, November 25, 1974 and Acquisition of Greensboro/High Point Air Service, Inc., Order 71-2-69, February 16, 1971.[1]

No objections to this application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

We have concluded that the acquisition of the assets of Baldwin, a person engaged in a phase of aeronautics other than as an air carrier, by Piedmont, an air carrier, is subject to section 408(a)(3) of the Act. However, we further conclude that the acquisition will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation or tend to unreasonably restrain trade substantially lessen competition or create a monopoly. The transaction was entered into after arm's length bargaining and there appears to be no control or interlocking relationships between Piedmont and Baldwin. No person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The transaction does not appear to be inconsistent with the public interest nor does it leave the requirements of section 408 of the Act otherwise unfulfilled. The acquisition, however, will enhance Piedmont's service capacity without reducing the independent facilities available to other certificated carriers. Although Baldwin is the only fixed based operator at Smith Reynolds, apart from Piedmont, other operators are in airports nearby. Piedmont is the only certificated carrier now using Smith Reynolds. The acquisition conforms to the Board's policy in section 399.90 of its Statements of General Policy, in that it does not threaten to divert management resources nor will it be financially disadvantageous to the air carrier.

It is therefore found, pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, that the acquisition of Baldwin's assets by Piedmont should be approved without hearing, pursuant to the third proviso of section 408(b) of the Act.

Accordingly, it is ordered that: 1. The acquisition of the assets of Baldwin Aviation, Inc., by Piedmont Aviation, Inc. be approved; and

2. To the extent not granted, the application in Docket 31891 be dismissed.

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 is filed or the Board gives notice that it will review this order on its own motion.

[FR Doc. 78-6347 Filed 3-9-78; 8:45 am]

[1] Orders 71-2-69 and 74-11-134 exempted Piedmont's acquisition of certain fixed base operators.

[6335-01]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 2 p.m. and will end at 4 p.m. on March 28, 1978, 1121 Vermont Avenue NW., 5th Floor Conference Room, Washington, D.C. 20425.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to plan committee activities for 1978.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 2, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6327 Filed 3-9-78; 8:45 am]

[6335-01]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting on the Maryland Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10 p.m. on March 22, 1978, Baltimore Hilton Inn, Laurel Room, Nos. 115-117, Baltimore Beltway 695, Exit 20, Baltimore, Md.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to plan committee activities for 1978.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 2, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6328 Filed 3-9-78; 8:45 am]

[6335-01]

PENNSYLVANIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Pennsylvania Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 5 p.m. on March 29, 1978, 600 Arch Street, Room 7306, Philadelphia, Pa.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to develop programs for the remainder of the fiscal year, and to get suggestions for Commission program for the next two years.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 6, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6329 Filed 3-9-78; 8:45 am]

[6335-01]

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 5 p.m. on April 4, 1978, 1037 Quarrier St., 2d Floor, Room 218, Charleston, W. Va.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to develop programs for the remainder of the fiscal year and to get suggestions for Commission programs for the next two years.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 6, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-6330 Filed 3-9-78; 8:45 am]

[6325]

CIVIL SERVICE COMMISSION

DEPARTMENT OF ENERGY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the Department of Energy to fill by noncareer executive assignment in the excepted service the positions listed below:

(1) General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission.

(2) Executive Director, Federal Energy Regulatory Commission.

(3) Director, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission.

(4) Director, Office of Congressional Affairs, Office of Intergovernmental and Institutional Relations.

(5) Director, Executive Secretariat.

(6) Assistant Administrator for Engineering and Construction (Chief Engineer), Bonneville Power Administration, Office of Resource Applications.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-6363 Filed 3-9-78; 8:45 am]

[6325-01]

DEPARTMENT OF TRANSPORTATION, FEDERAL HOME LOAN BANK BOARD, VETERANS ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation, Federal Home Loan Bank Board, and Veterans Administration to fill by noncareer executive assignment in the excepted service the following positions:

Department of Transportation—(1) Director, Office of Consumer Affairs, Assistant Secretary for Safety and Consumer Affairs, Office of the Secretary; (2) Assistant Director for Communications Programming, Office of Public Affairs, Office of the Secretary.

Federal Home Loan Bank Board—Director, Office of Economic Research, Office of the Director.

Veterans Administration—Staff Assistant to the Administrator, Office of the Administrator.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-6364 Filed 3-9-78; 8:45 am]

[6325-01]

DEPARTMENT OF TRANSPORTATION, FEDERAL HOME LOAN BANK BOARD, DEPARTMENT OF LABOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below.

Department of Transportation—position of Deputy Director of Public and Consumer Affairs, Office of the Secretary.

Federal Home Loan Bank Board—Director, Office of Federal Home Loan Banks.

Department of Labor—Deputy Wage and Hour Administrator, Employment Standards Administration.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-6365 Filed 3-9-78; 8:45 am]

[6325-01]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the President's Pay Agent announces the following meeting:

NAME: Federal Employees Pay Council.

DATE AND TIME: March 29, 1978, 1 p.m.

PLACE: U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Room 5A06A.

TYPE OF MEETING: Open.

CONTACT PERSON:

Claire G. Kline, Committee Management staff for the President's Pay Agent, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Telephone, 202-632-5595.

PURPOSE OF COMMITTEE: To make recommendations to the President's Pay Agent with respect to the process and procedures leading to, and

amounts of, annual comparability adjustments in Federal white-collar pay.

AGENDA: Discussions on the 1978 comparability adjustment for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

For the President's Pay Agent:

RICHARD H. HALL,
Committee Management Officer for the President's Pay Agent.

[FR Doc. 78-6366 Filed 3-9-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

WELLCO ENTERPRISES, INC., AND BRIDGEPORT ROLLING MILLS, CO.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from two firms: (1) Wellco Enterprises, Inc., Georgia Avenue and Pine Street, P.O. Box 188, Waynesville, N.C. 28786, a producer of footwear for men, women, and children (accepted March 2, 1978); and (2) Bridgeport Rolling Mills Co., P.O. Box 818, Bridgeport, Conn. 06601, a producer of copper-base sheet metals (accepted March 3, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each 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 of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-6273 Filed 3-9-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL'S ADVISORY PANEL

Public Meeting

The Advisory Panel of the Caribbean Fishery Management Council, established by section 302 g (2) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet April 3, 1978, at the Council's office, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico. The meeting starts at 9 a.m. on April 3, 1978, and will adjourn at 4 p.m., the same day.

Proposed agenda; (1) Discussion of proposed guidelines for the operation of the Advisory Panel; (2) the first draft FMP for Reef Fish.

Meeting is open to public. For more information on seating, changes to the agenda, or written comments, contact: Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Post Office Box 1001, Hato Rey, Puerto Rico 00918. Telephone: 809-753-4926.

Dated: March 6, 1978.

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

[FR Doc. 78-6300 Filed 3-9-78; 8:45 am]

[3510-22]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

The Gulf of Mexico Fishery Management Council, established by section 302, of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet Tuesday, Wednesday, and Thursday, April 11-13, 1978, at the Sheraton Inn located at 9450 South Thomas Drive, Panama City Beach, Fla. The meeting will convene at 1:30 p.m. and adjourn about 5:00 p.m. on April 11; reconvene at 8:30 a.m. and adjourn about 5:00 p.m. on April 12; and will reconvene at 8:30 a.m. and adjourn about 12:00 noon on April 13. The meeting may be extended or shortened depending on progress on the agenda.

Proposed agenda: (1) Management plans; (2) personnel and administration categories; (3) review of foreign fishing applications, if any, and (4) other fishery management business.

Meeting is open to the public. For more information on seating arrangements, changes to the agenda, and/or written comments, contact Mr. Wayne F. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, suite 881, 5401 West Kennedy Boulevard, Tampa, Fla. 33609, 813-228-2815.

Dated: March 6, 1978.

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

[Fr Doc. 78-6301 Filed 3-9-78; 8:45 am]

[3510-22]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S REEF FISH ADVISORY PANEL

Public Meeting

The subpanel on Reef Fish of the Advisory Panel of the Gulf of Mexico Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will meet April 7, 1978, at the Lincoln Center, 5401 West Kennedy Boulevard, Suite 881, Tampa, Fla. The meeting starts at 9 a.m. and will adjourn at about 3 p.m.

Proposed agenda: (1) Review of aspects of the Reef Fish Management Plan; and (2) preparation of recommendations to the Reef Fish Contractor on socio-economic factors.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Fla. 33609. Telephone: 813-228-2815.

Dated: March 6, 1978.

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

[FR Doc. 78-6299 Filed 3-9-78; 8:45 am]

[3510-22]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Council Meeting Change and SSC and AP Meeting Cancelled

Notice is hereby given of a change in the meeting as published in the FEDERAL REGISTER, on Wednesday, February 15, 1978, Vol. 43, No. 32, for the North Pacific Fishery Management Council.

The Council meeting is now scheduled for Friday, March 24, 1978, at the Anchorage Westward Hilton, 3rd and E Streets, Anchorage, Alaska, convening at 8:30 a.m., and adjourning at about 4:30 p.m., with no closed session.

Proposed agenda: (1) Contract Awards; (2) 1979 Budget; and (3) current condition of management plans.

Notice is also hereby given that the meeting of the Scientific and Statistical Committee and Advisory Panel scheduled for March 21-24, 1978, at the council office and Anchorage Westward Hilton, has been cancelled.

Dated: March 3, 1978

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

[FR Doc. 78-6298 Filed 3-9-78; 8:45 am]

[3510-22]

PRELIMINARY FISHERY MANAGEMENT PLAN FOR KING AND TANNER CRAB FISHERIES OF EASTERN BERING SEA

Availability of the Final Supplement to Final Environmental Impact Statement

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final supplement to final environmental impact statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, has prepared a final supplement to the final environmental impact statement on implementing the Preliminary Fishery Management Plan for King and Tanner Crab Fisheries of the Eastern Bering Sea.

Changes to the Preliminary fishery management plan for the 1978 foreign fishing season are:

(a) Increase the Tanner crab optimum yield (OY) from 34,500 metric tons to 70,381 metric tons. This represents an OY change for *C. bairdi* from 30,000 to 40,381 metric tons and an OY change for *C. opilio* from 7,400 to 30,000 metric tons;

(b) Increase the U.S. capacity for Tanner crab from 24,900 to 55,381 metric tons. This represents a U.S. capacity change for *C. bairdi* from 24,900 to 40,381 metric tons and for *C. opilio* from zero to 15,000 metric tons;

(c) Increase the total allowable level of foreign fishing (TALFF) for Tanner crab to 15,000 metric tons;

(d) Reduce the foreign fishing area by closing all waters in the Bering Sea east of 164° W. Longitude and all waters in the Bering Sea south of 58° N. Latitude to foreign fishing. The area restriction for foreign fishing changes the species composition of the foreign catch from *C. bairdi* and *C. opilio* to almost entirely *C. opilio*.

In addition to the environmental impacts stated in the final Environmental Impact Statement, adoption of this 1978 Preliminary Fishery Management Plan may create some additional U.S. harvesting and processing by increasing the U.S. capacity for *C. bairdi* and *C. opilio* in the Eastern Bering Sea. It will also eliminate all directed foreign fishing on *C. bairdi* stocks and restrict foreign Tanner crab fishing principally to *C. opilio* in the Eastern Bering Sea.

The supplement also looks at alternative management strategies, reviews comments received, and lists hearings held.

ADDRESSES: Copies of the final supplement are available for inspection at:

North Pacific Fishery Management Council, Suite 32, 333 West Fourth Avenue, Anchorage, Alaska.

National Marine Fisheries Service, Alaska Regional Office, Room 453, Federal Building, Juneau, Alaska.

National Oceanic and Atmospheric Administration, Environmental Science Information Center, Page Building 2, Room 193, 3300 Whitehaven Street NW., Washington, D.C.

Singel copies of the supplement may be obtained from:

Mr. Harry L. Rietze, Director, Alaska Region, P.O. Box 1668, Juneau, Alaska.

SUPPLEMENTARY INFORMATION: Concurrent with the appearance of this Notice, the supplement is being transmitted to the Environmental Protection Agency. Copies of this supplement have also been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

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

[FR Doc. 78-6362 Filed 3-9-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from procurement list.

SUMMARY: This action deletes from procurement list 1978 a commodity produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 10, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On January 13, 1978, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (43 FR 1980) of proposed deletion from procurement list 1978, November 14, 1977 (42 FR 50915).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby deleted from procurement list 1978:

CLASS 6695

Sampler-Spectro, Analysis Oil Kit (IB), 6695-00-758-1355.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-6316 Filed 3-9-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to procurement list 1978 services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 12, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to procurement list 1978, November 14, 1977 (42 FR 59015):

SIC 0782

Grounds maintenance, Naval Weapons Station, Yorktown, Va., for the following areas: 1. Area 6, officer's club building 58; 2. Area 7, buildings 380A, 380B, and credit union; 3. Area 8, industrial area; 4. Area 9, industrial area.

SIC 7349

Janitorial Services, Department of Transportation, Federal Aviation Administration, Tracon Facility, Stewart Avenue, Westbury, Long Island, N.Y.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-6317 Filed 3-9-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 77-7]

FOOTBALL HELMETS AND SHOES

Partial Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Partial denial of petition.

SUMMARY: In this document the Commission denies that part of a petition which requests development of a mandatory safety standard for football shoes because available information does not support a determination that the design of the shoes contributes to football injuries and therefore, that the items present an unreasonable risk of injury. The Commission defers action on that part of the petition which relates to football helmets pending further investigation and study by Commission staff.

FOR FURTHER INFORMATION CONTACT:

William Kitzes, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Commission to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

By letter dated December 17, 1976, and supplemented by a letter of January 24, 1977, Dr. A. C. Larcher petitioned the Commission (CP 77-7) to establish mandatory safety standards for protective football headgear and shoes. The petitioner contended that present football helmets do not absorb or dissipate enough impact energy to remove the risk of head injury, and that present football shoes allow the foot to become fixed to the playing surface, creating a greater risk of injury to the immobile joints. The petitioner suggested the adoption of cylinder air chambers covered by a soft plastic shell as a possible means of providing head protection. He further recommended that football shoes be designed to prevent fixation of the feet to the playing field by cleat penetration.

After careful consideration of the information supplied by the petitioner as well as all other available data, the Commission concludes that it has insufficient information to support a determination that the design of football shoes presents an unreasonable risk of injury. The Commission has, therefore, decided to deny the petition as to shoes. The Commission is deferring action on the petition as to helmets becasue the Commission believes that further investigation by its staff is necessary before a decision on any mandatory standard for helmets can be made.

In denying the petition as to shoes, the Commission notes that despite the frequency of knee and ankle injuries in tackle football, it is unable at this time to note any relationship between these injuries and the design and performance characteristics of football shoes. The Commission believes that further studies on the shoe-turf interface under playing conditions are necessary in order to determine whether shoes are a causative factor in football injuries. The Commission notes that the following other factors have an effect on knee and ankle injuries: Development, ability, and training of players, player supervision, player position, field conditions, climate, and previous player injuries. In this regard the Commission points out that while previous research has indicated that cleat length may be a factor in lower extremity injuries, it appears that this is probably only true for certain types of surfaces under certain conditions.

Because the Commission is concerned with the problem of football injuries, particularly those to the head, neck, and spine, which tend to be of a more serious nature than knee and ankle injuries, the Commission intends, however, to continue its investigations of how these injuries can be reduced. Since the Commission is especially interested in how the severe injuries possibly associated with helmets can be lessened and since the Commission believes that more data are needed before a decision on the petition as to helmets can be made, the Commission is deferring action on football helmets until a later date.

Copies of the petition and the staff's briefing materials to the Commission may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Dated: March 7, 1978.

SHELDON D. BUTTS,
Assistant Secretary.

[FR Doc. 78-6346 Filed 3-9-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Negative Determination of Environmental Impact

AGENCY: Department of Energy.

ACTION: Notice of negative determination of environmental impact for four ESECA MFBI construction order recipients.

SUMMARY: Pursuant to 10 C.F.R. 208.4(c) and 307.7 the Department of Energy (DOE) hereby gives notice that in accordance with 10 C.F.R. 307.7(c) and 208.3(a)(4), it has performed an analysis and review of the environmental impact of the proposed issuance of Notices of Effectiveness for construction orders issued to the following four major fuel burning installations (MFBIS):

Docket No: OCU-0900-1-1, Bellefield Boiler Plant, Replacement No. 3, Pittsburgh, Pa.
Docket No: OCU-6290-2-1, OCU-6290-2-2, Republic Steel Corp., Lime Plant, Kiln 4 and Kiln 5, Grand River, Ohio.
Docket No: OCU-7410-5-2, OCU-7410-5-4, United States Steel Corp., Minnesota Ore Operations (Minntac), Kiln Burners 252-08-2 and 252-09-2, Mountain Iron, Minn.
Docket No: OCU-4920-1-2, OCU-4920-1-3, Miller Brewing Co., Eden Plant, Riley 1 and Riley 2, Eden, N.C.

Based on analyses of the above-listed construction order recipients DOE has determined that it is clear in all four cases that making the construction order effective will not be a major Federal action having significant effects on the quality of the human environment. Specifically, information submitted by each MFBI and on file with the Division of Coal Utilization indicates that issuance of a Notice of Effectiveness will not change the MFBI's previous plans to construct with coal burning capability. Accordingly, neither an environmental assessment nor an environmental impact statement is warranted.

DATE: Comments by April 3, 1978.

ADDRESS: Written comments to: Office of Public Hearing Management, Department of Energy, Box SJ, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Division of Coal Utilization, Room 7202, 2000 M Street NW., Washington, D.C. 20461, 202-566-9760.

Robert J. Stern, Office of NEPA Affairs, Room 7119, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, 202-566-9760.

Ralph Sharpe, Office of the General Counsel, room 6144, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, 202-566-9653.

SUPPLEMENTARY INFORMATION: Construction orders requiring facilities to be designed and constructed so as to be able to use coal as a primary energy source were issued to the above-listed

MFBI's on June 30, 1977 (42 FR 36294, July 14, 1977) under authority of Section 2(c) of the Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. The construction orders provided, however, that in accordance with the requirements of 10 CFR 303.10 and 307.7, the orders would not become effective until DOE had considered the environmental impact of the orders pursuant to 10 CFR 307.7(c), and until DOE had serve the affected MFBI's with Notices of Effectiveness.

Pursuant to 10 CFR 307.7(c) and 208.3(a)(4), the Economic Regulatory Administration (ERA), Deaprtment of Energy has analyzed the potential environmental impacts that would result from the proposed NOE issuance in each of the four cases. The analyses were based on information submitted by each company and on file with the Division of Coal Utilization; in each case, information on file indicates that issuance of a Notice of Effectiveness would not significantly change each MFBI's previously submitted plans to construct with the capabiity to burn coal as a primary energy source.

DOE has determined for all four cases listed above that issuance of the NOE (requiring construction with coal burning capability) is clearly not a major Federal action which would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act, 42 U.S.C. 4321 et seq.

Therefore, pursuant to 10 CFR 208.4(c), ERA/DOE concludes that neither an environmental asessment nor an environmental impact statement is required.

COMMENT PROCEDURE: Interested parties are invited to submit written comments with respect to this negative determination to Office of Public Hearing Management, Box SJ, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Ten copies should be submitted. All comments should be received by DOE no later than April 3, 1978 in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in accordance with the procedures set forth at 10 CFR 205.9(f). Any material not filed in accordance with such section will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., March 4, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-6367 Filed 3-9-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 12 through December 16, 1977

Notice is hereby given that during the week of December 12 through December 16, 1977, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

C. R. England Oil and Gas Properties, Dallas, Tex., FIA-1485 crude oil

C. R. England Oil and Gas Properties (England) appealed from an Interpretation issued by the General Counsel of the Federal Energy Administration on August 31, 1977. The Interpretation concluded that a producer that fails to certify crude oil as "new crude oil" in accordance with 10 CFR 212.131(a)(2)(i) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold cannot charge the "new crude oil" price because the crude oil does not qualify as "new crude oil" pursuant to the definition in 10 CFR 212.72. After considering England's Appeal, the DOE determined that none of the arguments advanced by England demonstrated that the manner in which the General Counsel interpreted the provisions of 10 CFR 212.72 and 212.131(a)(2)(i) was in any way erroneous. The DOE noted that England essentially appeared to be contending that the special circumstances presented in its case warranted a different result than that reached in the Interpretation. The DOE stated that regardless of England's particular economic situation and the reasons why England might have failed to comply with the FEA's certification provisions, the FEA was obligated, in issuing the Interpretation, to interpret the express terms of the regulatory provisions involved, and that if England is experiencing a serious hardship or a gross inequity as a result of these provisions, then the appropriate remedy is for the firm to file an Application for Exception. Consequently, the DOE denied England's Appeal.

Continental Oil Co., Houston, Tex., FEA-1462 jet fuel

The Continental Oil Co. (Conoco) filed an Appeal from a Decision and Order issued to it by the FEA Deputy Assistant Administrator for Operations on August 10, 1977. In that Order, the FEA denied Conoco's request that it be permitted to use multiple allocation fractions in determining the volume of jet fuel which it sells to its customers. The FEA's refusal to approve Conoco's request was based on the determination that Conoco had failed to demonstrate that the marketing area served by its Ponca City, Okla. refinery is a separate distribution subsystem independent of its other marketing areas, as required by 10 CFR 211.10(b). In addition, the FEA determined that Conoco had failed to show that it was unable to adjust for the imbalances of jet fuel in the Ponca City region through purchase or exchange agreements or by using crude oil with a higher jet fuel yield than that presently used in the Ponca City refinery. In considering Conoco's Appeal, the DOE noted that in gereral the use of multiple allocation fractions will be permitted only to the extent that it is truly impractical and burdensome for a firm to maintain a uniform allocation fraction. *Shell Oil Company*, 3 FEA Par. 80,557 (January 22, 1976). With respect to the particular arguments advanced by Conoco, the DOE found that: (i) Conoco had failed to demonstrate that the Ponca City marketing area is a distribution subsystem or region independent of Conoco's other distribution subsystems or regions; (ii) Conoco had failed to demonstrate that it would be "truly impractical and burdensome" for it to arrange purchases and exchanges for jet fuel in order to alleviate the shortage in the Ponca City area; and (iii) the FEA had not acted arbitrarily and capriciously when it required Conoco to demonstrate that it was unable to prevent imbalances of jet fuel from occurring through purchases or exchange agreements. The Doe therefore denied Conoco's Appeal.

Diamond Shamrock Corp., Amarillo, Tex., FXA-1265, Natural Gas Liquid Products

The Diamond Shamrock Corp. appealed from a decision and order which the Federal Energy Administration issued to it on March 22, 1977. *Diamond Shamrock Corporation*, case No. FXE-3705 (March 22, 1977) (unreported decision). In the March 22 order the FEA granted Diamond Shamrock an exception from the provisions of 10 CFR 212.165 which permitted the firm to increase its selling prices for natural gas liquid products during the period April 1, 1977 through September 30, 1977. The appeal, if granted, would have permitted the firm to further increase its prices for the natural gas liquid products it produces at the McKee plant in Moore County, Tex. In its appeal, Diamond Shamrock contended that the March 22 order was erroneous on the grounds that the FEA failed to apply a correct measurement period in calculating the amount of exception relief which the firm was entitled to receive. The firm claimed that proper application of the principle established in *Superior Oil Co.*, 2 FEA Par. 83,271 (August 29, 1975) required the FEA to utilize the fiscal quarter ending on December 31, 1976, instead of the six month period ending on that date in comparing the firm's current non-product costs with May 15, 1973, levels. In considering this contention, the DOE noted that Diamond Shamrock was requesting an extension of exception relief previously approved and that the use of the most recently completed fiscal quarter as a measurement period was appropriate only in evaluating initial exception applications from the provisions of 10 CFR 212.165. *Getty Oil Co.*, 5 FEA Par. 80,614 (April 28, 1977). In addition, the DOE found that Diamond Shamrock had not demonstrated that the FEA acted arbitrarily or capriciously in using the six month period ending December 31, 1976, for measurement purposes. Diamond Shamrock also contended that the FEA erred by excluding increased depreciation expenses as a recoverable category of increased nonproduct costs because a recent amendment to the price regulations permits refiners to pass through such expenses as nonproduct costs and gas plant operators should be permitted the

same right. In response to this argument, the DOE noted that it had recently considered and rejected this contention in another case. See *Mustang Fuel Corporation*, case No. FXE-3971 (July 15, 1977) (unreported decision). The DOE further noted that the considerations which originally led the FEA in its analyses of exception applications to disallow the recovery of increased depreciation costs incurred by gas plant operators were not significantly affected by the recent amendment to subpart E of the price regulations. Accordingly, Diamond Shamrock's Appeal was denied.

Donelan, Cleary, Wood and Maser, Washington, D.C., DFA-0029, Freedom of Information

Donelan, Cleary, Wood & Maser filed an appeal from an order which was issued to it by the Information Access Officer of the Federal Energy Administration on September 12, 1977. In its initial request, Donelan sought copies of certain documents which were submitted to the FEA by Mortada International in connection with its preparation of a report concerning the establishment of appropriate ceiling prices for crude oil produced from the Alaskan North Slope. The FEA Information Access Officer determined that eleven documents were responsive to Donelan's request. He provided two documents to the firm in their entirety and released the other nine documents with substantial deletions. Those deletions were made on the grounds that the documents contain confidential commercial and financial information which is exempt from the mandatory disclosure requirements of the Freedom of Information Act pursuant to 5 U.S.C. (b)(4). In its appeal, Donelan contended that the September 12 order fails to state with sufficient particularity the grounds upon which the material involved was deleted or specify the type of competitive injury which Mortada International would experience if the information withheld were released. In considering the Donelan appeal, the DOE determined that the September 12 order contains only a summary conclusion that section 552(b)(4) of the FOIA authorizes the withholding of substantial portions of the documents at issue. The DOE noted that in a recent case, the FEA remanded a similar case to the Information Access Officer for the issuance of a further Order which specifies the exact nature and extent of the competitive injury which the submitting firm could experience if the documents at issue were released. *C.A.C.I.*, 6 FEA Par. —— (September 28, 1977). The DOE concluded that the considerations which led the FEA in *C.A.C.I.* to remand the matter to the Information Access Officer for a further Order are equally applicable in the present case. Accordingly, the matter was remanded to the Information Access Officer for the issuance of a further Order to Donelan within fifteen working days.

Eagle Oil Co., Columbus, Ohio, FXA-1251, Motor Gasoline

The Eagle Oil Co. filed an Appeal from a decision and order which the FEA issued to the firm on March 23, 1977. *Eagle Oil Company*, 5 FEA Par. 83,111 (March 23, 1977). In the March 23 decision and order, the FEA denied an application which Eagle had filed for extension of exception relief from the provisions of 10 CFR 211.9. The appeal, if granted, would rescind the March 23 order and result in the assignment to Eagle of a lower-priced supplier of motor gasoline to replace Eagle's base period supplier. In its appeal, Eagle contended that the March 23 order was erroneous because it was based on the profitability of the entire firm during 1976, rather than on the profitability of the firm's motor gasoline sales operation alone. Eagle further contended that its motor gasoline operation would not be viable unless continued exception relief was provided. In considering the Eagle appeal, the DOE determined that Eagle's contention that only the results of its motor gasoline operation should be considered correct. However, on the basis of the financial data which the firm provided, the DOE concluded that there was no support for the firm's claim that its motor gasoline operation would not be viable in the absence of exception relief. Accordingly, the Eagle appeal was denied.

Eddy Refining Co., Houston, Tex., FXA-1277, Refined Petroleum Products

Eddy Refining Co. filed an appeal from a decision and order which the Federal Energy Administration issued to the firm on March 4, 1977, denying a previous request for exception relief which Eddy had filed from the provisions of 10 CFR, part 212, subpart E. *Eddy Ref. Co.*, 5 FEA Par. 83,082 (March 4, 1977). The appeal, if granted, would result in the issuance of an order permitting Eddy to adjust its May 15, 1973, selling prices and thereby both retroactively and prospectively increase its maximum allowable prices for petroleum products which it refines. The approval of retroactive exception relief would reduce or eliminate Eddy's liability to refund any overcharges which occurred in its sales of diesel fuel and motor gasoline from September 1973 through June 1975. In making a determination with respect to the Eddy appeal, the DOE found that contrary to the firm's arguments, Eddy's May 15, 1973 prices and profit margins were not anomalous but instead reflected Eddy's historic pricing practices, and that the mere fact that its prices and margins may be somewhat lower than the price levels established by other firms does not demonstrate the existence of a gross inequity which warrents prospective exception relief. In its appeal, Eddy also argued that it was entitled to retroactive exception relief because the amount of refunds which it would be required to make as a result of its past overcharges exceeded the firm's current net assets, and could bankrupt the company. The DOE found, however, that in view of the firm's net worth, lack of any long term debt and improved earnings record, Eddy had failed to demonstrate that it would be unable to refund the alleged overcharges to its customers without unduly impairing its operations. In this regard the DOE also noted that since a remedial order had not yet been issued to the firm, it was premature to assume, as Eddy did, that the firm would be required to discharge its entire refund liability immediately. With respect to Eddy's contention that the FEA had erroneously denied the firm's request that it be permitted to retroactively pass through a portion of its increased nonproduct costs which had been disallowed by FEA auditors, the DOE found that Eddy had merely reiterated the same arguments which the FEA had fully considered and rejected in prior proceedings. *Eddy Ref. Co., supra* and *Eddy Ref. Co.*, 4 FEA Par. 80,589 (December 15, 1976). The Eddy appeal was accordingly denied.

Hocker Oil Co., Salem, Mo. FXA-1367, Motor Gasoline

Hocker Oil Co. appealed from a decision and order which denied the firm's request for exception relief from the provisions of 10 CFR 211.12. *Hocker Oil Company*, 5 FEA Par. 83,158 (May 16, 1977). The appeal, if granted, would have resulted in the issuance of an order: (i) reversing the May 16 decision; (ii) increasing the base period use of motor gasoline which the 15 retail outlets supplied and operated by Hocker are entitled to receive; and (iii) assigning suppliers to furnish the increased quantities of motor gasoline to the firm. In its appeal, Hocker contended that the FEA erred in concluding that the application of 10 CFR part 211 to the firm's business activities did not produce a gross inequity or a serious hardship. In considering Hocker's contention that its 15 retail outlets are experiencing a significant increase in demand for motor gasoline the DOE noted that the firm was requesting a 136 percent increase in its adjusted base period use while the population in the market area served by Hocker's 15 retail outlets had experienced a population increase of only 14.5 percent during the period 1970 through 1976. Consequently, the DOE concluded that the firm had not met the standards set forth in previous Decisions which granted exception relief increasing a firm's base period use of an allocated product. *See Climax Molybdenum Co.*, 2 FEA Par. 83, 157 (May 20, 1975). The DOE further noted that Hocker had not submitted any evidence which would indicate that the 164 retail outlets in Hocker's market area are unable to satisfy the increased demand for motor gasoline or that consumers in the area are experiencing any inconvenience as a result of the motor gasoline supply situation. Contrary to another of Hocker's arguments, the DOE found that the denial of exception relief in this case would not significantly frustrate the objectives specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA). In this regard, the DOE reiterated the principle that those objectives must be balanced in each case and concluded that, in the present case, the granting of exception relief to Hocker could result in economic distortion and interference in the market mechanisms which exist in the area served by the firm. Finally, the DOE determined that the FEA had not erred by excluding the salaries paid to owners of the firm in calculating Hocker's overall profitability. The DOE observed that in previous cases where an applicant has advanced a claim of severe financial hardship, and where one or more of the salaried employees of the firm held a substantial ownership interest in the firm, the DOE has considered the ownership interest of the firm to include the salaries paid to the employee-owners. Furthermore, the data submitted by Hocker indicated that a substantial portion of the decrease in profitability which the firm has experienced in recent periods, appears to be attrubutable to increases in the salaries paid to the two owner-officers of the firm. Based on these considerations the DOE denied the Hocker appeal.

Jamar Oil Co., Broken Arrow, Okla., FXA-1406, Motor Gasoline

Jamar Oil Co. filed an appeal from a decision and order which the Federal Energy Administration issued to it on July 15, 1977. *Jamar Oil Company*, 6 FEA Par. 83,037 (July 15, 1977). In the July 15 Decision the FEA denied Jamar's request for an extension of exception relief previously granted

to the firm which resulted in the assignment of a new, lower-priced supplier of motor gasoline in place of its base period supplier, the Foremost Petroleum Corp. (Foremost). In concluding that this exception relief should not be extended for an additional period of time, the FEA found in the July 15 decision that the wholesale price for regular grade motor gasoline charged by Foremost exceeded the average wholesale price charged by the seven other unbranded marketers of motor gasoline by less than one-half cent per gallon and that a price disparity of that magnitude did not constitute adequate grounds for the approval of exception relief.

In its appeal Jamar contended that the data utilized by the FEA in making that finding was erroneous in several respects. After reviewing the material submitted by Jamar, the FEA concluded that the initial price survey conducted by FEA Region VI was in fact erroneous. On the basis of a new price survey, the DOE found that Foremost's price for motor gasoline exceeded the price charged by the unbranded marketers which suply motor gasoline to Jamar's competitors by .99 cents per gallon. Although this price disparity exceeded that which the FEA found to exist in the July 15 proceeding, the DOE concluded in accordance with the precedent established in a number of prior decisions that a price disparity of this magnitude did not warrant the approval of exception relief. In addition, the DOE found that the financial material which Jamar had submitted did not support the firm's contention that the difficulties which it was experiencing were the result of the application to the firm of the Mandatory Petroleum Allocation Regulations. Finally, the DOE rejected Jamar's claim that Foremost would refuse to supply it with motor gasoline in the future. In this regard the DOE found that the legal dispute which existed between Jamar and Foremost at the time that Jamar originally filed its Appeal had since been settled out of court and that there was no indication that Foremost would refuse to supply motor gasoline to Jamar subsequent to the settlement of that dispute. Accordingly, the Jamar appeal was denied.

Kathol Petroleum, Inc. Washington, D.C., FXA-1201, natural gas liquids

Kathol Petroleum, Inc. filed an Appeal from a Decision and Order which the Federal Energy Administration issued to the firm on December 16, 1976. *Kathol Petroleum, Inc.*, 4 FEA Par. 83,245 (December 16, 1976). In the December 16 determination, the FEA granted in part an Application for Exception which Kathol had filed from the provisions of 10 CFR 212.165, but denied the firm's request that that exception be made retroactive to August 31, 1973. The Kathol Appeal, if granted, would have resulted in the issuance of an Order granting the firm an exception from the non-product cost passthrough provisions of 10 CFR 212.165 on a retroactive basis for the period August 31, 1973 through May 31, 1976. In considering the Kathol Appeal, the DOE noted that an audit of the form's operations during that period is currently in progress but no determination has been reached as to the precise magnitude of any pricing violation which may have occurred. The DOE therefore concluded that Kathol's allegations of irreparable financial injury were speculative. The DOE also rejected Kathol's claim that the provisions of Supbart E of the Mandatory Petroleum Price Regulations were never applicable to natural gas processors. The DOE further determined that although Kathol processes natural gas which is produced from stripper well properties, this does not exempt the firm from the generally applicable provisions of 10 CFR 212.165. In this connection, the DOE noted that DOE Ruling 1974-28 provides that the stripper well lease exemption does not apply to gas wells. Finally, the DOE concluded that Kathol presented no compelling reasons for the approval of retroactive exception relief in this case. Accordingly, the Kathol Appeal was denied.

Kerr-McGee Corp., Washington, D.C., Standard Oil Co. (Indiana), Chicago, Ill., DFA-0037, DFA-0061, Freedom of Information

The Kerr-McGee Corp. (Kerr-McGee) and the Standard Oil Co. of Indiana (Standard) filed Appeals from partial denials by the Department of Energy Informaton Acess Officer of requests for information which the firms had submitted under the Freedom of Information Act (the Act). Since the Information Access Officer withheld identical documents from Kerr-McGee and Standard, the Appeals filed by the two firms were consolidated for resolution in a single proceeding. In their requests for information, Kerr-McGee and standard sought access to material which related to the DOE crude oil transfer pricing program set forth in 10 CFR 212.84. The information Access Officer released several documents to the firms, but withheld from disclosure 23 documents which were determined to be within the scope of their requests for information. The information Access Officer denied access to one of these documents and portions of others on the ground that they were exempt from disclosure as confidential commercial information pursuant to 5 U.S.C. 552(b)(4) ("Exemption 4"). With respect to the remaining documents, the information Access Officer concluded that they were exempt from mandatory disclosure under the provisions of the intra-agency memoranda exemption of the Act, 5 U.S.C. 552(b)(5) ("Exemption 5").

In considering the Appeals, the DOE determined that 14 of the 22 documents which were withheld from disclosure in their entirety by the Information Access Officer were pre-decisional, advisory memoranda which properly fell within the parameters of Exemption 5 as outlined in earlier agency decisions. The DOE also determined that the Information Access Officer erroneously concluded that six documents fell within the purview of Exemption 5. The DOE therefore directed that these documents be released to the two firms. In addition, the DOE concluded that the public interest would be properly served if two of the documents initially withheld under the provisions of Exemption 5 were also released. With respect to the material which the Information Access Officer withheld pursuant to Exemption 4, the DOE found that the aggregate production data which appeared in one document could be released without impairing confidentiality if certain identifying details were first deleted. The Information Access Officer was therefore directed to make the necessary deletions and release the remainder of the document. The DOE also noted that it had recently considered and rejected the identical contention which Standard had advanced regarding the propriety of the Information Access Officer's decision to withhold DOE Form F701-M-O and certain portions of a document entitled "Representative Price Report". *See Continental Oil Company; Standard Oil Company of Ohio;* 1 DOE Par. — (November 22, 1977); *Gulf Oil Corporation,* 1 DOE Par. — (October 7, 1977). Consequently, Standard's contention in this matter was also rejected. However, the DOE found that the information Access Officer had applied an incorrect standard in determining whether the confidential commercial information contained in the Representative Price Report was traceable to an individual firm. The DOE indicated that the correct standard in this matter was established in *Gulf* and directed the Information Access Officer to comply with it. The DOE further determined that the agency possessed additional material which was responsive to firms' requests for information. In this connection, the DOE identified certain relevant documents which had previously been released in other Freedom of Information Act proceedings, and the Information Access Officer was directed to release those documents forthwith. The DOE also remanded the proceeding to the Information Access Officer with instructions to conduct a further search for responsive documents and to release such material to Kerr-McGee and Standard.

T. Mayfield, Tulsa, Okla., FRA-1436, crude oil

T. Mayfield appealed from a Remedial Order issued to it by the Federal Energy Administration, Region VI on July 7, 1977. After considering Mayfield's Appeal, the DOE confirmed the finding reached in the Remedial Order that Mayfield charged $0.15 in excess of the lawful ceiling prices for crude oil produced from certain of its leases. The DOE found that the $0.15 in question was not part of the "posted price" as that term was used in the Cost of Living Council Phase IV regulations which were in effect at the time of the alleged violation but rather was a premium added to the posted price pursuant to contractual agreement. The DOE stated that a contract does not constitute a general offer to purchase crude oil from all producers and therefore is not a "posted price." The DOE further stated in this regard that the $0.15 premium was not a price for crude oil as of a given date as required by the price regulations but rather was additional consideration paid by the purchaser for a long-term supply of crude oil. The DOE further considered Mayfield's contention that, contrary to the determination reached in the Remedial Order, the firm properly classified its Harjo lease as a stripper well property during the period January 1, 1974 through December 31, 1975. The DOE found that the evidence submitted by Mayfield in the Appeal proceeding indicated that the lease may have qualified as a stripper well property because during relevant time periods there were actually three crude oil producing wells on the Harjo lease instead of two wells as determined in the Remedial Order. Consequently, the Remedial Order was remanded to the Regional Office for a further determination as to whether the lease qualified as a stripper well property.

W. J. McAllister, Hastings, Mich., DRA-0017, heating oil

W. J. McAllister filed an Appeal from a Remedial Order which was issued to him by FEA Region V on September 26, 1977. In that Remedial Order, the FEA found that during the period November 1, 1973 through May 31, 1974 McAllister had sold No. 2 heating oil and No. 1 fuel oil at levels which ex-

ceeded the firm's maximum allowable prices calculated in accordance with 10 CFR, Part 212. In order to remedy this violation, McAllister was directed to refund $4,021.60 plus interest to its customers. McAllister stated in his Appeal that he was financially unable to comply with the refund requirements of the Remedial Order, and would experience a severe and irreparable injury if he were not relieved of the refund obligation. In considering his contentions, the DOE noted that the arguments which McAllister advanced do not form an appropriate basis for appealing a Remedial Order, but in effect constitute a request for retroactive exception relief. The DOE concluded that the circumstances presented in this case satisfy the standards which in limited instances permit the DOE to consider exception arguments of this type in the context of an Appeal proceeding. The DOE further concluded that McAllister would incur severe and irreparable injury unless he is relieved of the obligation to refund the overcharges specified in the Remedial Order. In addition, it was found that any possible benefits to the community which may be obtained through enforcement of the Order would be substantially outweighed by the adverse consequences to the applicant. Accordingly, the DOE denied the McAllister Appeal, but granted him retroactive exception relief for the period in which the Remedial Order found that overcharges had been made.

Memphis Aero Corp., Memphis, Tenn., FXA-1341, aviation fuel

Memphis Aero filed an appeal from a decision and order issued to the firm by the FEA on April 29, 1977. *Memphis Aero Corporation*, 5 FEA Par. 83,142 (April 29, 1977). In the April 29 decision, the FEA permitted the firm to increase the prices it charges for aviation fuel by 3.09 cents per gallon above the maximum permissible levels to reflect increased nonproduct costs which the firm had incurred since May 15, 1973. In its present appeal, the firm requested an additional increase in its maximum permissible price of aviation fuel. Memphis Aero contended that the FEA erred in using the nonproduct costs per unit which it incurred in its 1973 calendar year in calculating the level of nonproduct costs per unit which the firm was experiencing on May 15, 1973. Memphis Aero maintained that data for the 4-month period ending April 30, 1973, was more indicative of the nonproduct costs which it was incurring on May 15, 1973. In considering Memphis Aero's Appeal, the DOE noted that in prior cases involving requests by fixed base operators for exception relief from 10 CFR, part 212, subpart F, the FEA had utilized the data which the applicants had presented in determining the amount of exception relief that was appropriate. The DOE thereupon determined that it was erroneous for the FEA to have failed to consider the nonproduct costs which Memphis Aero incurred in the 4-month period ending April 30, 1973, as an accurate reflection of the firm's May 15, 1973, nonproduct costs. The DOE therefore substituted the nonproduct cost data submitted by Memphis Aero for the nonproduct cost data used by the FEA in the April 29 decision and permitted Memphis Aero to raise its selling prices for aviation fuel by an additional 3.37 cents per gallon. With respect to another argument raised by Memphis Aero that the relief granted in the April 29 decision should have been made effective as of the date the firm filed its application for exception, the DOE concluded that this contention had no merit since retroactive relief of this type was approved only under limited circumstances and the firm had not shown that any undue administrative delay occurred in the processing of its application for exception. However, the DOE found that a considerable period of time had elapsed between the date the Memphis Aero appeal was filed and the date the present decision was issued and that this delay was not caused by Memphis Aero. The DOE therefore concluded that the additional exception relief granted in the present proceeding should be made effective as of the date on which Memphis Aero filed its appeal

National LP-Gas Association, Arlington, Va., FXA-1246, propane

The National LP-Gas Association (NLPGA) filed the final stage of its appeal from a decision and order issued by the FEA on September 24, 1976. *Class Exception-Retroactive Application of the Separate Inventories Amendment*, 4 FEA Par. 83,099 (September 24, 1976). In the September 24, 1976, decision, the FEA denied retroactive class exception relief to all resellers and retailers which used separate inventory cost computations for purposes of calculating their increased product costs and maximum allowable prices prior to May 1, 1976. In a decision and order issued on February 25, 1977, with respect the initial stage of the NLPGA appeal, the FEA determined that a portion of the class which the NLPGA sought to represent was a properly formed class and the NLPGA was accordingly certified to represent in this proceeding "all retailers of propane which operate more than one but less than 100 bulk plants and which have customarily used separate inventory accounting methods in determining product inventory cost since May 15, 1973." *National LP-Gas Assoc., et al.*, 5 FEA Par. 80,559 (February 25, 1977). In considering the second stage of the appeal, the DOE initially observed that the NLPGA's general contentions that the FEA regulations were unclear regarding the firmwide inventory issue and that the class of propane retailers acted in good faith in interpreting those regulations, had already been fully discussed and rejected in prior FEA decisions. Furthermore, the DOE found that although the Emergency Petroleum Allocation Act of 1973 did not specify the firmwide inventory requirement, this lack of specificity in the legislation did not give the class members the right to assume that they could implement whatever practice they had followed prior to the FEA regulatory program, without regard to the regulations. The DOE also determined that the NLPGA had failed to support its contention of alleged acquiescence by FEA auditors in the use of separate inventories and that, even if specific compliance errors were identified, such errors had not produced extensive confusion throughout the industry and, in any event, the firms had no right to rely upon the oral advice of auditors. In addition, the DOE found that, contrary to an argument raised by the NLPGA, it is not punitive for the Agency to require that members of the class comply with the firm-wide inventory rule, because the NLPGA's own data indicates that the rule was understood and adhered to by a majority of propane resellers and retailers. Finally, in analyzing the financial data compiled by the NLPGA for a sample of the class members, the DOE found that the NLPGA's data showing average net income by quartiles did not demonstrate that the class as a whole would incur an irreparable injury in the absence of retroactive exception relief. Nevertheless, the DOE observed that the effect of making refunds would vary greatly among the members of the class and that the firms with the smallest annual net income, i.e., less than $50,000, would be adversely affected in a much more severe manner than other members of the class. With respect to these smaller firms, the DOE determined that the estimated average refund requirement was so large relative to the average net income of the firms that, in the absence of retroactive exception relief, those firms would experience a severe and irreparable injury to their financial viability. Accordingly, the DOE granted retroactive exception relief to all members of the class which realized net income of less than $50,000 in their 1976 fiscal year. In all other respects, the NLPGA appeal was denied.

Navajo Refining Co., Artesia, N. Mex., DEA-0035, Crude oil

Navajo Refining Co. filed an appeal from a decision and order which was issued to the firm by the Deputy Assistant Administrator for Operations of the Federal Energy Administration on September 30, 1977. In that decision, the Deputy Assistant Administrator determined that Navajo did not qualify for an allocation of crude oil under the provisions of the crude oil buy/sell program (10 CFR 211.65). In its appeal, Navajo stated that it did not intend to request an allocation of crude oil under the buy/sell program and that the material which it filed with the FEA Office of Crude Oil Operations on September 6, 1977, was merely intended to express the firm's opinion with respect to a current rulemaking proceeding. Navajo argued that although it was not adversely affected by the September 30 decision and order, the determination reached could prejudice future applications which Navajo might elect to file. In considering the appeal, the DOE noted that any application which the Navajo may choose to file pursuant to the amended provisions of 10 CFR 211.65 would not be prejudiced in any way by the determination reached in the September 30 decision and order. Under these circumstances, and in view of Navajo's assertion that it does not need a buy/sell allocation at the present time, the DOE concluded that Navajo is not aggrieved in any manner by the September 30 decision and order. Accordingly, the Navajo appeal was dismissed.

Power Test Corp., Westbury, N.Y., FPI-0119, motor gasoline

Power Test Corp. appealed from a decision and order which was issued to it by the Federal Energy Administration on April 19, 1977. *Power Test Corporation*, 5 FEA Par. 83,136 (April 19, 1977). In the prior decision, the FEA denied Power Test's request for an exception from the provisions of 10 CFR 213.35(c) which would have permitted the firm to import approximately 4,552 barrels per day of motor gasoline into PAD Districts I-IV on a license fee-exempt basis during the current allocation period. In considering the Power Test appeal, the DOE rejected the firm's contention that the FEA should not have considered the cause of the firm's decline in profitability in determining whether exceptional hardship existed. In this regard the DOE affirmed the finding of the April 19 decision that the application of the license fee provisions were not a significant cause of the recent decline in the firm's markups on sales of gasoline and its overall profitability. Moreover, the DOE found that irrespective of whether the

firm's financial posture is measured in terms of the firm's entire petroleum-related operations or in terms of only its marketing operations, no showing was made that the decline in its profitability represented a significant deterioration in its operating posture. The DOE therefore determined that Power Test had failed to meet the standards set forth in the guidelines which have been established for evaluating requests for exception from the license fee requirements of part 213. Accordingly, the DOE concluded that Power Test had failed to establish that the April 19 order was erroneous and the Power Test appeal was denied.

Sabre Refining, Inc., Bakersfield, Calif., FXA-1397, crude oil

Sabre Refining, Inc., filed an appeal from a supplemental decision and order which the Federal Energy Administration issued to the firm on June 13, 1977. *Sabre Refining, Inc. (Supplemental Order)* 6 FEA Par. 87,005 (June 13, 1977). In the June 13 order the FEA determined that Sabre had been granted an excessive level of exception relief from the provisions of the entitlements program during its 1976 fiscal year. The appeal, if granted would have resulted in the rescission of those provisions of the June 13 order that imposed an entitlements purchase obligation upon the firm. In considering the appeal, the DOE held that it was not inequitable to require Sabre to return the excessive benefits it had received from the exception relief which was approved. The DOE also determined that the firm's alleged financial difficulties during its 1976 fiscal year cannot be attributed to the entitlements program. It noted that even after the adjustment was made for the excessive entitlements benefits, Sabre still realized an operating profit during the relevant period. Finally, the DOE found the financial data which Sabre provided indicated that the firm possessed sufficient resources to make the required entitlements purchases without incurring a serious financial hardship. Accordingly, the Sabre appeal was denied.

Shell Oil Co., Houston, Tex., FXA-1236, natural gas liquids

On March 24, 1977, the Shell Oil Co. filed an appeal from a decision and order issued to the firm by the FEA denying exception relief to four of Shell's natural gas processing plants. In its application for exception, Shell had requested that the FEA permit the firm to reflect in its sales prices for the natural gas liquids produced at these four plants certain specified nonproduct cost increases which the firm incurred subsequent to May 15, 1973, in excess of the permissible passthrough levels specified by 10 CFR section 212.165. The FEA denied the request because the nonproduct cost increases incurred at these plants were less than $0.005 per gallon and therefore were held to be de minimus. In its appeal, Shell argued that the FEA should have found that unrecovered costs which producers of natural gas liquids incur are material if they exceed $0.00375 per gallon, or 100 percent of the permitted passthrough level specified in section 212.165 for natural gas liquids. In denying the Shell appeal, the Deputy Administrator of the DOE's Economic Regulatory Administration held that the level of nonproduct costs which the regulations permit to be passed through was not intended to establish a level for purposes of the exceptions process. Accordingly, the $0.00375 level provided in section 212.165 was found not to be determinative. The $0.005 value was chosen as a de minimus standard because independent of the value of the permissible nonproduct cost passthrough, it constituted a reasonable level of adverse impact which any firm should show before being considered extraordinarily affected by the regulations.

Sun Co., Inc., Dallas, Tex., FXA-1412, natural gas liquids

The Sun Co., Inc., filed an appeal of a decision and order which the Federal Energy Administration issued to it on June 30, 1977, with respect to its Mayfield natural gas processing plant. If granted, Sun's appeal would permit it to increase from 4.98 to 6.20 cents per gallon the nonproduct cost passthroughs which the FEA had approved for that plant in the June 30 decision. In considering Sun's appeal, the Department of Energy found that the factual circumstances and legal arguments which Sun raised were essentially the same as those which it presented in proceedings which led to the issuance of a previous decision and order denying another appeal which Sun had filed. See, *Sun Co., Inc.*, 6 FEA Par. 70.577 (September 19, 1977). In that decision the FEA determined that Sun had failed to demonstrate that the FEA's use of data from the two previous fiscal quarters as the basis for computing the level of exception relief which should be approved constituted a departure from the previous policy of the agency, or was erroneous, or arbitrary, or capricious. The DOE determined that the findings made in the September 19 decision were dispositive of Sun's present appeal and that the appeal should accordingly be denied.

Texas Asphalt & Refining Co., Houston, Tex., FXA-1322, crude oil unfinished oils

Texas Asphalt & Refining Co. (TARCO) filed an appeal from a decision and order which the FEA issued to it on April 8, 1977. *Algonquin Gas Transmission Co., et al.*, 5 FEA Par. 87,033 (April 8, 1977). In the previous decision, the FEA rescinded exceptions that had been granted to TARCO and two other firms by the Oil Import Appeals Board (the OIAB) in 1970. Those exceptions had permitted the firms to import crude oil and unfinished oils into the United States without the payment of license fees. The TARCO appeal, if granted, would reinstate the firm's exception relief on a continuing basis without requiring it to apply for an annual allocation. In its appeal, the firm contended that its exception was rescinded without legal authority since the FEA had not acted pursuant to subpart T of the procedural regulations. In considering the TARCO appeal, the DOE found that subpart T was inapplicable since the firm's exception had been granted under another portion of the regulations. The DOE noted that the express terms of the original OIAB order specifically envisioned periodic reviews to determine whether continued exception relief was warranted. The DOE concluded that the FEA had acted within its authority in reviewing and rescinding the continuing fee-free license authority. TARCO also claimed that the rescission was improper since no change had occurred with respect to the statute, the regulations or the factual circumstances underlying the approval of exception relief. However, the DOE found that the regulatory basis which supported the granting of relief in 1970 no longer existed since the DOE now requires all firms to file an annual application for a fee-free license authority. The DOE further concluded that, under established precedent, the agency possessed the inherent authority to review a previous grant of exception relief to determine whether a continuation of the relief was appropriate. On the basis of these determinations, the TARCO appeal was denied.

Time Oil Co., Los Angeles, Calif., FPI-0115, finished product

Time Oil Co. filed an appeal from a decision and order which the FEA issued on April 8, 1977. *Algonquin Gas Transmission Co., et al.*, 5 FEA Par. 87,033 (April 8, 1977). In the previous decision, the FEA rescinded exceptions that had been granted to Time and two other firms by the Oil Import Appeals Board (the OIAB). Under an order issued in 1974, Time had been permitted to import finished product into the United States without the payment of license fees. The Time appeal, if granted, would reinstate the firm's exception relief on a continuing basis without requiring it to apply for an annual allocation. In considering the appeal, the DOE rejected the firm's contention that there was no specific legal authority to rescind the OIAB order which granted the fee-free license authority. The DOE also rejected Time's claim that there was no rational basis for the FEA's April 8 determination. It found that the regulations limited the issuance of fee-free allocations to a single allocation period and required each applicant to demonstrate on an annual basis that it satisfied the criteria for the continued approval of relief. With respect to the contention that it was inequitable for the FEA to consolidate Time's case with those of two other firms in a single proceeding, the DOE concluded that the consolidation was warranted since it permitted the FEA to examine all arguments presented in opposition to the proposed termination of the continued exception relief which the firms possessed in common, and found that each of Time's allegations had been analyzed on an individual basis. Accordingly, the Time appeal was denied.

UCO Oil Co., Whittier, Calif., FXA-1372, motor gasoline

UCO Oil Co. filed an appeal from a decision and order which the Federal Energy Administration issued to the firm on May 27, 1977. *UCO Oil Company*, 5 FEA Par. 83,168 (May 27, 1977). In the May 27 decision and order, the FEA denied UCO's request for an extension of exception relief from the provisions of 10 CFR Part 211 which the FEA had approved on three previous occasions. The appeal, if granted, would have resulted in the rescission of the May 27 decision and order and the issuance of a further order directing the Department of Energy Region IX to assign to UCO suppliers whose wholesale price for motor gasoline is within the range of prices charged by major suppliers in UCO's marketing area. On considering the UCO appeal, the DOE found that the financial material which the firm submitted indicates that although it continues to experience losses as a result of its motor gasoline sales activities, the firm has been earning profits on its terminal operations which more than compensate for those losses. In addition, the DOE noted that as a result of the recent approval of exception relief in a different matter, UCO will be able to import up to 1,277,500 barrels of finished naphtha into district V on a license fee-exempt basis during the current

allocation period. *UCO Oil Company*, 1 DOE Par. —— (October 11, 1977). The DOE found that this fee-exempt import license relief will further increase UCO's net operating profit from all operations during the fourth quarter of 1977. The DOE therefore determined that the severe operating losses which led the FEA to conclude that exception relief was appropriate in the past no longer exist. Under these circumstances, the DOE concluded that no basis existed for the extension of exception relief which would confer special benefits on UCO and impose substantial burdens on other firms in UCO's marketing area. Accordingly, the UCO appeal was denied.

United Refining Co., Warren, Pa., FXA-1351, crude oil

United Refining Co. filed an appeal from a decision and order which the FEA issued to it on May 13, 1977. *United Refining Company*, 5 FEA Par. 83,157 (May 13, 1977). In the previous decision, the FEA denied United's request for additional entitlement benefits to offset its increased crude oil costs. The United appeal, if granted, would reverse the May 13 determination and grant the firm the additional entitlements which it had previously requested. In its appeal, United claimed that the FEA had improperly refused to grant exception relief to reduce the firm's high level of crude oil costs on the grounds that it was a beneficiary of the entitlements program as a net seller of entitlements. In considering the United appeal, the DOE found that the previous determination was correct in view of the established precedent governing the denial of exception relief to net sellers of entitlements. United also claimed that the FEA erred in using financial projections for its 1977 fiscal year, rather than relying exclusively on its actual results during fiscal year 1976. The DOE rejected that contention since the use of financial projections had been consistently adopted as the most appropriate means to establish the level of exception relief for small refiners during the period for which the relief was requested. United further claimed that it should be issued additional benefits under the entitlements program since the high level of its crude oil costs were directly attributable to the impact of two regulatory programs, the December 1 rule and the Canadian crude oil allocation program. However, the DOE noted that the entitlements program was not designed to completely eliminate all crude oil cost disparities among refiners. The DOE found that United had failed to demonstrate that the entitlements program did not achieve its primary goal of distributing the benefits of access to low-cost crude oil among refiners. Finally, the DOE concluded that, despite a decline in United's profitability in 1976, the firm was not adversely affected by a similar decline in its sales volumes or an erosion in its market position. Accordingly, the United appeal was denied.

L. G. Vanderwork, Towner, Colo., FXA-1363, propane

L. G. Vanderwork appealed from a decision and order which the FEA issued to the firm on May 27, 1977. *L. G. Vanderwork*, 5 FEA Par. 83,169 (May 27, 1977). In the May 27 decision the FEA denied Vanderwork's request for retroactive exception relief which would have relieved the firm of any obligation to refund revenues which it previously obtained by charging prices for propane which were in excess of the maximum permissible levels specified in 10 CFR 212.93. In that decision the FEA denied the firm's request for retroactive exception relief on the grounds that the firm's allegations of irreparable injury were speculative since a remedial order had not yet been issued to the firm. In considering the Vanderwork appeal, the DOE determined that although a remedial order had not been issued to the firm, there exists a sufficient factual record establishing the amount of overcharges which it apparently made and therefore a determination could be made as to whether exception relief was warranted. The DOE concluded, however, that the financial material submitted by Vanderwork did not support the firm's contentions that it would experinece an irreparable financial injury if it were required to repay the overcharges set forth in an NOPV issued to the firm. Nevertheless, since the amount of the alleged overcharges exceeded the firm's 1976 pre-tax profit, the DOE recognized that if Vanderwork is required to refund those overcharges within a brief period of time the firm might incur an immediate hardship. Consequently, the DOE stated that the regional office shall take into account the firm's current financial position in establishing a time period during which it must refund any overcharges for which it is found liable.

In its appeal, Vanderwork also contended that prior to the issuance of the NOPV the firm did not have access to any publication which set forth the applicable FEA price regulations and consequently could not have been aware of the manner in which those regulations would apply to its propane operations. Vanderwork therefore argued that the firm could not have been aware that it might be in violation of the pricing provisions specified in 10 CFR 212.93 during the period cited in the NOPV. In considerating this contention, the DOE reaffirmed the principle articulated in several previous decisions that firms in petroleum-related industries have an affirmative obligation to be cognizant of the correct application of FEA regulations to their business activities and that Vanderwork's failure to meet that obligation did not constitute grounds for granting its appeal. Finally, Vanderwork requested that it be relieved of any potential obligation to refund overcharges which the FEA may eventually find to have occurred subsequent to the period cited in the NOPV. The DOE concluded that Vanderwork's contention with respect to events which might occur at some future time as a result of possible compliance action was speculative and accordingly dismissed this aspect of the firm's appeal. In all other respects the Vanderwork appeal was denied.

B. W. Whittington, Corpus Christi, Tex., FXA-1427, crude oil

B. W. Whittington (Whittington) filed an appeal from a decision and order which the Federal Energy Administration issued to him on July 8, 1977. *B. W. Whittington*, 6 FEA Par. 83,032 (July 8, 1977). In the July 8 determination, the FEA denied an application for exception from the provisions of 10 CFR, Part 212, Subpart D which Whittington had filed. The appeal, if granted, would have resulted in the issuance of an order permitting Whittington to sell all of the crude oil produced and sold from the State tract 180 lease at prices which are in excess of the lower tier ceiling price levels computed pursuant to 10 CFR 212.73. In the appeal, Whittington argued that he should have been granted both prospective and retroactive exception relief to permit him to increase the prices which he may charge for crude oil from the State tract 180 lease so that he can recover certain workover and drilling expenses which he had previously incurred at the property. In considering this contention, the DOE observed that the Whittington Appeal did not present any new arguments in support of this claim and that the determination reached in the July 8 decision was therefore dispositive of the matter. However, during the course of the appeal proceeding Whittington presented new factual material which indicated that prospective exception relief from the provisions of 10 CFR 212.73 was now warranted. On the basis of this new factual material and precedent established in previous cases, Whittington was granted exception relief to permit him to sell 50.54 percent of the crude oil produced from the State tract 180 lease subsequent to the completion of certain repairs at upper tier ceiling prices.

REQUESTS FOR EXCEPTION

Drew Cornell, Inc., Lafayette, La., FEE-4285, crude oil

Drew Cornell, Inc (Cornell), filed a request for retroactive exception relief from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil which it produced from the Boagni property during the period November 1973 through June 1976 at prices that exceeded the levels permissible under the mandatory petroleum price regulations. In its exception application, Cornell alleged that exception relief was warranted to prevent the firm from experiencing an irreparable injury because it had received only a small portion of the overcharges that it may be required to refund. The DOE observed that Cornell's request was based on a speculative assumption that it would be held responsible for the entire refund obligation. Since no determination had yet been made as to whom a remedial order may be issued, the DOE determined that the application was premature. Accordingly, Cornell's exception application was dismissed without prejudice to a refiling at a later date.

Justiss-Mears Oil Co., Inc., Jena, La., FEE-4396, crude oil

Justiss-Mears Oil Co., Inc. (Justiss), filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. In that application Justiss requested that it be permitted to sell the crude oil produced from the Saucier lease, located in the Five Mile Bayou field in Avoyelles Parish, La., at upper tier ceiling prices. After considering the Justiss exception request, the Federal Energy Administration issued a proposed decision and order to the firm on September 27, 1977. In that proposed decision the FEA determined that as a result of increased operating costs Justiss no longer had an economic incentive to continue its crude oil production activities at the Saucier lease. The FEA also found that the abondonment of the Saucier lease would result in the loss of approximately 11,200 barrels of otherwise recoverable crude oil. In accordance with the methodology established in a number of previous decisions and on the basis of the data submitted by Justiss, the FEA concluded in the proposed decision and order that Justiss should be permitted to sell 58.24 percent of the crude oil produced from the Saucier lease for the benefit of the working interest owners at upper tier ceiling prices for a 6-month period of time.

In a statement of objections which it filed to the proposed decision and order, Justiss stated that the data utilized by the FEA was erroneous and resulted in an insufficient amount of exception relief. After reviewing the Justiss submission, the DOE concluded that the level of exception relief which was approved was insufficient and should accordingly be recalculated on the basis of the new data which the firm had submitted. As a result of this recalculation the DOE concluded that Justiss should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Saucier lease until March 31, 1978. The DOE observed, however, that it was not unreasonable for the FEA to have initially calculated the amount of exception relief which should be approved on the basis of data submitted by Justiss. Accordingly, Justiss was permitted to sell at upper tier ceiling prices 58.24 percent of the crude oil produced from the Saucier lease for the benefit of the working interest owners from September 27, 1977, through December 12, 1977, and 100 percent of the crude oil produced from the lease for the benefit of the working interest owners from December 12, 1977, through March 31, 1978.

Meason Operating Co., Natchez, Miss., FEE-4799, crude oil

Meason Operating Co. filed an application for exception from the provisions of 10 CFR, part 212, subpart D, which, if granted, would permit Meason to sell crude oil produced from its Arnold Perry well No. 1, located in Wilkinson County, Miss., at upper tier ceiling prices. In considering the exception request, the DOE found that Meason's operating costs had increased to a point where the firm no longer had an economic incentive to continue the production of crude oil from the Arnold Perry lease. The DOE also determined that if Meason abandoned its operations at the Arnold Perry lease, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous decisions, the DOE determined that Meason should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Arnold Perry Lease for the benefit of the working interest owners during the period November 1, 1977, through April 30, 1978.

Ward S. Merrick, Ardmore, Okla., FEE-4555, crude oil

Ward S. Merrick (Merrick) filed an application for exception from the provisions of 10 CFR, part 212, subpart D. In that application Merrick requested that it be permitted to classify the Hattie Brown lease, located in Carter County, Okla., as 18 separate properties and to charge exempt prices for all of the crude oil produced from the lease. In considering the Merrick exception request, the DOE found that the question of whether or not a lease qualified as separate properties should be raised in a request for interpretation and is not as a rule appropriate in the context of an exception request. In addition, the DOE found no merit to the claim that Merrick was experiencing a gross inequity as a result of the requirement that it sell the crude oil produced from the Brown lease at lower tier ceiling prices while the crude oil produced from adjacent properties qualified for sale at exempt price levels. The DOE observed that the mere fact that a particular firm may be affected by the operation of the DOE regulations in a somewhat different manner than other firms does not form an appropriate basis for the approval of exception relief. Accordingly, the Merrick exception request was denied.

Peninsular Gas Co., Omaha, Nebr., FEE-4446, propane

Peninsular Gas Co. filed an application for exception from the provisions of the mandatory petroleum allocation regulations. The exception request, if granted, would permit Peninsular, a natural gas public utility, to adjust its base period use of propane and allow the firm to purchase and use volumes of propane for peak shaving in excess of the levels permitted under the regulations. In considering the exception application, the DOE found that Peninsular had experienced a dramatic increase in its propane requirements since the base period so that a gross disparity existed between the firm's current propane requirements for peak shaving and its use of propane during the 1972-73 base year. In addition, the DOE found that, unless exception relief were granted permitting Peninsular to increase its use of propane for peak shaving, Peninsular's customers, the majority of whom are residential end-users, could experience a curtailment of their natural gas services. Under these circumstances the DOE determined that exception relief was appropriate and therefore adjusted Peninsular's base period volumes of propane for the fourth calendar quarter of 1977 and the first calendar quarter of 1978.

Standard Oil Co. (Indiana), Chicago, Ill., DEE-0075, crude oil

The Standard Oil Co. (Indiana) (Amoco) filed an application for exception from the provisions of 10 CFR 212.84(e)(6). The exception request, if granted, would permit Amoco to establish the landed cost of Trinidad crude oil which it obtains through an interaffiliate transfer on the basis of representative prices for a reference crude oil to be selected without regard to the provisions of section 212.84(e)(6). In considering the Amoco exception petition, the DOE noted that the basis of the request is the firm's claim that the value of Trinidad crude oil established under the provisions of section 212.84(e)(6) does not accurately reflect the market value of the Trinidad crude oil. Since a more appropriate proceeding is specifically provided by section 212.84(e)(7) through which Amoco may seek adjustment to the market price established under section 212.84(e)(6), the DOE determined that the firm's exception request is premature. Accordingly, the Amoco application for exception was dismissed without prejudice.

Sun Co., Inc., Dallas, Tex., FEE-4817 through FEE-4822, DEE-0038 through DEE-0040, natural gas liquids and natural gas liquid products

On September 16, 1977, Sun Co., Inc., filed six applications for exception from the provisions of 10 CFR 212.165 with the Office of Exceptions and Appeals of the FEA, and filed three more such requests for exception with the Office of Administrative Review of the DOE on October 5, 1977. The exception requests, if granted, would have permitted Sun to increase the prices which it charges to reflect the nonproduct cost increases which it incurred in producing natural gas liquids and natural gas liquid products at nine of the firm's gas processing plants. In previous cases, the DOE concluded that where nonproduct cost increases exceeded $0.04 per gallon and totaled more than $10,000, a degree of uncertainty existed as to the continuing nature of those increases and the period of exception relief should be limited to 3 months in order to provide an additional opportunity for review. Based on these considerations, the DOE issued a proposed decision and order on November 9, 1977, which granted exception relief to six of Sun's plants. That determination was effective with respect to those plants from the date of the decision and order through March 31, 1978, and for the remaining three plants from the date of the decision and order through December 31, 1977. On November 19, 1977, Sun filed a notice of objection which indicated that the proposed decision and order contained inconsistent references to the termination date of the exception relief granted for the three plants whose nonproduct cost increases exceeded $0.04 per gallon and totaled more than $10,000. This inconsistency was the result of a typographical error and was corrected by the DOE. Since no other objection was raised by Sun or any other interested party, the DOE issued the proposed decision and order in final form on December 12, 1977.

REQUEST FOR MODIFICATION OR RESCISSION

Luke Bros., Inc., Oklahoma City, Okla., FMR-0103, propane

Luke Bros., Inc., filed an application for modification or rescission of a remedial order which was isssued to the firm by region VI of the FEA on October 5, 1976. In that remedial order the FEA found that Luke had sold propane at prices which exceeded the maximum selling prices which the firm was permitted to charge under the FEA regulations. In order to remedy that violation, the FEA directed Luke to immediately reduce its selling prices for propane to a level which did not exceed its maximum lawful selling prices. In addition, the FEA directed the firm to submit a refund schedule which includes a timetable for refunding the overcharges which Luke had made.

In considering Luke's application, the DOE found that the firm had failed to present additional material facts or substantially changed circumstances which would have provided a basis for the modification or rescission of the remedial order. Accordingly, the DOE determined that Luke's application for modification or rescission of the October 5 remedial order should be denied. Nevertheless, the DOE further determined that Luke had presented new data concerning its current and projected financial condition which had not been considered in prior exception proceedings. In considering Luke's claim of serious hardship, the DOE found that Luke's assertion that its markup on May 15, 1973, was inordinately low because of an unusual and anomalous event was not supported by the record. The DOE further found that even through the new financial data and other factual material submitted by the firm indicate that it is experiencing serious financial problems, those difficulties were not caused primarily by the application to the firm of the provisions of 10 CFR 212.93. Nevertheless, the DOE found that the continuing application of the regulations to Luke's operations constituted a significant impediment to the firm's efforts to preserve its financial and competitive viability. Consequently, exception relief was approved which permitted Luke to increase prospectively its May 15, 1973, selling prices of propane by the amount of an increase in the purchased cost of propane which the firm experienced shortly prior to

that date but had not reflected in its May 15, 1973, selling prices. However, the DOE determined that Luke had not shown that it was entitled to exception relief on a retroactive basis. Nevertheless, the DOE noted that the record in this proceeding indicated that if Luke were required to complete all refunds specified in the remedial order within the current fiscal year the firm would not have sufficient operating capital with which to continue its operations and its economic viability might well be jeopardized. The DOE further noted that although the FEA had formulated a refund schedule which it issued to the firm, Luke had not provided any information with respect to the manner in which it was scheduled to make refunds or its views as to the impact which that schedule would have on the firm's operations. Under these circumstances, the DOE determined that Luke should not at this time be relieved of the obligation that it make the refunds in the manner scheduled. Rather, the DOE stated that Luke may file an application for modification or rescission of the refund schedule within 30 days of the date of issuance of this decision and order.

REQUESTS FOR STAY

Romaco, Inc., Montgomery, Ala., DES-0017, petroleum products

Romaco, Inc., filed an application for stay of a special report order which the Director of Compliance of FEA region IV issued to the firm on September 2, 1977. In its application, Romaco requested that the DOE stay the requirement that it submit the data specified in the special report order pending a review by the DOE of Romaco's challenge to the validity of the order. In considering the stay request, the DOE found that Romaco had filed an application to quash the special report order with the Director of Compliance of DOE region IV, in accordance with the provisions of 10 CFR 210.91. That application was denied in a decision and order issued by the Acting Director for Enforcement of DOE region IV, who had asssumed the responsibilities previously exercised by the Director of Compliance. The DOE noted that the DOE regulations contemplate a de novo review of a denial of an application to quash by an official who is superior to the individual who issued the order. However, due to the recent reorganization of the FEA, the official who would review the denial of Romaco's application to quash under section 210.91 would be the same person who issued the special report order originally and who denied the application to quash. The DOE noted that in view of these circumstances it is presently reevaluating its procedures for the administrative review of special report orders. Consequently, the DOE granted Romaco's application for stay for a period of 30 days or until further order of the DOE. However, since Romaco stated that it had no objections to certain provisions of the special report order, the stay applies only to specified items of the special report order.

Superior Linen & Apparel Services, Inc., Cincinnati, Ohio, DES-0203, propane

Superior Linen & Apparel Services, Inc. (Superior) filed a request for stay of the provisions of 10 CFR 211.12(g). The stay request, if granted, would permit Superior to use imported propane to meet its energy requirements pending a determination of an application for exception which the firm had filed. In considering Superior's request, the DOE found that unless stay relief is granted, Superior, its employees and its customers could experience an irreparable injury as a result of natural gas shortages. The DOE also found that no other parties would be adversely affected by the approval of stay relief. Finally, the DOE determined that Superior raised important issues in its exception application concerning the underlying purpose of the regulatory provisions governing the importation of propane. Under the circumstances, the DOE granted Superior's stay request pending a determination of its application for exception.

SUMMARY DECISION

The motion for evidentiary hearing filed by the following firm was denied:

Edgington Oil Co., Inc., Washington, D.C., FEX-0167.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Andale Farmers Cooperative Co., Andale, Kans., DEE-0117.

Caribou Four Corners, Inc., Salt Lake City, Utah, DEE-0100.

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE procedural regulations:

Annapolis Utilities, Inc., Annapolis, Md., FEE-4815.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 6, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

[FR Doc. 78-6309 Filed 3-9-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 19 through December 23, 1977

Notice is hereby given that during the week of December 19 through December 23, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Amerada Hess Corp., New York, N.Y., FEA-1487, Crude Oil

Amerada Hess Corp. filed an Appeal from a Decision and Order which the FEA Deputy Assistant Administrator for Compliance issued to the firm on July 29, 1977. The Decision being appealed denied Hess' request to be permitted to use its customary accounting procedures in calculating its marine transportation costs related to crude oil and directed the firm to calculate its future transportation costs in accordance with the accounting method specified in 10 CFR 212.85(c). In considering the Hess Appeal, the DOE noted that a firm's request to be permitted to use its customary accounting procedures should be granted if those procedures have been consistently and historically applied by the firm, are generally accepted, and result in crude oil transportation costs less than or not materially different from those resulting from application of the procedures prescribed in paragraph (c) or (d) of Section 212.85. The DOE determined that the July 29 Decision which was issued to Hess did not describe with sufficient specificity the basis upon which the FEA Office of Compliance concluded that Hess' accounting procedures did not satisfy the standards specified in Section 212.85(b)(2). Consequently, the matter was remanded to the DOE Office of Enforcement for further consideration.

Cities Service Oil Co., Braintree, Mass., FRA-1401, Motor Gasoline

Cities Service Oil Co. (Cities) filed an Appeal from a Remedial Order for Immediate Compliance which the Director of Regulatory Programs of FEA Region I issued to the firm on July 8, 1977. In the Remedial Order, the Regional Office ordered Cities to restore supplier/wholesale purchaser-reseller relationships with fourteen base period purchasers that Cities had refused to supply with petroleum products and to assume deliveries of motor gasoline to the retail outlets. In considering the Cities Appeal, the DOE noted that the provisions of 10 CFR 210.62(a) require suppliers of allocated products to maintain their normal business practices, including the delivery of petroleum products to a reseller's place of business. The DOE found that the facts presented in the Cities case were clearly distinguishable from the circumstances surrounding the court's determination in a case relied upon by Cities, *Atlantic Richfield* v. *Zarb*, 532 F.2d 1363 (TECA 1976). The DOE observed that in contrast to the facts in the case cited, the supplier/purchaser relationships between Cities and the dealers existed on the enactment date of the Emergency Petroleum Allocation Act of 1973. Moreover, in contrast to the circumstances in *Atlantic Richfield* v. *Zarb*, there had been no judicial determination in the Cities case of unlawful possession by any of the dealers. Consequently, the Cities Appeal was denied.

Commonwealth Oil Refining Co., Inc., Penuelas, P.R., FXA-1279, Crude oil

Commonwealth Oil Refining Co., Inc. (Corco) filed an Appeal from a Decision and Order which the FEA issued in *Commonwealth Oil Refining Co., Inc.*, 5 FEA Par. 83,132 (April 14, 1977). In that decision the FEA granted in part Corco's request for exception relief from the provisions of 10 CFR 211.67(i)(4) and 10 CFR 211.68(d)(5) and increased the number of entitlements which Corco is permitted to sell. Corco's Appeal, if

granted, would result in the approval of the full measure of exception relief which Corco initially sought in its Application for Exception. In its Appeal, Corco contended that the April 14 Decision was erroneous for failing to find that the Federal Government was required to maintain a crude oil feedstock cost advantage which Corco had over refiners and petrochemical producers on the United States mainland. In considering that contention, the DOE affirmed the finding reached in the exception Decision that the allocation granted to Corco by the Department of the Interior in 1968 did not place an affirmative duty on the government to guarantee the maintenance of Corco's feedstock cost advantage. Similarly, the DOE found no error in the determination that Corco is not entitled to exception relief as a result of the firm's general reliance upon policy and decisions which the Federal Government made pursuant to the Mandatory Oil Import Program. Corco also reiterated its contention that it should be granted retroactive exception relief for the period November 1974 through January 1976 during which the Entitlements Program did not fully equalize the cost of the imported crude oil which Corco refined with the domestic crude oil refined by mainland firms. With respect to this contention, the DOE found that the determination reached in *Commonwealth Oil Refining Co., Inc.*, 2 FEA Par. 83,230 (August 7, 1975), was controlling. In that Decision and Order, the FEA concluded that the Entitlements Program has not caused Corco to experience a serious hardship, but has instead generated significant benefits for the firm.

Corco also maintained that it is experiencing a gross inequity as a result of the provisions of the Jones Act which require it to transport its products to the mainland in American flag vessels, thus causing the firm to incur significantly greater shipping costs than its competitors in the Caribbean which utilize foreign flag vessels. The DOE held that exception relief from FEA or DOE regulations is not warranted if the hardship or inequity which a firm is experiencing is not caused by factors over which the FEA or DOE has control. The DOE concluded that Corco had failed to state a basis upon which exception relief should be granted to subsidize its shipping cost.

Corco also claimed that the April 14 Decision and Order failed to approve exception relief which completely eliminates the adverse impact which it is experiencing as a result of the 21 cent entitlement price adjustment specified in 10 CFR 211.67(i)(4). The DOE found that insofar as the products which Corco produces from crude oil are concerned, the firm occupied a secure competitive position in Puerto Rico which was not likely to be eroded through competition by mainland refiners. Consequently, the DOE found that the 21 cent per entitlement benefit which domestic refiners continue to receive pursuant to Section 211.67(i)(4) only remotely affects Corco since the firm sells the preponderance of its refinery products in Puerto Rico.

Finally, Corco contended that the April 14 Decision and Order erred in failing to grant retroactive exception relief for the month of January 1977 to remedy the adverse effects of the 21 cent adjustment to the Entitlements Program. The DOE found that Corco was correct and that the FEA has inadvertently neglected to approve relief for the month of January 1977. Consequently, retroactive exception relief was approved which will result in the issuance of additional entitlements to Corco equal in value to $227,573.34. In all other respects, Corco's Appeal was denied.

Cotten, Day & Doyle, Washington, D.C., DFA-0038, Freedom of Information

The law firm of Cotten, Day & Doyle (Cotten) appealed from a partial denial by the DOE Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its initial Request, Cotten sought access to a document entitled "Response to Request for Additional Information" which was submitted to the FEA by the Guam Oil & Refining Co. (Gorco) in Case Number FEE-4105 on July 25, 1977, including material which Gorco had deleted from under a claim of confidentiality pursuant to 10 CFR 205.9(f)(1). The Information Access Officer denied access to most of the deletions on the grounds that they contained confidential financial information which is exempt from public disclosure under Section 552(b)(4) of the Act. In considering Cotten's Appeal, the DOE determined that certain items of information which were deleted from the document were already in the public domain and therefore concluded that these items should be released to Cotten. However, as to other items of information which Cotten sought, the DOE determined that they were either much more detailed than the information which had already been disclosed, or not directly related to the material in the public domain. In addition, the DOE determined that these other items, if released, would be likely to cause substantial competitive harm to Gorco. Therefore, the DOE concluded that these items of information were exempt from mandatory public disclosure under Section 552(b)(4) of the Act. The DOE also held that the release of confidential information would not be in the public interest under 10 CFR 202.1. Accordingly, Cotten's Appeal was granted in part and denied in part.

Geronimo Oil Co., Corpus Christi, Tex., FRA-1454, Crude Oil

The Geronimo Oil Co. filed an Appeal from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on August 15, 1977. In the Remedial Order, the FEA found that Geronimo had sold certain crude oil at prices which were in excess of the maximum levels established by 10 CFR 212.73. The Remedial Order directed Geronimo to refund the full amount of these overcharges plus interest. According to the Remedial Order, Geronimo erroneously classified crude oil which it produced from the Morris lease as new and released crude oil because the firm failed to include condensate in its crude oil production when calculating the base production control level for the property. The Remedial Order further determined that Geronimo erroneously classified the Smith lease as a stripper well lease for the month of December 1973. In considering the Geronimo Appeal, the DOE determined that the regulatory definition of crude oil did include condensate and therefore the Remedial Order was correct in its determination that Geronimo should have included condensate when calculating the BPCL for the Morris Lease. The DOE also concluded that the Remedial Order was correct in its determination that the Smith lease did not qualify as a stripper well lease during the month of December 1973. The Geronimo Appeal was therefore denied.

Edward W. McCrary, Baton Rouge, La., DFA-0016, Freedom of Information

On November 21, 1977, Edward M. McCrary III (McCrary) filed an Appeal from an Order which had been issued to him by the FEA Information Access Officer on September 19, 1977. In that Order the Information Access Officer denied a request for information which McCrary had filed under the Freedom of Information Act (the Act). In his original request for information, McCrary sought copies of the Forms P102-M-1 (Refiner's Monthly Report) filed by Inger Oil Corp., Inc. (Inger) for the fourth quarter of 1976 and the first and second quarters of 1977. In denying McCrary's request, the Information Access Officer determined that the Forms P102-M-1 were exempt from disclosure under the provisions of 5 U.S.C. 552(b)(4), the exemption for trade secrets and confidential financial information. In considering McCrary's Appeal, the DOE found that disclosure of the information reported by a refiner in a Form P102-M-1 could result in competitive harm to the firm which supplied the information to the DOE. After review of the specific forms requested by McCrary, the DOE found that the Forms P102-M-1 which Inger filed for the period October 1976 through January 1977 contained no commercial information since Inger had no refining activities during that time. Because this fact could already be inferred from Inger's absences from the Crude Oil Allocation Notices which the FEA had issued, the DOE found that the Forms P102-M-1 did not contain information which was not already known to the public, and that the forms were therefore not confidential and should be released. However, Inger did have refining activities during the months of February through June 1977 and the Forms P102-M-1 which it submitted for that period did contain information regarding the supply, cost and source of the crude oil which Inger refined in those months. The DOE found that the release of this information would permit a competitior to assess Inger's relative market strength and determine the manner in which Inger's position could be most effectively undermined. Based on this finding, the DOE held that the information contained on the Forms P102-M-1 which Inger filed for the period February through June 1977 was confidential material that was exempt from mandatory public disclosure under Section 552(b)(4) of the Act. The DOE also held that disclosure of this information would not be in the public interest. Therefore, the McCrary Appeal was granted in part and denied in part.

Pioneer Operations Co., Inc., Russell, Kans., FXA-1243, Crude Oil

Pioneer Operations Company, Inc. (Pioneer) filed an Appeal from a Decision and Order which the FEA issued to the firm on March 11, 1977. *Pioneer Operations Co., Inc.*, 5 FEA Par. 83,097 (March 11, 1977). In that determination, the FEA denied Pioneer's request for retroactive excepton relief which would have permitted Pioneer to treat the Flegler lease as a stripper well property. In its Appeal, Pioneer contended that the FEA erred in refusing to approve excepton relief which would have classified the Flegler Well on a retroactive basis as a multiple completion well. In considering the Appeal, the DOE found that the March 11 Decision correctly indicates that the interpretaton process is a more appropriate

forum than the exceptions process for the consideration of the issue of whether a particular well should be considered as a multiple completion well. The DOE also found that Pioneer had failed to demonstrate that it would experience an irreparable injury in the event that the exception relief which the firm requested were denied. In view of these considerations, the DOE determined that Pioneer's Appeal should be denied.

Sentry Refining Co., New York, N.Y., FXA-1231 Crude Oil

Sentry Refining Co., filed an appeal of a decision and order which was issued to it on March 4, 1977. *Sentry Refining Co.*, 5 FEA Par. 83,089 (March 4, 1977). In the March 4 decision, the FEA approved exception relief which permitted Sentry to ascertain the amount of crude oil that would be allocated under the Buy-Sell Program, 10 CFR 211.65, at an earlier time the regulations permitted. Sentry requested the allocation for a refinery which it planned to build. The FEA denied Sentry's further requests that it be permitted to begin purchasing its allocated crude oil prior to the initiation of refinery operations and that it be issued entitlements with respect to any crude oil refined for its account by other firms.

In its appeal Sentry contended that it was experiencing a gross inequity because its access to crude oil was adversely affected by the regulatory program. Sentry argued that allocation controls had been reimposed on stripper well production pursuant to an amendment to 10 CFR 211.63(b) and that this had brought about the termination of a contract which it had executed for the crude oil requirements of its proposed refinery. In considering Sentry's appeal, the DOE pointed out that the mere fact that a firm's rights are affected by the regulatory program does not automatically establish that exception relief is appropriate. Additional factors must be presented in order to form a basis for approval of exception relief, and the DOE found that Sentry had not presented any of these other factors. Since Sentry had not committed substantial resources to construction of the proposed refinery prior to the promulgation of the amendments to Section 211.63(b), the DOE concluded that any monetary liability which Sentry might incur as a consequence of its inability to proceed with construction of the proposed refinery was primarily attributable to its own discretionary business decisions and not to the regulatory program.

Sentry also contended that the denial of exception relief might prevent it from constructing the proposed refinery and thereby frustrate national energy policy objectives of increasing the domestic refining capacity of small and independent refiners. The DOE noted, however, that the objective was only one of a number of important energy goals set forth by Congress in the Emergency Petroleum Allocation Act, and that a number of programs had been formulated to assist small and independent refiners. Sentry would be entitled, as a small refiner, to receive substantial benefits under these programs. The exception relief requested by Sentry, however, far exceeded the advantages generally provided to small refiners under the regulatory program, and the DOE determined that Sentry had failed to demonstrate that its position was significantly different from other firms seeking to enter the business of refining crude oil. The Sentry appeal was accordingly denied.

Smith & Boyd, Inc., Philadelphia, Pa., FRA-1395 No. 2 Fuel Oil

Smith & Boyd, Inc. (S&B) filed an appeal from a remedial order which was issued to the firm by FEA Region III. The remedial order found that during the period November 19, 1973 through February 28, 1974, S&B sold No. 2 fuel oil to the Philadelphia Electric Co. (PE) at prices which were in excess of those permitted by 6 CFR 150.359 and 10 CFR 212.93. Accordingly, the remedial order directed S&B to refund the overcharges plus interest to PE. In its appeal, S&B contended that since the No. 2 fuel oil which it purchased from the Major Oil Company was not commingled into S&B's inventory, it should not have been included in the computation of S&B's cost of product in inventory on May 15, 1973. In considering S&B's contention, the DOE found that during the period of the overcharges, FEA regulations required that all product in inventory, whether commingled or not, was to be included in computing S&B's weighted average cost of product in inventory on May 15, 1973. Accordingly, the DOE concluded that there is no basis for a determination that S&B was entitled as a matter of law to use separate inventories to compute its maximum allowable selling prices pursuant to 10 CFR, Part 212, Subpart F. In its appeal S&B also contended that the Director of the Region III Compliance Division erroneously computed the amount which the firm allegedly overcharged PE. In considering this contention, the DOE found that S&B's May 15, 1973 selling price for sales of No. 2 fuel oil to PE was $.1439 per gallon and not $.1434 as indicated by the audit worksheets which formed the basis of the remedial order's computation of the overcharges. The DOE also found that the basis of Region III's treatment of S&B's "transportation costs" was not clearly set forth in the remedial order. Accordingly, the DOE remanded the matter for reconsideration of the treatment of the "transportation costs" item, and for a complete recomputation of the amount of the overcharges. In all other respects, S&B's appeal was denied.

REQUESTS FOR EXCEPTION

Sun Company, Inc., Dallas, Tex., FEE-4817-FEE-4822; DEE-0038-DEE-0040 Natural Gas Liquids; Natural Gas Liquid Products

Sun Company, Inc. (Sun) filed nine Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices for its natural gas liquids and natural gas liquid products to reflect nonproduct cost increases incurred at nine of its gas processing plants which are in excess of those permitted by Section 212.165. In previous decisions, the DOE determined that exception relief would be granted for a period of six months where it appears likely that the nonproduct cost increases incurred by a gas processor will continue at current levels. The DOE presumes that increased nonproduct costs will continue at the same level where the cost increases reported are less than $.04 per gallon or less than a total of $10,000. The record in this case indicated that six of Sun's plants satisfied this requirement. Therefore exception relief was granted for these six plants for a period of six months. However, for three other plants the nonproduct unit cost increases exceeded $.04 per gallon and the total nonproduct cost increases exceeded $10,000. The DOE determined that exception relief for these three plants should be granted for a three month period.

SUPPLEMENTAL ORDERS

Beacon Oil Co., Hanford, Calif., Edgington Oil Co., Inc., Long Beach, Calif., Kern Country Refinery, Inc., Bakersfield, Calif., Lunday-Thagard Oil Co., South Gate, Calif., Mohawk Petroleum Corp., Los Angeles, Calif., Navaho Refining Co., Artesia, New Mex., San Joaquin Refining Co., Newport Beach, Calif., Southland Oil Co./VGS Corp., Memphis, Tenn., Warrior Asphalt Co., of Alabama, Tuscaloosa, Ala., Young Refining Corp., Douglasville, Ga., DEX-0012, DEX-0013, DEX-0014, DEX-0015, DEX-0016, DEX-0017, DEX-0018, DEX-0019, DEX-0020, DEX-0021 Crude Oil

On December 20, 1977, the DOE issued Decisions and Orders staying the obligation to purchase entitlements to the extent specified in Proposed Decisions and Orders which were also issued to each firm listed above on December 20, 1977. In granting the stays, the DOE stated that as a result of new exceptions procedures which had been adopted effective September 14, 1977, the Proposed Decisions and Orders would not be finalized for at least 10 days after issuance of the Orders in proposed form. During that interim period, Entitlements Notices would continue to be issued which did not take into consideration the relief proposed for each firm in the December 20 Orders. Therefore, based upon the precedent established in similar cases, the DOE determined that the entitlement purchase obligations of the firms should be stayed to the extent specified in the Proposed Orders until the conclusion of the pending exceptions proceedings.

Colonial Oil Company, Alexandria, Va., DEX-0040 Motor Gasoline

On July 8, 1977, the FEA directed that a hearing be held with respect to an exception application which was filed by the Colonial Oil Co., (Colonial) on February 23, 1977. The purpose of the hearing was to determine whether misleading or erroneous data had been submitted to the FEA in connection with the February 23, 1977 exception application. Mr. Paul L. Bloom, then FEA Deputy General Counsel, was designated as the presiding officer for the hearing which was held on August 26, 1977. On December 21, 1977, Mr. Bloom issued a Decision and Order which held that it was clearly improper for Colonial to have withheld information from its February 1977 submission concerning a substantial "settlement" payment which it received since selective reporting of financial data undermines the entire exceptions process. However, Mr. Bloom concluded that the record did not clearly establish that Colonial's tardiness in disclosing receipt of the settlement payment constituted a willful attempt to mislead the agency. In addition, Mr. Bloom noted that if the attorney who represented Colonial in the course of the February 1977 request had known that Colonial's February 1977 application presented a misleading or incomplete picture of the firm's financial health, this fact should have been brought to the agency's attention. However, Mr. Bloom determined that there was no clear evidence in the record that either the attorney or his law firm had known about receipt of the settlement payment when the February 23, 1977 application was submitted to the FEA by Colonial, and therefore concluded that no disciplinary citation was warranted.

TOSCO Corp., Los Angeles, Calif., DEX-0022 crude oil

On December 20, 1977, the DOE issued a Decision and Order to the TOSCO Corp. staying that firm's obligation to purchase entitlements to the extent specified in a Proposed Decision and Order which was issued to the firm on December 20, 1977. In granting the Stay, the DOE stated that as a result of new exceptions procedures which had been adopted effective September 14, 1977, a final Decision in the TOSCO exception proceeding would not be issued for at least 10 days after issuance of the Proposed Decision. During the interim period, Entitlements Notices would continue to be issued which did not take into consideration the relief proposed for TOSCO in the December 20, 1977 Order. Therefore, based upon the established in similar cases, the DOE determined that the entitlements purchase obligation of TOSCO should be stayed to the extent specified in the December 20 Proposed Order until the conclusion of the pending exception proceeding.

SUMMARY DECISION

In the following proceeding, a Supplemental Order was issued to correct an inadvertent omission in a prior Decision and Order:

Gulf Oil Corp., Tulsa, Okla., DEX-0003

DISMISSAL

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Otto Shine Car Wash, Des Moines, Iowa, DEE-0202

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Dated: March 6, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

[FR Doc. 78-6310 Filed 3-9-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 26 through December 30, 1977

Notice is hereby given that during the week of December 26 through December 30, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

REQUEST FOR EXCEPTION

Caribou Four Corners, Inc., Afton, Wyo., FEE-4400, crude oil

Caribou Four Corners, Inc., filed an application for exception from the provisions of 10 CFR 211.67 (the entitlements program). In its submission, Caribou requested that the liquid hydrocarbons which it began purchasing from the Johnson Oil Co. in July 1976 be classified as crude oil for reporting purposes under the entitlements program. Caribou contended that the petroleum material which it had purchased from Johnson and which had previously been processed by Southwestern Refining, Inc. was not appreciably changed by its previous processing and that Caribou should therefore be permitted to include this material in the volumes of its crude oil runs to stills as reported under the entitlements program. In its decision, the DOE concluded that Caribou had failed to make a sufficient factual showing to support a determination as to whether the petroleum material for which Caribou sought exception relief was chemically distinguishable from crude oil or whether Caribou was entitled to classify that material as crude oil for purposes of the entitlements program. In addition, the DOE concluded that in view of the fact that Caribou had failed to submit any financial material which would show the impact on Caribou of a denial of exception relief or that the firm's operations would be disrupted in any manner, no showing of serious hardship had been made. Accordingly, the Caribou request was denied.

Douglas Edwards, Morgan City, La., FEE-4272, crude oil

Douglas Edwards (Edwards) filed in application for exception from the provisions of 10 CFR, part 212, subpart D, which if granted, would have permitted Edwards to sell the crude oil which is produced from the C&C Meyers lease, located in the Golden Meadow Field, La Fourche Parish, La., at exempt prices. In his exception application, Edwards stated that crude oil production from the C&C Meyers lease was less than 10 barrels per day, and contended that the requirement that he continue to produce crude oil from the lease for a consecutive 12 month period before the lease is eligible for treatment as a stripper well property results in a gross inequity. In considering the exception request, the DOE found that Edwards was currently able to sell all of the crude oil from the lease at upper tier price levels, and as a result the operations at the property were profitable even in the absence of exception relief. The DOE therefore concluded that Edwards had failed to demonstrate that the application of the 12 month qualification period to the C&C Meyers lease frustrated the realization of national energy objectives by creating an economic disincentive to the further production of crude oil from the property. The Edwards application for exception was accordingly denied.

SUPPLEMENTAL ORDER

Whitco, Inc., Dallas, Tex., DEX-0023, motor gasoline

On December 20, 1977, the DOE issued a proposed decision and order to Whitco, Inc. (Whitco) in accordance with the new procedures that govern applications for exception. In the proposed decision and order which it issued, the DOE determined that the application to Whitco of the provisions of 10 CFR 211.25 (the supplier substitution rule) resulted in a gross inequity. The DOE found that a substantial price disparity exists between the rack prices for motor gasoline established by the Sun Co., Inc. (Sun), Whitco's base period supplier, and those established by Amtel, Inc. (Amtel), Sun's designated substitute supplier. On the basis of those findings the DOE proposed to grant Whitco exception relief for the months of January through March 1978, which prohibits Sun from continuing to supply Whitco through Amtel, and directs Sun to furnish motor gasoline directly to Whitco. The proposed decision would have extended previous exception relief which has been granted to Whitco on a periodic basis since June 1975. However, as a result of the new exception procedures which apply to the Whitco matter, the DOE noted that the previous exception relief would expire before the extension proposed on December 20, 1977, could be issued in final form. In view of the tentative determination that Sun should be required to supply Whitco with motor gasoline directly during the first three months of 1978, the DOE on its own motion concluded that the application of the supplier substitution rule should be stayed until the conclusion of the pending exception proceeding.

SUMMARY DECISION

The following firm filed an application for stay of a remedial order which had been issued to it by the DOE. In considering the stay request, the DOE referred to a recent decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a remedial order will generally be stayed pending the deterimation of an appeal unless it appeared that the public interest required immediate compliance with the remedial order. Since the record in this case did not indicate that the public interest required immediate compliance with the remedial order, the DOE granted the request for stay pending consideration of the appeal.

Vilarreal Butane, San Benito, Tex., DRS-0073.

TEMPORARY STAYS

The following applications for temporary stay were granted on the grounds that the applicants had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Lunday-Thagard Oil Co., South Gate, Calif., DST-0003.

Young Refining Corp., Douglasville, Ga., DST-0002.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Hunt Petroleum Corp., Dallas, Tx., FEE-4473.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained.

Peeler Oil Co., Staunton, Va., DEE-0391.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 6, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

[FR Doc. 78-6311 Filed 3-9-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

PETITIONS FILED ASSISTANT ADMINISTRATOR FOR UTILITY SYSTEMS, ECONOMIC REGULATORY ADMINISTRATION

Issuance of Orders

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration issued the Orders published below on petitions filed pursuant to section 202(c) of the Federal Power Act. Notification of the filing of these petitions appeared in 43 FR 8012 (February 27, 1978).

[Docket No. EC78-1]

IN THE MATTER OF ILLINOIS POWER CO.

ORDER DENYING PETITION FOR EMERGENCY INTERCONNECTIONS UNDER SECTION 202(c) OF THE FEDERAL POWER ACT

Pursuant to the Department of Energy Organization Act (Pub. L. 95-91) the authority to order the "temporary connection of facilities and transfer of electricity" under section 202(c) of the Federal Power Act, 16 U.S.C. section 824(c) and pertinent regulations was transferred to the Department of Energy.

The Secretary of Energy has delegated his authority under section 202(c) of the Federal Power Act to the Administrator of the Economic Regulatory Administration (Delegation Order 0204-4, October 1, 1977, 42 FR 60725-27 (November 29, 1977)). The Administrator of the Economic Regulatory Administration has further delegated his authorities under section 202(c) to the Assistant Administrator for Utility Systems.

Pursuant section 705 of the Act the regulations published at 18 CFR §§ 30.60-30.62 which implement section 202(c) of the Federal Power Act remain in effect until they are amended or otherwise superseded.

In accordance with the aforementioned authorities, the Administrator of the Economic Regulatory Administration issues this Order denying the petition filed on January 31, 1978, of the Municipalities of Breese, Carlye, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill. (Municipalities) requesting an emergency order pursuant to section 202(c) of the Federal Power Act, requiring Illinois Power Co. (IP) to continue to sell firm power to Municipalities.[1]

Background. The Municipalities' emergency petition alleges that all of the Municipalitites generate a portion of the power and energy utilized by their retail customers but that all are substantially dependent upon firm power purchases under existing interconnection agreements with IP to assure safe and reliable service to their retail customers.

The Municipalities further allege that on December 9, 1977, IP by letter advised each of the Municipalities that it would terminate firm power deliveries to each of the cities as of January 31, 1978, because of the coal strike. It further advised the Municipalities they would provide maintenance power to them for the first week of February 1978, but thereafter could provide no assurance that any power would be available. Therefore the Municipalities state in their petition:

> Section 202(c) of the Federal Power Act, 16 U.S.C. section 824(a)(c) expressly empowers the Administration in the event of a shortage of fuel or generation facilities to "* * * order * * * such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest." Therefore, over and above the Cities' contract rights, the Administration should nevertheless exercise its authority under section 202(c) of the Act to order Illinois Power to continue delivery of energy to Municipalities at such levels as are necessary for Municipalities to maintain reliable service to their retail customers.

On February 6, 1978, IP filed a motion to reject and an answer to the petition for an emergency interconnection. It suggests that: (1) The petition should be rejected because it does not comport with the procedural and substantive requirements as set forth at 18 CFR § 32.61; and (2) absent a capacity disability, the municipalities have sufficient capacity to meet their energy needs. In its response, IP represents that in the event of a capacity shortage it will offer all the assistance it can, to include curtailment of its interruptible load, to provide emergency service.

[1] The petition also asserts that a termination of the sale of short term firm power is subject to the notice requirements of section 205(d) of the Federal Power Act, 16 U.S.C. § 824d(d). The resolution of that issue is within the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC). A copy of the petition was filed with FERC on Jan. 20, 1978, and has been assigned docket No. EC78-6.

Findings. The Assistant Administrator for Utility Systems finds that:

1. Absent a breakdown in equipment, the petitioners have sufficient capacity to meet their needs;

2. In the event that the petitioners experience an involuntary capacity shortage, IP will voluntarily furnish emergency power in a manner consistent with the requirements of IP's native load customers;

3. A physical operating condition does not now exist which would warrant emergency action under section 202(c) of the Federal Power Act;

4. In the event that an individual city suffers an involuntary capacity shortage and it is unable to purchase emergency assistance from IP or other sources, a petition for emergency action may be filed with ERA.

Order. The Assistant Administrator for Utility Systems, Economic Regulatory Administration, orders that the petition of the Municipalities for an emergency interconnection be denied.

A copy of this Order shall be published in the FEDERAL REGISTER.

Issued in Washington, D.C., this 6th day of March 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[Docket No. EC78-2]

IN THE MATTER OF MANUFACTURERS ASSOCIATION OF BEAVER COUNTY, PA.

ORDER DENYING PETITION FOR EMERGENCY INTERCONNECTIONS UNDER SECTION 202 (c) OF THE FEDERAL POWER ACT

Pursuant to the Department of Energy Organization Act (Pub. L. 95-91) the authority to order the "temporary connection of facilities and transfer of electricity" under section 202(c) of the Federal Power Act, 16 U.S.C. section 824(c) and pertinent regulations was transferred to the Department of Energy.

The Secretary of Energy has delegated his authority under section 202(c) of the Federal Power Act to the Administrator of the Economic Regulatory Administration (Delegation Order 0204-4, October 1, 1977, 42 FR 60725-27 (November 29, 1977)). The Administrator of the Economic Regulatory Administration has further delegated his authorities under section 202(c) to the Assistant Administrator for Utility Systems.

Pursuant to section 705 of the Act the regulations published at 18 CFR §§ 30.60-30.62 which implement section 202(c) of the Federal Power Act remain in effect until they are amended or otherwise superseded.

In accordance with the aforementioned authorities, the Administrator of the Economic Regulatory Adminis-

tration issues this Order denying the petition filed on February 10, 1978, by the Manufacturers Association of Beaver County, Pa. (MABC).

Background. MABC is an association of major manufacturers located in Beaver County, Pa., and whose members are dependent upon electrical power to operate their facilities. MABC members have been advised by Duquesne Light Co. and Pennsylvania Power & Light Co. that because of declining coal inventories it may be necessary to curtail power supplies to industrial retail customers to plant security and maintenance levels. MABC asserts that a reduction in power supplies to that level will result in layoffs of up to 35,000 workers and concomitant economic disruption.

MABC requests, therefore, that DOE exercise its emergency authorities and require inter-regional power transfers to minimize the economic disruptions caused by curtailments.

Discussion. Since February 2, 1978, from its Emergency Operations Center in Canton, Ohio, DOE has been monitoring the utilities serving the following states: Missouri, Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, West Virginia, and the western portions of Maryland, Pennsylvania, Virginia.

DOE has observed that, consistent with prudent operating considerations, voluntary measures have resulted in the transmission of electricity from utilities with more favorable fuel stocks to utility systems with less favorable fuel inventories, including Duquesne Light Co. and Pennsylvania Power & Light Co. So long as voluntary measures are effective, and consistent with pertinent law and regulation, DOE does not deem it appropriate to exercise its emergency authorities under section 202(c).

Order. The Assistant Administrator for Utility Systems, Economic Regulatory Administration orders that the foregoing petition of the Manufacturers Association of Beaver County, Pa., for an emergency transfer of energy be denied.

A copy of this order shall be published in the FEDERAL REGISTER.

Issued in Washington, D.C., this 6th day of March, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 78-6368 Filed 3-9-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 865-7; OPP-30143]

PESTICIDE PROGRAMS

Receipt of Applications To Register Pesticide Products Containing New Active Ingredient

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing an active ingredient which has not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.), and the regulations thereunder (40 CFR 162.6(b)(6). Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

Interested persons are invited to submit written comments on these applications to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. The comments must be received by April 10, 1978, and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning these applications and the data submitted should be directed to the Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone at area code 202-426-9425. The labels furnished by ICI Americas, Inc., as well as written comments 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., Monday through Friday.

Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. Except for such material protected by Section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decisions shall be made available after approval pursuant to section 3(c)(2) of FIFRA. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: February 27, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 10182-RT. ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, Del. 19897. Permethrin Technical. Active Ingredient: Permethrin (*3-phenoxyphenyl)-methy(±)-cis, trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclo-propanecarboxylate* 91.0%. Application proposes that this product be used as an insecticide for formulating use only.

EPA File Symbol 10182-RI. ICI Americas, Inc., Concord Pike & New Murphy Road, Wilmington, Del. 19897. Ambush Insecticide. Active Ingredient: Permethrin (*3-phenoxyphenyl0-methyl)±)-cis, trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclo- propanecarboxylate* 25.6%. Application proposes that this product be classified for general use as an insecticide for application to cotton against boll weevil, bollworm, tobacco budworm, pink bollworm, lygus bug, whitefly, cotton aphid, cabbage looper, thrips and cotton leafperforator at 0.4 to 0.8 pint per acre.

[FR Doc 78-6389 Filed 3-9-78; 8:45 am]

[6560-01]

[FRL 866-1]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from February 27, 1978 through March 3, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements of forty-five (45) days; the date for submission of comment is April 24, 1978. The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

On March 8, 1978, the Federal agencies were informed of an upcoming change in filing procedures for final EIS's. In July, 1974 the Council established that a 30 day review period for final EIS's would be counted from the date the statement was actually filed with the Council (now EPA). However, after consultation with the Council and in the interest of fairness to the public and commenting entities, it was determined that final EIS commenting period should be treated the same as for a draft EIS. Therefore, effective

April 17, 1978, for all final EIS's received during a given week (Monday through Friday), the 30-day timeframe will commence on the Friday of the following week.

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

Dated: March 8, 1978.

JOSEPH M. MCCABE,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Sam Houston Unit, Sam Houston, National Forest, Montgomery, Walker, San Jacinto Counties, Tex., March 2, 1978. This proposed action involves the implementation of a ten-year management plan for the Sam Houston unit. This unit includes the entire Sam Houston National Forest, comprising 158,654.88 acres in Montgomery, Walker and Jacinto counties Tex. Major actions include timber harvest and site preparation; increased diversity of wildlife habitat with emphasis on tree squirells; road construction and reconstruction; mineral leasing; and establishment of special management areas. USDA-FS-R8-DES(ADM)78-01. (ELR Order No. 80203.)

Angelina National Forest, Timber Management Plan, Several Counties, Tex., March 2, 1978. The proposed action is implementation of an eight-year timber management plan for the Angelina National Forest. The Angelina National Forest is located in Angelina, San Augustine, Jasper and Nacogdoches counties in east Texas and lies on both sides of the 114,500 acre Sam Rayburn Reservoir, approximately 391,000 acres of land lie inside the forest boundary, of which thirty-nine percent or 154,991 acres is National Forest land. Private land ownership within the forest boundary is mixed and includes home sites, farm and pasture land, and woodlands. This plan proposes even-ages forest management on the commercial forest for production of timber products. USDA-FS-R8-(DES)(ADM)-78-07. (ELR Order No. 80204.)

Dunoir Special Management Unit, Wyoming. This is a proposal for revision and implementation of a land mangement plan for the Dunoir Special Management Unit, located at the headwaters of Dunoir Creek, Wind River Ranger District Shoshone National Forest, about 25 miles northwest of Dubois, Wyo. It contains about 28,800 acres, all which are Federal lands under U.S. Forest Service Administration. The proposed land management plan provides protection of both non-consumptive values and production of tangible products with emphasis on wildlife recreation, and scenic values. USDA-FS-R2-DES(ADM)(LEG)FY-78-01. (ELR Order No. 80200.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-695-6795.

Draft

Cache Creek Basin, Clear Lake, Yolo and Lake Counties, Calif., February 28: The proposed plan includes construction of flood control facilities at the outlet of Clear Lake in Lake County, Calif., to provide flood protection to existing and future urban and agricultural development on the Clear Lake rim. The plan calls for widening and deepening the existing Clear Lake outlet channel, constructing a bypass channel, constructing a diversion control structure and weir, and requiring future development to flood proof to the elevation of the preproject flood plain. The plan also includes sediment control on Cache Creek in Yolo County, Calif., to preserve the integrity of the Sacramento River flood control project. (ELR Order No. 80195.)

Draft supplement

Taylorsville Lake Project, Anderson, Nelson, and Spencer Counties, Ky., February 27: Proposed is the Taylorsville Lake project in Spencer, Anderson, and Nelson Counties, Ky. The dam site is situated four river miles upstream from Taylorsville, Ky., about 60 river miles above the mouth of the Salt River. This multi-purpose lake project is located about 26 miles southeast of Louisville will provide flood control, general recreation, fish wildlife recreation, and water quality control. Completion of the project as proposed will provide flood reduction to downstream lands along the Salt and Ohio Rivers, improve downstream water quality and provide water oriented recreational opportunities for an estimated 1.4 million visitors per year. (ELR Order No. 80192.)

Final

Cross Florida Barge Canal, Restudy Report, Florida, March 2: The statement refers to an authorized plan and alternative actions for completing or not completing a Cross Florida Barge Canal (CFBC) project. The CFBC project provides for a high level barge canal about 110 miles long extending from the St. Johns River at Palatka to deep water in the Gulf of Mexico near Yankeetown. Adverse effects resulting from the authorized alternative include loss of the Oklawaha River Basin ecosystem as an entity, loss of forest land, and destruction of wildlife habitat. Comments made by: DOI, DOC, USDA, DOT, FPC, EPA, CEQ, State and local agencies, groups, individuals, and organizations. (ELR Order No. 80206.)

Terrebonne Port Facilities, Terrebonne County, La., March 3: Proposed is the development of port facilities near Houma, La. The Terrebonne Port Commission proposes to dredge a slip and temporary canals and install and maintain a levee system and fill. The dredging operation would consist of removal of 2,781,000 cubic yards of material which would be spread over a cypress-tupelo swamp. Construction activities would result in the complete removal of all wetlands vegetation within the proposed site and the conversion of 400 acres to a dry environment. Other impacts include possible increases in pollutants discharged into adjacent waterways, increased turbidity, and temporary high levels of noise. (New Orleans District.) Comments made by: DOI, EPA, DOC, USDA, DOT, FPC, State and local agencies. (ELR Order No. 80208.)

Vince and Little Vince Bayous, Harris County, Tex., March 3: The proposed action is completion of the Vince and Little Vince Bayous, which are Federal flood control projects located in Harris County, Tex. The plans call for enlargement and straightening of about 7.2 miles of Vince Bayou and about 4.2 miles of Little Vince Bayou. The action will disturb or remove wildlife and vegetation and cause increases in air and noise pollution due to construction activities. (Galveston District.) Comments made by: DOC, DOI, EPA, USDA, DOT, State and local agencies. (ELR Order No. 80214.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

NATIONAL OCEANIC AND AMOSPHERIC ADMINISTRATION

Final

Massachusetts Coastal Zone Management Program, several counties in Massachusetts, March 3: Proposed is the approval of the coastal management program of the State of Massachusetts. Approval would permit implementation grants to be awarded to the State, and require that Federal actions be consistent with the program. The program will allow the State to better coordinate and more effectively implement existing State authorities for management of its coastal zone. Each coastal municipality will retain primary responsibility for managing land use along its coast. The program will entail irreversible commitment of some coastal resources. Comments made by: DOI, FERC, EPA, USDA, DOD, DOT, DOE, DOC, HUD, State and local agencies, groups and individuals. (ELR Order No. 80211.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Joseph McCabe, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

Final

Coleto Creek Power Station, cooling reservoir, permit, Goliad County, Tex., March 2: Proposed is the issuance of a new source NPDES permit for the discharge of sanitary and cooling water effluents from Central Power and Light Co.'s proposed Coleto Creek power station. Central Power and Light Co. proposes to build a two-unit, coal-fired powerplant (ultimate load capactiy, 1100 MW) in eastern Goliad County, which would be designed to help meet load projections and diversify the fuel base of Central Power and Light Co. Unit 1 is scheduled for completion in 1979, and unit 2 between 1986 and 1988. (Region VI.) Comments made by: COE, HEW, DOI, DOT, DOC, State and local agencies. (ELR Order No. 80202.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Blair Village Apartment Complex, proposed sale, Fulton County, Ga., February

27: The proposed action is the sale of the Blair Village Apartment Complex which was acquired by the Department of Housing and Urban Development on December 2, 1975, through foreclosure on a FHA insured mortgage. Blair Village is a 1,062 unit apartment development located in southeastern Atlanta, Fulton County, Ga. HUD-R04-EIS-78-02-D. (ELR Order No. 80191.)

College Park Estates Subdivision, Berkeley County, S.C., February 28: Proposed is the development of College Park Estates located in southwestern Berkeley County, S.C., approximately 16 miles northwest of Charleston, 5 miles southeast of Summerville and 3 miles west of the city of Goose Creek. College Park is a planned community development that will consist of approximately 1,600 single family residences on approximately 650 acres, when the final project phases are completed. Other land uses in this area include school and recreational sites within the project area. College Park is proposed to be totally developed over a period of approximately 15 years. HUD-R04-EIS-77-14D. (ELR Order No. 80198.)

Colony Creek Village, Subdivision, Harris County Tex., February 27: The proposed action is for the Department of Housing and Urban Development to accept for HUD-FHA mortgage insurance purposes, the proposed Colony Creek Village Subdivision which is located in northwestern Harris County, Tex., about twenty miles northwest of downtown Houston. The 181.73 acre site is north of and adjacent to Lovetta Road. When completed in five years, the subdivision will contain approximately 818 single family homes plus recreational facilities to serve the subdivision. HUD-R06-EIS-78-14-D. (ELR Order No. 80189.)

Westcreek Subdivision, Austin, Travis County, Tex., March 2: The purpose of the proposed action is to have the Department of Housing and Urban Development accept for home mortgage insurance purposes, the 306 acre Westcreek subdivision located partially inside the city limits of Austin, Tex. near U.S. Highway 290 west and U.S. loop 360. The primary beneficial impact of the proposed action will be to provide approximately 800 single family residential homes and 300 multi-family units for middle income families in the rapidly growing metropolitan area of Austin, Tex. HUD-R06-77-59D. (ELR Order No. 80205.)

Final

Autumn Run and Bear Creek Subdivisions, Harris County, Tex., February 28: The proposed action is the acceptance for HUD/FHA home mortgage insurance purposes of Autumn Run and Bear Creek Subdivisions in Harris County, Tex. The 910-acre development will consist of two planned communities, 278-acre Autumn Run and 632-acre Bear Creek, composed of single family housing with recreational facilities. The project will result in an increase of some 10,400 residents in the project area, loss of agricultural lands, and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. HUD-R06-EIS-78-4F. Comments made by: EPA, USDA, DOD, DOI, State and local agencies. (ELR Order No. 80196.)

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Beadle Greenway Area Redevelopment Plan, South Dakota, March 3: Proposed is the redevelopment of Beadle Greenway area, an older deteriorating section of the city, Sioux Falls, South Dakota, consisting of approximately 85,000 residents. It is located on the left bank of the Big Sioux River upstream from the central business district. The project area is bounded on the north by the Big Sioux River and 12th Street; on the east by Cliff Avenue; on the south by 15th Street extended to and along the Chicago and Northwestern Railroad; and on the west by 2nd Avenue. It is also located adjacent to the central business district and Fenwick Park. Approximately 500 people reside in the Beadle Greenway area. (ELR Order No. 80209.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Josephine Sustained Yield Unit, Timber Management Plan, Oregon, March 3: The proposed action is a ten-year timber management plan for public lands administered by the Bureau of Land Management (BLM) in the Josephine Sustained Yield Unit (SYU). The proposed annual harvest is 20.67 million cubic feet, approximately 106 million board feet. This amount is 40 million board feet less than the present annual harvest level. The Josephine SYU constitutes the western half of the Medford District, Bureau of Land Management. The SYU encompasses an aggregate area of over 850,000 acres of which approximately 425,700 acres are public lands administered by BLM. This unit is bounded on the west by the Siskiyou National Forest. DES-78-4. (ELR Order No. 80207.)

Draft

Offshore Western and Central Gulf OCS Sale No. 51, Texas, Louisiana, and Mississippi, March 1: The proposed lease sale comprises 157 tracts comprising 665,905 acres located in the Gulf of Mexico offshore of Texas, Louisiana, Mississippi and Alabama in water depths ranging from 5m to 160m and a distance from shore of 6.5km to 185km. If implemented, this sale is tentatively scheduled to be held in December 1978. Seventy-six percent of the tracts are gas prone and 24 percent are oil and gas prone. (ELR Order No. 80201.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Relocation of U.S. 278, Gadsden to Piedmont, Etowah and Calhoun Counties, Ala., February 28: The proposed is the improvement of U.S. 278 from the eastern Gadsden city limits to the western Piedmont city limits located in Etowah and Calhoun Counties. This new four-lane facility will replace the old two-lane road from the end of the present four-lane in Gadsden and link it to the beginning of the four-lane in Piedmont. The total length of the project is 18.7 miles of non-controlled access. FHWA-AL-EIS-78-02D. (ELR Order No. 80197.)

Route 91 Freeway and Harbor Freeway Interchange, Los Angeles County, Calif., February 27: The proposed project covers 5.3 miles of the Route 91 Freeway designated as the "Redondo Beach Freeway" between the Long Beach Freeway, CA-7 and the Harbor Freeway in the Southern portion of Los Angeles County. The project also includes ramp removal and construction work along the Harbor Freeway. The project is divided into two segments: west and east. The uncompleted west segment is 0.5 miles long and extends from the Harbor Freeway to east of Main Street and is proposed to become an eight-lane freeway. The completed east segment is 4.8 miles long and extends from Main Street to Long Beach Freeway. FHWA-CA-EIS-77-05. (ELR Order No. 80188.)

U.S. 51, 5th Avenue to Lakeview Drive, Rochelle, Ogle County, Ill., Feb. 27: The proposed FHWA action is the financing with Federal-Aid matching funds of all or part of the costs of constructing a Railroad-highway separation and necesssry approaches of U.S. 51 in the city of Rochelle. The project begins near the intersection of Fifth Avenue and Seventh Street, proceeds in a southerly direction terminating near Lakeview Drive. This project is about 0.5 mile in length and is located in Ogle County. The new facility is planned as a two-lane bridge structure, and includes the construction or reconstruction of several intersections and adjacent side streets FA Route 412, a supplemental freeway, currently under construction, is also briefly mentioned in this statement. (ELR Order No. 80194.)

U.S. 50 Study Improvements, Vienna, Dorchester County, Md., Feb. 27: The proposed project involves a study of the location and type of highway improvements required to provided improved traffic service to local communities by reducing accident rates, relieving local congestion, and correcting the impeded traffic flow resulting from seasonal traffic in the Cambridge, Vienna, and Salisbury areas of Maryland's Eastern Shore. Traffic impediments are caused by restricted road and bridge widths, merging lanes, signal operations, frequent curb cuts and local traffic. The Vienna study limits will be from the dual section of U.S. 50 northwest of Vienna to the dual section southeast of Vienna, a distance of about 4.5 miles of two-land roadway. FHWA-MD-EIS-78—01—D. (ELR Order No. 80190.)

Basin Ave. and Going Str. Interchange, Greely Ave., Multnomah County, Oreg., Feb. 27: The purpose of the proposed action is to improve access to the Swan Island industrial area and relieve future traffic related problems on north Going Street located in Portland, Multnomah County, Oreg. The alternatives consist of road-way improvements, and construction of ingress and egress ramps to connect Greeley Avenue with I-5 in the vicinity of the Freemont Bridge interchange. This action would provide for the diversion of traffic, to and from I-5 south, from north Going Street to Greeley Avenue. (FHWA-OR-EIS-78—1—D. (ELR Order No. 80187.)

Final

Canton Road relocation, I-75 to Marietta, Cobb County, Ga., March 3: Proposed is the

construction of a four-lane facility to connect S.R. 5, I-75, and U.S. 41 with north Marietta at Church and Cherokee Streets, Cobb County, Ga. The project commences on Church and Cherokee Streets and traverses northeasterly 1.5 miles, terminating at the I-75 interchange. Construction of the facility will result in the generation of higher levels of noise and air pollution. (Region 4.) FHWA-GA-EIS-76-05-F. Comments made by; DOI, EPA, COE, USDA, State and local agencies. (ELR Order No. 80210.)

I-640, TN-33 to I-40, Knoxville, Knox County, Tenn., March 3: Proposed is construction of a segment of I-640 in Knox County, Tenn. This segment completes the circumferential route between I-40 on the west side of Knoxville and I-40 on Knoxville's eastern side. The facility is a divided highway having three 12-foot traffic lanes in each direction, 12 feet of stabilized shoulders, and a varying median width. Adverse impacts are displacement of 87 families and 6 businesses, and introduction of a localized source of air and noise pollution. (Region 4.) FHWA-TN-EIS-76-05-F. Comments made by: FEA, DOT, DOI, USDA, TVA, EPA, State and local agencies, groups and individuals. (ELR Order No. 80213.)

Final supplement

K-7 at Bonner Springs (S-3), Wyandotte County, Kans., February 27, 1978: This supplement has been prepared to assess the environmental effects of an alternative location that was previously dropped from consideration. Proposed is the improvement of approximately 2 miles of KS-7 highway in Bonner Springs, Kans., from Nettleton Avenue north to the existing improved portion of KS-7 north of the Kansas Turnpike entrance. The proposed project includes grading, surfacing, bridge construction, and right-of-way acquisition. FHWA-KANS-EIS-72-07-FS(3RD). Comments made by: USDA, DOC, HEW, DOD, EPA, state and local agencies, groups and individuals. (ELR Order No. 80193.)

The EPA has received the following reports which provide supplemental information on proposals which have fulfilled the NEPA process. Copies of the reports are available from the originating agency upon request.

Department of Defense, Army Corps, Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

ELR No., DATE RECEIVED, AND TITLE

80199, Feb. 28, 1978, Amplification to the Final Environmental Statement, New River and Phoenix City Streams, Flood Control Projects, Maricopa County, Ariz.

80212, Mar. 3, 1978, Second Supplemental Environmental Report, Continuing Environmental Studies, Tennessee-Tombigbee Waterway (Ala. and Miss.) (9 Volumes).

[FR Doc. 78-6493 Filed 3-9-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1280]

"K" EXPRESS CO., LTD.

Order of Revocation

On February 22, 1978, "K" Express Co., Ltd., 1 World Trade Center, Room 1019, New York, N.Y. 10048, advised the Federal Maritime Commission that "K" Express Co., Ltd. has been dissolved and wished to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1280 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1280 issued to "K" Express Co., Ltd., be and is hereby revoked effective February 22, 1978 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon "K" Express Co., Ltd.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-6344 Filed 3-9-78; 8:45 am]

[6730-01]

[Docket No. 78-4]

KUEHNE & NAGEL, INC. v. VAASA LINE (HANSEATIC-VAASA LINE)

Filing of Complaint

Notice is hereby given that a complaint filed by Kuehne & Nagel, Inc. against Vaasa Line (Hanseatic-Vaasa Line) was served March 7, 1978. The complaint alleges that in violation of section 18(b) of the Shipping Act, 1916, respondent has refused to pay to complainant compensation for freight forwarder services performed.

Hearing in this matter, if any is held, shall commence on or before August 6, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-6345 Filed 3-9-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

COMMERCIAL NATIONAL CORP.

Acquisition of Bank

Commercial National Corp., Peoria, Ill., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 5.9 percent or more of the voting shares of The National Bank of Canton, Ill., which applicant acquired in a fiduciary capacity. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 30, 1978.

Board of Governors of the Federal Reserve System, March 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-6373 Filed 3-9-78; 8:45 am]

[6210-01]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on February 15, 1978, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between Committee meetings in system account holdings of U.S. Government and Federal Agency securities, effective immediately, for the period ending with the close of business February 28, 1978.

NOTE.—For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market committee, March 3, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-6374 Filed 3-9-78; 8:45 am]

[6210-01]

Domestic Policy Directive of January 17, 1978

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive

issued at its meeting held on January 17, 1978.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services in the fourth quarter was close to the pace in the third quarter. The dollar value of total retail sales declined in December, but the gain from the third to the fourth quarter was substantial. Industrial production expanded somewhat further in December, although the rise was limited by a strike in coal mining. Employment increased appreciably, and the unemployment rate declined from 6.7 percent to 6.4 percent. The wholesale price index for all commodities rose considerably less in December than in the preceding 2 months, reflecting a much smaller increase in average prices of farm products and foods. Prices of industrial commodities advanced at about the average pace in the preceding 2 months. The index of average hourly earnings advanced slightly faster during 1977 than it had during 1976.

Exchange market pressure on the dollar has continued in recent weeks. On January 4 it was announced that the Exchange Stabilization Fund would be utilized actively together with the swap network operated by the Federal Reserve System to help reestablish order in the foreign exchange markets. On January 6 an increase in Federal Reserve discount rates from 6 to 6½ percent was announced. The trade-weighted value of the dollar against major foreign currencies declined about 2½ percent further from mid-December to the early days of January but subsequently recovered about 1¾ percent.

M-1—which had declined slightly in November—rose in December. Growth in M-2 remained relatively slow, as inflows to banks of time and savings deposits other than negotiable CD's were sharply curtailed. Inflows to nonbank thrift institutions slowed somewhat further. Market interest rates edged up in late December, and rates—particularly for short-term securities—rose substantially further in the early weeks of January.

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 October 18, 1977, the Committee agreed that growth of M-1, M-2, and M-3 within ranges of 4 to 6½ percent, 6½ to 9 percent, and 8 to 10½ percent, respectively, from the third quarter of 1977 to the third quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

At this time, the Committee seeks to maintain about the prevailing money market conditions during the period immediately ahead, provided that monetary aggregates appear to be growing at approximately the rates currently expected, which are believed to be on a path reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, the Committee seeks to maintain the weekly-average Federal funds rate at about the current level, so long as M-1 and M-2 appear to be growing over the January-February period at annual rates within ranges of 2½ to 7½ percent and 5 to 9 percent, respectively. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period are approaching or moving beyond the limits of the indicated ranges, the operational objective for the weekly-average Federal funds rate shall be modified in an orderly fashion within a range of 6½ to 7 percent. In the conduct of day-to-day operations, account shall be taken of emerging financial market conditions, including the unsettled conditions in foreign exchange markets.

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 the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, March 3, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-6375 Filed 3-9-78; 8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of January 17, 1978, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement of made of the following National Advisory body schedule to assemble during the month of April 1978:

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

April 18; 9:30 a.m., Conference Rooms "G" and "H", Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857; open meeting.

Contact: James Vaughan, Room 16C-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3888.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: (1) Evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: This meeting will consist of remarks by Dr. Gerald Klerman, Administrator, Alcohol, Drug Abuse, and Mental Health Administration, a presentation on the national plan to combat alcohol abuse and alcoholism, a report on interagency agreements, and reports on working group activities.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

Dated: March 6, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-6280 Filed 3-9-78; 8:45 am]

[4110-88]

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of April 1978:

PSYCHOLOGICAL SCIENCES FELLOWSHIP REVIEW COMMITTEE

April 13-15; 9 a.m., Ramada Inn-Rosslyn, 1900 North Fort Myer Drive, Arlington, Va.; open—April 13, 9-11 a.m.; closed—Otherwise.

Contact: Mary Cope, room 9C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3856.

Purpose: The Committee is charged with the initial review of fellowship applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychological sciences fellowships and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m.-11 a.m., April 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of fellowship applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Sci-

entific and Public Information, NIMH, room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: March 6, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-6281 Filed 3-9-78; 8:45 am]

[4110-88]

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meeting

NOTE.—This document originally appeared in the FEDERAL REGISTER for March 9, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of March 1978:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

March 20-21; 9 a.m. Conference Rooms "G" and "H", Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Open—March 20-21, 1978. Contact: Rhoda L. Christensen, Parklawn Building, Room 16-93, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4703.

Purpose. Advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda. March 20 will be devoted to a presentation by Dr. Gerald L. Klerman, Administrator, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) concerning the Secretary's request to conduct a Department-wide review of alcohol programs and to develop alcohol program initiatives. Pressing deadlines require this special meeting. On March 21, the National Advisory Council will discuss a variety of policy issues identified by the Institute Director and members of the Council.

Less than 15 days notice is provided due to a recent decision by the Secretary, Department of Health, Education, and Welfare to conduct a Department-wide review of alcohol programs.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

Dated: March 8, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-6417 Filed 3-8-78; 10:23 am]

[4110-03]

Food and Drug Administration

DEVICE GOOD MANUFACTURING PRACTICE ADVISORY COMMITTEE

Request for Nominations for Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for membership on the Device Good Manufacturing Practice Advisory Committee.

DATE: Nominations must be received by April 10, 1978, at the address shown below.

FOR FURTHER INFORMATION CONTACT:

Richard R. Anderson, Bureau of Medical Devices (HFK-134), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-8120.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration requests nominations for membership on the Device Good Manufacturing Practice Advisory Committee. A vacancy will occur on May 31, 1978, in each of the following interest groups: (1) Health professional; (2) Device manufacturing industry; and (3) Local, State or Federal Government.

The Commissioner of Food and Drugs will appoint as members those nominees who are most representative of an interest group to serve on the advisory committee.

On May 28, 1976, the Medical Device Amendments of 1976 (Pub. L. 94-295) were enacted into law, amending the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.). Section 520(f) of the act (21 U.S.C. 360j(f)) provides the agency with authority to develop and promulgate regulations requiring that methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of a medical device conform to current good manufacturing practice. These regulations are designed to assure that devices will be safe and effective and otherwise in compliance with the act.

Under section 520(f)(3) of the act, the Commissioner of Food and Drugs has established an advisory committee for the purpose of advising and making recommendations on these regulations. Additionally, under this provision, the Commissioner is authorized to request recommendations from the advisory committee on any petitions submitted requesting exemptions or variance from good manufacturing practice requirements.

As required by section 520(f) of the act, the advisory committee is composed of nine members selected from different interest groups as follows:

1. Three members who are officers or employees of any State or local government or of the Federal Government;

2. Two members who are representative of interests of the device manufacturing industry;

3. Two members who are representative of the interests of physicians and other health professionals; and

4. Two members who are representative of the interests of the general public.

The term of office is 3 years.

The Food and Drug Administration has a special interest in assuring that women and minority groups are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female and minority candidates.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included, along with a description of the nominee's current employment and background, if any, with respect to medical devices. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning financial holdings, consultancies, and research grants or contracts, to permit evaluation of possible sources of conflict of interest.

Dated: March 3, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6276 Filed 3-9-78; 8:45 am]

[1505-01]

[Docket No. 75N-0373]

DIAMOND SHAMROCK CHEMICAL CO., ET AL.

Penicillin-Streptomycin-Vitamin Soluble Powder; Denial of Requests for a Hearing and Withdrawal of New Animal Drug Applications

Correction

In FR Doc. 78-4204 appearing at page 7040 in the issue for Friday, February 17, 1978, the following corrections should be made:

1. On page 7041 in the twentieth line of the third complete paragraph in column two now reading, "514.(b)(8)," should read, "514.1(b)(8)."

2. The seventh entry under number 3. NADA 65-296 in the first column on page 7042 should read, "(Vitamin B_{12})."

3. The first line in the third column on page 7042 now reading "15 million units," should read, "15.5 million units."

4. In the last line of the first paragraph in column two on page 7044, "Ohio 4414," should read, "Ohio 44114."

[4110-03]

[Docket No. 77P-0332]

EMI THERAPY SYSTEMS, INC.

Approval of Variance for Diagnostic X-Ray Systems

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document approves a variance from the performance standard for diagnostic X-ray systems for the Model 1000-1,2 Radiation Therapy Simulator manufactured by EMI Therapy Systems, Inc., 570 Del Rey, Sunnyvale, Calif. 94086. The variance will apply to the patient support table used for X-ray therapy simulation. The Director of the Bureau of Radiological Health has determined that the tabletop designed with a maximum aluminum equivalent thickness of 4.8 millimeters (mm) rather than the 1.5 mm limit required by the standard is necessary to provide appropriate mechanical rigidity for the simulation and to assure that suitable radiation protection will be provided.

DATES: The variance becomes effective April 10, 1978, and shall end April 10, 1983. Written objections and supporting information by April 10, 1978.

ADDRESS: Written objections may be submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Joseph Wang, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Paragraph (n) of § 1020.30 Diagnostic X-ray systems and their major components (21 CFR 1020.30(n)) sets limits on the amount of material allowable between the patient and the image receptor. For movable tabletops this limit is expressed as an aluminum equivalent thickness of 1.5 mm. This provision assures that the maximum number of X-ray photons that have passed through the patient will be available for production of the diagnostic image.

The Model 1000-1,2 is a medium-duty (30 kilowatts) X-ray system with a movable cantilevered patient support table. This "special purpose" equipment is designed to duplicate (simulate) radiation therapy machine movements and procedures. The simulator is therefore an intermediate step to obtain information useful in programming radiation treatment of a patient. A simulator is not used for diagnostic purposes, nor is it used on patient until it has been determined that the patient will receive radiation therapy treatment.

The petitioner notes that for the simulator to perform its function properly, position stability (hence greater treatment set-up accuracy) is of paramount importance in achieving the desired thereapy. A movable patient support table of 1.5 mm aluminum equivalency does not have the structural stability for accurate simulation of the radiation therapy protocol. The petitioner has considered a variety of alternate patient support systems that meet the requirement of § 1020.30(n). None of the systems considered were found to satisfy the operational requirements for simulation. The petitioner notes that a patient support table of 4.8 mm aluminum equivalent thickness will have sufficient rigidity to meet the criteria for position stability. In addition, a table modified in this manner would increase the overall dose to the patient by less than 1.0 percent. Thus, in accepting a small increase in the total dose delivered to the patient by using a thicker patient support table, a significant benefit will result from the greater treatment set-up accuracy. Therefore, EMI Therapy Systems, Inc., has requested the variance from the performance standard for diagnostic X-ray systems and their major components.

The Director of the Bureau of Radiological Health agrees that the dose delivered to the tumor volume must be accurately planned. The purpose of therapy simulators is to increase the accuracy of radiation treatment. It has been shown that most errors associated with radiation therapy treatment plans are "user-oriented" as opposed to equipment malfunction. If the user must correct for deflections in the patient support table, unnecessary sources of error in the treatment planning may be introduced. Such errors should be avoided whenever possible.

The Director has examined the problem of the deflection of the patient support table under load and agrees that a large improvement in structural stability can be obtained with the requested increase in table thickness. In addition, the Director has determined that the dose increase to the patient resulting from a 4.8 mm aluminum equivalent tabletop is not significant in light of the increased efficacy of the system. In accordance with § 1010.4 (21 CFR 1010.4), he has concluded that the radiation therapy simulator table to be marketed under the variance is intended for a special purpose that cannot be performed or accomplished by equipment meeting all the requirements of § 1020.30, but uses suitable means for radiation protection. Therefore, the Director has approved the requested variance from § 1020.30(n), provided radiation therapy simulator tables manufactured under this variance shall have moveable tops whose thickness shall not exceed 4.8 mm aluminum equivalent. The variance is granted for a period of 5 years, as requested by the petitioner.

The petitioner has been directed to modify, in accordance with § 1010.4(d), the tags, labels, or other certification required by § 1010.2 (21 CFR 1010.2) that are permanently affixed to or inscribed upon products marketed under this variance, to state the following: "This product complies with Variance No. 77005, effective on April 30, 1978."

The Commissioner of Food and Drugs has reviewed the potential environmental impact of this variance and has concluded that the action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental impact analysis report is on file in the office of the Hearing Clerk, Food and Drug Administration (address noted above).

Variance No. 77005 shall become effective on April 10, 1978, unless written objections and supporting documentation are filed with the Hearing Clerk, Food and Drug Administration, on or before April 10, 1978, requesting that the variance be modified or not granted. Upon receipt of such objections and supporting documentation,

the effective date of the variance will be stayed until the Director of the Bureau of Radiological Health rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review under section 358(d) of the Public Health Service Act (42 U.S.C. 263f(d)), as amended by the Radiation Control for Health and Safety Act of 1968.

The application for this variance and all related correspondence, except information covered by the confidentiality provisions of section 360A(e) of the Act (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: March 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6045 Filed 3-9-78; 8:45 am]

[4110-03]

[Docket No. 77D-0432]

FACTOR IX COMPLEX (HUMAN) POTENCY TEST

Availability of Test Method

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the availability of a test method for measuring the potency of Factor IX Complex (Human). There are several test methods currently in use. However, to promote uniformity in testing potency, the Bureau of Biologics is making available the test method used in its laboratories to evaluate lots of Factor IX Complex (Human) submitted by manufacturers for release.

DATE: Written comments by April 10, 1978.

ADDRESS: Requests for a copy of the test method and submission of written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There are several test methods currently employed to test the potency of Factor IX Complex (Human). These tests involve the same principle but vary widely in methodology. When correctly performed, these test methods are equally sensitive and accurate for measuring the potency of Factor IX Complex (Human). To promote uniformity in potency test procedures, the Bureau of Biologics is making available the test method used in its laboratories for comparative evaluation of potency of Factor IX Complex (Human) submitted by manufacturers. Copies of the test method are being sent to persons known to be interested in manufacturing Factor IX Complex (Human). Other interested persons may see the copy on display at the office of the Hearing Clerk, or may obtain copies by writing to that office and identifying the document with the Hearing Clerk docket number in brackets above.

Interested persons may, on or before April 10, 1978, submit written comments (preferably four copies and identified with the Hearing Clerk docket number found in the brackets in the heading of this document) regarding this test method to the Hearing Clerk, FDA.

Dated: March 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6278 Filed 3-9-78; 8:45 am]

[4110-03]

HEALTH CARE SERVICES

Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forth coming regional ad hoc professional meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held on Friday, April 21, 1978, at 1 p.m.

ADDRESS: The meeting will be held at the Sheraton Biltmore Hotel, 817 West Peachtree Street NE., Atlanta, Ga. 30383.

FOR FURTHER INFORMATION CONTACT:

Alan S. Kaplan, Office of Professional Programs (HFG-15), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to exchange information, among health professionals and the regional and district staff offices, relative to established procedures of the Food and Drug Administration (FDA) for eliciting health professional input into the agency's decisionmaking process; to identify common problems within the sphere of FDA responsibility that have an effect on the practitioner and/or the delivery of health services; to seek solutions to those problems; and to conduct other activities of mutual interest and benefit.

Dated: March 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6040 Filed 3-9-78; 8:45 am]

[4110-03]

[Docket No. 75N-0304]

ORAL CONTRACEPTIVE DRUG PRODUCTS

Physician and Patient Labeling; Extension of Effective Date for Physician Labeling

AGENCY: Food and Drug Administration, HEW.

ACTION: Extension of effective date.

SUMMARY: The Commissioner of Food and Drugs extends to May 31, 1978, the date by which certain manufacturers and suppliers of oral contraceptives must supply physician labeling substantially the same in content as the labeling set forth in a FEDERAL REGISTER notice of January 31, 1978. This extension is granted in response to requests from the pharmaceutical industry.

EFFECTIVE DATE: May 31, 1978.

ADDRESS: A copy of the requests for extension is on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Philip L. Paquin, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 31, 1978, the Food and Drug Administration (FDA) issued (1) a final rule revising the requirements for patient labeling for oral contraceptive drug products (43 FR 4214), and (2) a notice containing updated texts of physician and patient labeling (43 FR 4223).

These texts of physician and patient labeling revised earlier texts published in the FEDERAL REGISTER of December 7, 1976 (41 FR 53633) and later amended in the FEDERAL REGISTER of May 27, 1977 (42 FR 27303).

The effective date for the final rule revising the requirements for patient labeling was set at April 3, 1978. Consistent with the provisions of the December 7, 1976 notice, FDA advised manufacturers and suppliers who had voluntarily put into use the December 7, 1976 patient labeling (as modified on May 27, 1977) that they would have an additional 60 days beyond April 3, 1978 to comply with the requirements of the final rule. However, the January 31 notice required all physician labeling to be updated within 60 days, and no additional time was provided for those manufacturers and suppliers who had voluntarily elected to adopt the earlier patient labeling text.

The agency has received two requests from representatives of the pharmaceutical industry to extend the April 3, 1978 effective date. The first request, submitted by the Pharmaceutical Manufacturers Association, notes the difficulties in implementing the revised labeling in 60 days and asks that the implementation date be extended by another 60 days. The second request, submitted on behalf of an individual manufacturer, points out that the practical effect of imposing upon all manufacturers and suppliers a 60-day effective date for use of the new physician labeling is to "negate and render illusory" the apparent benefit conferred on those manufacturers who have previously voluntarily adoped the December 7, 1976 patient labeling. This is because the patient labeling must be included in the physician labeling. A copy of the requests for extension is on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

The Commissioner has carefully considered these requests. He has decided to grant the additional 60-day period for those products whose manufacturers voluntarily provided patient labeling because he believes that patient and physician labeling should be consistent for individual drug products, and because he agrees that not to provide the additional time would effectively negate the lead time considerations to which these manufacturers are entitled. He denies the request for a 60-day extension for those products whose manufacturers did not voluntarily provide patient labeling because he believes, on the basis of the agency's experience with prior labeling requirements, that a 60-day period is adequate for manufacturers to implement labeling changes.

Accordingly the implementation schedule for physician labeling is revised as follows: For those manufacturers and suppliers who voluntarily put into use the December 7, 1976 patient labeling (as modified on May 27, 1977) before January 31, 1978, the effective date for revised physician labeling is extended to May 31, 1978. The effective date for those manufacturers and suppliers who did not put the new patient labeling into use before January 31, 1978 shall remain April 3, 1978 for both the physician and patient labeling.

(Secs. 502, 505, 52 Stat. 1050-1053 as amended (21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).)

Dated: March 3, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-6320 Filed 3-7-78; 1:53 pm]

[1505-01]

[Docket No. 77N-0345]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

Correction

In FR Doc. 78-4804 appearing at page 7036 in the issue for Friday, February 17, 1978, the entries under the heading "Select Committee tentative conclusion" in the tables shown on pages 7037 and 7038 were published incorrectly, therefore, the tables are being republished for the convenience of the reader.

Substances	Select Committee tentative conclusion	Scientific literature review Order No.	Price code	Price	Animal study report Order No.	Cost	Other information
Biotin	1	PB-234-890/AS	A107	$7.25	--		a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 through 221-949 (set); price code, E99; price, $173.00. b. Biotin III. Animal safety data. Unpublished report to FDA by Hoffmann-LaRoche, Inc. c. Survey of substances generally recognized as safe. Biotin. 1972. Unpublished report to FDA by NAS/NRC.

Substances	Select Committee tentative conclusion	Scientific literature review Order No.	Price code	Price	Animal study report Order No.	Cost	Other information
Lactic acid and calcium lactate		PB-241-958/AS	A09	$9.00	Mutagenic evaluation (Tier 1) of lactic acid (75-19), USP, by Litton Bionetics, Inc., under FDA contract (PB-257-867/AS); price code, A03; price, $4.50.		a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
D-lactic acid (beyond infancy)	1						
L-lactic acid (beyond infancy)	1						
DL-lactic acid (beyond infancy)	1						
D-calcium lactate (beyond infancy)	1						
L-calcium lactate (beyond infancy)	1						
DL-calcium lactate (beyond infancy)	1						
D-lactic acid (infant formulas)	4				Mutagenic evaluation (Tier 1) of calcium lactate (75-20), USP, by Litton Bionetics, Inc., under FDA contract (PB-257-877/AS); price code, A03; price, $4.50.		b. Evaluation of the health aspects of malic acid as a food ingredient (SCOGS-56), submitted by FASEB (PB-262-662/AS); price code, A02; price, $4.00.
DL-lactic acid (infant formulas)	4						
D-calcium lactate (infant formulas)	4						
DL-calcium lactate (infant formulas)	4						

Note: The above-stated prices are subject to change.

[4110-03]

[NADA 14-659V]

WINTHROP LABORATORIES, INC.

Carbocaine-V HC1 With Suprarenin; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency withdraws approval of a new animal drug application (NADA) held by Winthrop Laboratories which provides for the use of a local anesthetic in dogs, cats, horses, and cattle. This action is taken at the request of the applicant.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Louis L. Nangeroni, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Winthrop Laboratories, Inc., Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, is sponsor of NADA 14-659V which provides for use of carbocaine-V HC1 (mepivacaine hydrochloride) 2 percent with suprarenin (epinephrine) 0.001 percent used as a local anesthetic in dogs, cats, horses, and cattle. The application was originally approved November 25, 1963. In a letter dated September 6, 1977, FDA requested the firm to submit a freedom of information summary to comply with the public information regulations set forth in § 514.11 (21 CFR 514.11). In their letter of September 23, 1977, Sterling Drug, Inc., responded requesting that approval of the NADA be withdrawn. The firm stated that the drug has not been marketed since 1969, and that at present they have no commercial interest in the product.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the following notice is issued:

In accordance with § 514.115(d) (21 CFR 514.115(d)), notice is given that approval of NADA 14-659V and all supplements thereto for mepivacaine hydrochloride with epinephrine is hereby withdrawn, effective March 10, 1978.

Dated: March 6, 1978.

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

[FR Doc. 78-6279 Filed 3-9-78; 8:45 am]

[4110-83]

Health Resources Administration

HEALTH PLANNING AND DEVELOPMENT NATIONAL COUNCIL

Change of Meeting Date

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, March 8, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

In FR Doc. 78-5135 appearing at page 7715 in the issue for Friday, February 24, 1978, the March 10, 1978 meeting of the "National Council on Health Planning and Development" has been changed to April 14, 1978. All other information is correct as appears.

Dated: March 6, 1978.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 78-6304 Filed 3-7-78; 11:36 am]

[4110-83]

SHARED SCHEDULE RESIDENCY TRAINING POSITION REQUIREMENTS

Criteria for Compliance

Section 709(b) of the Public Health Service Act (42 U.S.C. 292i(b)) requires the Secretary of Health, Education, and Welfare (the Secretary) to report to Congress by January 1, 1979, on the compliance with the requirements of section 709(a) of the Act (42 U.S.C. 292i(a)). The Secretary's report must include recommendations for insuring compliance with the following requirements: Any entity receiving Federal assistance which maintains certain medical residency training programs must establish or restructure and maintain, to the maximum extent feasible, a reasonable number of physician training positions in such programs as shared schedule residency positions. A "shared schedule position" is defined in section 709(c) (42 U.S.C. 292i(c)) as:

A physician training position in a medical residency training program which is shared by two individuals and in which each individual—

(1) Engages in at least two-thirds, but not more than three-fourths of the total training prescribed for such position;

(2) Receives for each year in such position an amount of credit for certification in the medical specialty for which the position provides training which is equal to the amount of training engaged in such year;

(3) Receives at least one-half of the salary for such position; and

(4) Receives all applicable employee benefits.

This notice sets forth the approach to be used by the Department in determining compliance for purposes of the statutorily required report.

DEFINITIONS

For purposes of the Secretary's report:

(a) "Federal assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty) or any other arrangement by which the Department provides or otherwise makes available assistance in the form of: (1) Funds; (2) services of Federal personnel; (3) real or personal property, or any interest in or use of such property, including transfers or leases of such property for less than fair market value or for reduced consideration and proceeds from the subsequent transfer or lease of such property if the Federal share of its market value is not returned to the Federal Government.

(b) "Physician" means a doctor of medicine or a doctor of osteopathy.

(c) "Medical residency training program" means a program which trains graduates of schools of medicine and of schools of osteopathy in family practice, internal medicine, pediatrics, or obstetrics and gynecology, and provides the graduate education required by the appropriate specialty board for certification in such specialties and is accredited or provisionally accredited by the Liaison Committee on Graduate Medical Education or approved by the American Osteopathic Association.

ELEMENTS OF COMPLIANCE

An entity will be considered to be in compliance if, for any year in which Federal assistance was received:

(1) The entity has offered one entry level shared schedule residency position for every 12 entry level residency positions available in each of the medical residency training programs it maintains;

(2) The entity has announced the availability of the shared scheduled residency position(s) in the same publications used to announce the availability of other medical residency training positions and utilizes the same procedures and criteria for filling these positions; and

(3) The entity has not rejected any individual solely because of his/her request for a shared scheduled residency position, unless the number of positions offered in accordance with paragraph 1 have been filled or only one individual has requested a shared scheduled residency position.

The Secretary will request that entities report to him for each year in

which the entity is subject to section 709:

(1) The number of entry level residency positions in each of its medical residency training programs;

(2) The number of shared schedule residency positions offered;

(3) The number of requests for shared schedule residency positions in each of its medical residency training programs; and

(4) The number of shared scheduled residency positions filled.

Dated: February 27, 1978.

HENRY A. FOLEY,
Administrator.

[FR Doc. 78-6166 Filed 3-9-78; 8:45 am]

[1505-01]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH, PUBLIC HEALTH SERVICE (PHS) REGIONAL OFFICES, HEALTH RESOURCES ADMINISTRATION, AND HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 77-34612, appearing at page 61317 in the issue for Friday, December 2, 1977, on page 61335, in the middle column, in the fifth paragraph, immediately before "NCHSR" insert "NCHS and".

[4110-85]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Public Health Service (38 FR 18571, July 12, 1973, as amended most recently at 42 FR 61318, December 2, 1977, and 43 FR 1137, January 6, 1978) is amended to establish an Office on Smoking and Health in the Office of the Assistant Secretary for Health/Surgeon General. The Office will function under a Director who reports directly to the Assistant Secretary for Health/Surgeon General. This Office will coordinate the Department's efforts to give effect to the Secretary's initiative aimed at informing Americans about the dangers of smoking. It will include the National Clearinghouse for Smoking and Health from the Center for Disease Control (39 FR 1461, January 9, 1974 as amended by 39 FR 34315, September 24, 1974).

Under Section HA-00 Mission, add the following as the last sentence of the current statement: "Provides leadership, coordination, and direction of a nationwide program aimed at informing Americans about the dangers of smoking."

Under Section HA-10 Organization, add Office on Smoking and Health (HAG) as item 9 and renumber items 9, 10, and 11 to read 10, 11, and 12, respectively.

Under Section HA-20 Functions, add the following statement after the Office of Equal Employment Opportunity (HAK):

Office on Smoking and Health (HAG). The Office: (1) Administers a national program to inform Americans about the dangers of smoking and to reduce death and disability due to smoking; (2) promotes and stimulates behavioral and biological research and epidemiological and toxicological studies by government and voluntary agencies on the causes and effects of smoking on health; (3) in conjunction with the Office of Health Information and Health Promotion, coordinates all PHS research and educational programs and other HEW activities related to smoking and health; (4) establishes and maintains liaison with other Federal agencies, private organizations, and State and local government on smoking and health matters; (5) develops standards, criteria, and methodologies for improved information programs related to smoking and health; (6) serves as focal point for information gathering and as clearinghouse on the dissemination of information on health education, preventive health, and related matters on smoking and health; (7) coordinates the development of materials on smoking and health; (8) provides assistance for educational programs on smoking and health; (9) coordinates research findings and provides technical writing and staff assistance to produce reports to the Assistant Secretary for Health/Surgeon General concerning the effects of tobacco on health; and (10) conducts surveys and coordinates and conducts evaluative studies on the effectiveness of programs related to smoking and health.

CENTER FOR DISEASE CONTROL

Under Part H, Chapter HC (Center for Disease Control), Section HC-A Mission is changed by deleting item (7) and renumbering items (8) and (9) to read (7) and (8), respectively.

Section HC-B Organization and Functions is amended as follows: Under the heading Bureau of Health Education (HCH), delete item (9) and renumber (10) to read (9) and delete in its entirety the title and functional statement for the National Clearinghouse for Smoking and Health (HCH2).

Dated: March 6, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-6467 Filed 3-9-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6693-A thru G]

ALASKA

Alaska Native Claims Selection

On December 27 and 30, 1968, the State filed general purposes grant selection applications pursuant to section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)), for certain lands in the Bristol Bay area. Applications AA-5244, AA-5292, AA-5356, AA-5357, and AA-5358 selected lands in T. 40 S., R. 50 W., T. 39 S., R. 59 W., T. 37 S., R. 58 W., T. 37 S., R. 59 W., and T. 38 S., R. 58 W., Seward Meridian, respectively. On June 16, 1972, each application was amended to include all the lands in the townships, excluding patented lands.

The Bureau of Indian Affairs filed an application on December 12, 1968, to withdraw all unreserved public lands in Alaska for the determination and protection fo the rights of the Alaska Natives. Subsequently on January 17, 1969, Public Land Order 4582 was issued to affirm the withdrawal of all unreserved lands in Alaska from all forms of appropriation and disposition under the public land laws except locations for metalliferous minerals. Public Land Order 4582 further provided that applications filed by the State of Alaska after December 12, 1968, and prior to January 4, 1969, must be embraced in leases, licenses, permits, or contracts issued pursuant to the Mineral Leasing Act of 1920 or the Coal Leasing Act of 1914 in order to be a valid selection application.

Since the lands selected in State selection applications AA-5292 and AA-5356, filed December 27, 1968, were not entirely within lands embraced in leases, etc., these applications must be and are hereby rejected as to the following described lands:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

STATE SELECTION AA-5292

T. 39 S., R. 59 W.
Secs. 1 and 2, all;
Sec. 3 (fractional), all;
Sec. 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Secs. 19 to 22 (fractional), all;
Secs. 23 to 30, inclusive, all;
Secs. 32 to 36, inclusive, all.
Containing approximately 13,354 acres.

STATE SELECTION AA-5356

T. 37 S., R. 58 W.

Sec. 33, all.

Containing approximately 640 acres.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (Supp. V, 1975)), withdrew the lands surrounding the native village of Port Heiden, including the lands in the subject State selection applications for Native selection. The village corporation, Meshik Incorporated, has filed selection applications AA-6693-A (January 17, 1974), and AA-6693-B through G (October 30, 1974), under the provisions of section 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by section 11(a).

Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in section 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12 (a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by section 11(a)(2).

The lands described below were properly selected by Meshik Incorporated in village selection applications AA-6693-A through G; accordingly, the State selection applications AA-5244, AA-5292, AA-5356, AA-5357 and AA-5358 are hereby rejected, as to the following described lands:

SEWARD MERIDIAN, ALASKA (SURVEYED)

STATE SELECTION AA-5244

T. 40 S., R. 60 W.
Those portions of the township more particularly described as (protracted):
Secs. 12 and 13, all;
Secs. 24 and 25, all.

Containing approximately 2,560 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

STATE SELECTION AA-5356

T. 37 S., R. 58 W.
Secs. 19 and 20, all;
Secs. 28, 29 and 30, all;
Sec. 31, excluding lots 1 and 2 of U.S. Survey 4347 and Native allotment AA-7938;
Sec. 32, excluding lots 1 and 2 of U.S. Survey 4347.

Containing approximately 4,303 acres.

STATE SELECTION AA-5358

T. 38 S., R. 58 W.
Sec. 6, excluding lots 1 and 2 of U.S. Survey 4347.

Containing approximately 609 acres.

STATE SELECTION AA-53572

T. 37 S., R. 59 W.
Sec. 4 (fractional), all;
Sec. 9 (fractional), excluding Native allotment AA-7172;
Sec. 10, excluding Native allotment AA-7940;
Sec. 14, all;
Sec. 15, excluding Native allotment AA-7940, Public Land Order 2374 Tract A and Quitclaim Deed AA-5456;
Sec. 16 (fractional), excluding Public Land Order 2374 Tract A and Quitclaim Deed AA-5456;
Sec. 17 (fractional), excluding Native allotment AA-7173 Parcel C and Quitclaim Deed AA-5456;
Sec. 20 (fractional), excluding Native allotment AA-7170;
Sec. 21, excluding Native allotment AA-7170 and Quitclaim Deed AA-5456;
Secs. 22 to 27, inclusive, excluding Quitclaim Deed AA-5456;
Sec. 28 (fractional), excluding Native allotment AA-7170 and Quitclaim Deed AA-5456;
Sec. 29 (fractional), excluding Native allotment AA-7170;
Sec. 33 (fractional), all;
Secs. 34 and 35, excluding Quitclaim Deed AA-5456;
Sec. 36, all.

Containing approximately 7,057 acres.

STATE SELECTION AA-5292

T. 39 S., R. 59 W.
Sec. 31, all.

Containing approximately 630 acres.

Further action on State selection applications AA-5244, AA-5356, AA-5357 and AA-5358, as to those lands not rejected herein, will be taken at a later date. State selection application AA-5292 is hereby rejected in its entirety and the case will be closed when this decision becomes final.

By virtue of the properly filed selections under section 12(a) of the Alaska Native Claims Settlement Act, by Meshik Incorporated, State selection application AA-5233, as to lands in T. 38 S., R. 59 W., Seward Meridian, and AA-5309, as to lands in T. 40 S., R. 59 W., Seward Meridian, were rejected by decisions dated September 25, 1974 and May 27, 1975.

The total amount of State selected lands, including lands previously rejected to permit the interim conveyance hereafter given, totals approximately 26,043 acres, which is less than the 69,120 acres permitted by section 12(a)(1) of the Alaska Native Claims Settlement Act.

As to the lands described below, the applications submitted by Meshik Incorporated, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 65,158 acres, is considered proper for acquisition by Meshik Incorporated and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN, ALASKA (SURVEYED)

T. 40 S., R. 59 W.
Those portions of the township more particularly described as (protracted):
Secs. 1 to 36, inclusive, excluding Meshik River.

Containing approximately 22,653 acres.

T. 40 S., R. 60 W.
Those portions of the township more particularly described as (protracted):
Secs. 12 and 13, all.
Secs. 24 and 25, all.

Containing approximately 2,560 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 37 S., R. 58 W.
Secs. 19 and 20, all;
Secs. 28, 29 and 30, all;
Sec. 31, excluding lots 1 and 2 of U.S. Survey 4347 and Native allotment AA-7938;
Sec. 32, excluding lots 1 and 2 of U.S. Survey 4347;
Sec. 33, all.

Containing approximately 4,943 acres.

T. 38 S., R. 58 W.
Sec. 6, excluding lots 1 and 2 of U.S. Survey 4347.

Containing approximately 609 acres.

T. 37 S., R. 59 W.
Sec. 4 (fractional), all;
Sec. 9 (fractional), excluding Native allotment AA-7172;
Sec. 10, excluding Native allotment AA-7940;
Sec. 14, all;
Sec. 15, excluding Public Land Order 2374 Tract A, Quitclaim Deed AA-5456 and Native allotment AA-7940;
Sec. 16 (fractional), excluding Public Land Order 2374 Tract A and Quitclaim Deed AA-5456;
Sec. 17, (fractional), excluding Quitclaim Deed AA-5456 and Native allotment AA-7173 Parcel C;
Sec. 20 (fractional), excluding Native allotment AA-7170;
Sec. 21, excluding Quitclaim Deed AA-5456 and Native allotment AA-7170;
Secs. 22 to 27, inclusive, excluding Quitclaim Deed AA-5456;
Sec. 28 (fractional), excluding Quitclaim Deed AA-5456 and Native allotment AA-7170;
Sec. 29 (fractional), excluding Native allotment AA-7170;
Sec. 33 (fractional), all;
Secs. 34 and 35, excluding Quitclaim Deed AA-5456;
Sec. 36, all.

Containing approximately 7,057 acres.

T. 38 S., R. 59 W.
Sec. 1, excluding Native allotment AA-7939;
Sec. 2, excluding Native allotments AA-7168 and AA-7939;
Sec. 3, all;
Sec. 4 (fractional), excluding U.S. Survey 1220, U.S. Survey 5578, Public Land Order 2374 Tract B, and Native allotment A-062335 Parcel A;
Sec. 6 (fractional), all;
Sec. 8 (fractional), excluding U.S. Survey 481, U.S. Survey 5578, and Public Land Order 2374 Tract B;

Sec. 9 (fractional), excluding Public Land Order 2374 Tract B and U.S. Survey 5578;
Sec. 10, all;
Secs. 11 and 12, excluding Native allotment AA-7939;
Secs. 13, 14 and 15, all;
Secs. 16 and 17 (fractional), all;
Sec. 21 (fractional), all;
Secs. 22 to 27, inclusive, all;
Sec. 28 (fractional), all;
Secs. 33 and 34 (fractional), all;
Secs. 35 and 36, all.

Containing approximately 13,472 acres.

T. 39 S., R. 59 W.
Secs. 1 and 2, all;
Sec. 3 (fractional), all;
Sec. 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Sec. 19 (fractional), excluding Yellow Bluff Creek;
Sec. 20 (fractional), excluding Native allotment AA-7167 and Meshik River;
Secs. 21 and 22 (fractional), excluding Meshik River;
Secs. 23, 24 and 25, all;
Secs. 26 to 29, inclusive, excluding Meshik River;
Secs. 30 to 33, inclusive, all;
Secs. 34, 35 and 36, excluding Meshik River.

Containing approximately 13,864 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975));

4. That access road and sewer line right-of-way, A-033550 and all appurtenances thereto, constructed by the United States through, over, or upon sections 15, 22, and 34, T. 37 S., R. 59 W., Seward Meridian, and sections 3 and 4, T. 38 S., R. 59 W., Seward Meridian, and the right of the United States, its agents or employees to maintain, operate, repair, or improve the same so long as needed or used for or by the United States; and

5. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6693-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C5, D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

b. (EIN 2 C5) A site easement twenty-five by three hundred (25 x 300) feet on the bed of Goldfish Lake, in section 4, T. 38 S., R. 59 W., Seward Meridian, adjacent to the ordinary high water mark. The usage is for vehicles.

c. (EIN 3 C5) An easement sixty (60) feet in width for an existing road system that serves the village and airport, and provides access to public lands and waters. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

d. (EIN 5 D9) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement of the entire bed of Braided Creek, from its mouth upstream to the eastern border of section 24, T. 40 S., R. 59 W., Seward Meridian. The purpose is to provide for public use of waters having highly significant present recreational use.

e. (EIN 11 C4) An easement sixty (60) feet in width for a proposed road, which is an extension of existing road system EIN 3 C5, which begins in section 4, T. 37 S., R. 59 W., Seward Meridian, near the mouth of Reindeer Creek and continues northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

f. (EIN 12 C4) An easement for a proposed access trail twenty-five (25) feet in width from existing road system EIN 3 C5 in section 30, T. 37 S., R. 58 W., Seward Meridian, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN 13 E) An easement for a proposed access trail twenty-five (25) feet in width from existing road system EIN 3 C5 in section 8, T. 38 S., R. 59 W., Seward Meridian, southeasterly to Barabara Creek where the trail forks; the north fork parallels the right bank of Barabara Creek to public lands in section 19, T. 38 S., R. 58 W., Seward Meridian, and the south fork roughly parallels the coastline and the right bank of the Meshik River to public lands in section 6, T. 40 S., R. 58 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN 14 C4) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the Meshik River from its mouth upstream to the eastern border of sections 1 and 12, T. 40 S., R. 59 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

i. (EIN 15 C5) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

j. (EIN 16 C5) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of lands hereinabove granted, as are prescribed in said section; and

4. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corp. Meshik Inc., and other Bristol Bay village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Meshik Incorporated, serialized AA-6693-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Conveyance of the remaining entitlement to Meshik Inc. will be made at a later date. Pursuant to section 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corp. when conveyance is granted to Meshik Inc. for the surface estate, and shall be subject to the same conditions as the surface conveyance.

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

The Meshik River is considered to be subject to tidal influence from its mouth to the eastern boundary of sections 1 and 2, T. 40 S., R 59 W., Seward Meridian, and Yellow Bluff Creek from its mouth to the southern boundary of section 19, T. 39 S., R. 59 W., Seward Merdian.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until April 10, 1978 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Meshik Inc. or Bristol Bay Native Corp. objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

If an appeal is taken as to the lands rejected, the adverse parties to be served are:

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Meshik Inc., Port Heiden, Alaska 99648.

Bristol Bay Native Corp., P.O. Box 237, Dillingham, Alaska 99576.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

SUE A. WOLF,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-6267 Filed 3-9-78; 8:45 am]

[4310-84]

ALASKA; BEAUFORT SEA OFFSHORE TENTATIVE SALE (BF)

Joint Federal-State of Alaska Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1976) and AS 38.05.020 nominations are hereby requested for areas on the Continental Shelf beneath the Beaufort Sea for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)) and the Alaska Land Act (AS 38.05). Nominations will be considered for any of the tracts, numbered 1 through 236, found on the "Nomination Map, Federal/State Beaufort Sea Oil and Gas Lease Sale (State of Alaska 30th Competitive Oil and Gas Lease Sale) map date Nov. 21, 1977."

This Nomination Map may be purchased for $3.50 each from the State of Alaska, Director, Division of Minerals and Energy Management, 323 East 4th Avenue, Anchorage, Alaska 99501.

All nominations must be described in accordance with the above Nomination Map prepared jointly by the Department of Natural Resources, State of Alaska, and the Bureau of Land Management (BLM), Department of the Interior and referred to above. Only whole tracts or properly described subdivisions thereof, not less than one quarter of a tract, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests comments identifying particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values or environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic, or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the tentative selection of tracts which precedes any final selection by the Director, Bureau of Land Management and the Commissioner, Alaska Department of Natural Resources, or his Director, Division of Minerals and Energy Management, pursuant to 43 CFR 3301.4, and AS 38.05.180(a) and 11AAC 82.400. The information is requested from Federal, State and local governments, industry, universities, research institutes, environmental organizations, and members of the general public. Comments may be submitted on tracts or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Federal/State decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any other part of the offshore lands are not sought at this time.

Nominations and comments must be submitted not later than April 24, 1978, in envelopes labeled "Nominations of Tracts for Leasing in the Beaufort Sea Offshore Areas," or "Comments on Leasing in the Beaufort Sea Offshore Areas," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Assistant Conservation Manager, Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510, and Director, Division of Minerals and Energy Management, Alaska Department of Natural Resources, at his address cited above.

This call for nominations and comments does not in any way commit the Department or the State to leasing in the Beaufort Sea. It is for the purpose of obtaining information which could be used by the State and the Department in a leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established State and Departmental procedures, all requirements of the National Environmental Policy Act of 1969, and pursuant to any joint Federal-State Sale Agreement. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER and in Alaska newspapers stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

With regard to the parties, this call for nominations and comment shall prejudice neither the rights of the United States nor the State of Alaska in the area involved. With further regard to the parties, acts or activities taking place pursuant to this call shall neither be regarded as affecting the claims of the United States or the State of Alaska nor shall they constitute a basis for asserting, supporting

or denying a jurisdictional or territorial claim.

FRANK GREGG,
Director, Bureau of Land Management.

ROBERT E. LERESCHE,
Commissioner, Department of Natural Resources, State of Alaska.

MARCH 2, 1978.

Approved: March 2, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.
J. HAMMOND,
Governor of Alaska.

[FR Doc. 78-6352 Filed 3-9-78; 8:45 am]

[4310-84]

CRAIG DISTRICT GRAZING ADVISORY BOARD, COLORADO

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Craig District Grazing Advisory Board to be held at 10 a.m., April 28, 1978, in the Conference Room of the Craig District Office, Bureau of Land Management, 455 Emerson Street, Craig, Colo.

The purpose of the Advisory Board is to offer advice and make recommendations to the District Manager concerning the development of allotment management plans (AMP's) and the use of range-betterment funds.

The purpose of the meeting of the Advisory Board will be to elect a chairperson and vice-chairperson from among its seven members, discuss the status of AMP's in the District and future proposals, and discuss the use of range-betterment funds and range improvements on public lands within the Craig District.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Board a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting may contact Marvin W. Pearson, District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colo. at 303-824-3417.

Minutes of the meeting will be available at the Craig District Office for public inspection 30 days after the meeting.

Dated: March 6, 1978.

MARVIN W. PEARSON,
District Manager.

[FR Doc. 70-6268 Filed 3-9-78; 8:45 am]

[4310-84]

QUALIFIED JOINT BIDDERS

Extension of Time To File Statements of Production; Correction

On Friday, February 24, 1978, a notice was published in the FEDERAL REGISTER (43 FR 7721) extending to April 14, 1978, the time limit for filing statements of production necessary to qualify filers as joint bidders at Outer Continental Shelf (OCS) oil and gas lease sales during the six month bidding period ending on April 30, 1978.

The following errors are hereby corrected:

1. In the last sentence of paragraph 1, the citation "(43 FR 61640)" should be changed to read "(42 FR 61640)."

2. In the second sentence of paragraph 2, "January 10, 1977" should be corrected to read "January 10, 1978."

Dated: March 7, 1978.

HEATHER L. ROSS,
Deputy Assistant, Secretary of the Interior.

[FR Doc. 78-6353 Filed 3-9-78; 8:45 am]

[4310-84]

[W-62842]

WYOMING

Application

MARCH 1, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a buried 4½-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 23 N., R. 112 W.,
Sec. 30, NW¼SE¼.

The proposed pipeline is a portion of Northewest Pipeline Corp.'s proposed gathering system and will transport natural gas from the Shute Creek No. 30 well in the NW¼SE¼ of section 30 to a point of connection with their proposed Trunk "A" in the NW¼SE¼ of section 30, T. 23 N., R 112 W., Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo, 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 70-6269 Filed 3-9-78; 8:45 am]

[4310-84]

[W-62847]

WYOMING

Application

MARCH 1, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a buried 4½-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 19 N., R. 103 W.,
Sec. 2, SW¼SE¼.

The proposed pipeline will transport natural gas from the Black Butte No. 1 well to a point of connection with an existing pipeline in the SW¼SE¼ of section 2, T. 19 N., R. 103 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-6270 Filed 3-9-78; 8:45 am]

[4310-84]

[Wyoming 62815]

WYOMING

Application

MARCH 1, 1978.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) Colorado Interstate Gas Co. of

Colorado Springs, Colo., filed an application for a 24-inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 21 N., R. 86 W.,
Secs. 32 and 34.
T. 21 N., R. 87 W.,
Secs. 26 and 30.
T. 21 N., R. 88 W.,
Secs. 26, 28 and 30.
T. 21 N., R. 89 W.,
Secs. 34 and 36.

The pipeline will transport natural gas alongside a segment of an existing natural gas pipeline and will extend from a point of connection with Colorado Interstate Gas Co.'s existing loop line in the NW¼ of section 36, T. 21 N., R. 86 W., in a westerly direction to a point of connection with their existing loop line at a location in section 32, T. 21 N., R. 89 W. all in Carbon County, Wyo. This pipeline will be constructed adjacent to and generally parallel with their existing line and will be located approximately 50 feet south of said existing line.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-6271 Filed 3-9-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-29]

CERTAIN WELDED STAINLESS STEEL PIPE AND TUBE

Amendment to Commission Determination and Action

The Commission determination and action in this investigation issued February 22, 1978 (43 FR 8304, March 1, 1978), is hereby amended to correct a clerical error as follows:

In paragraph I, "definitions," the definition of "Welded Stainless Steel Pipe and Tube" should be amended to delete the words ".0375 to 6.525" and to place in their stead the words "0.375 to 4.5."

By order of the Commission.
Issued: March 7, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-6391 Filed 3-9-78; 8:45 am]

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-2315]

ACE SPORTSWEAR CO., LAWRENCE, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2315: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 6, 1977 in response to a worker petition received on September 2, 1977 which was filed on behalf of workers and former workers producing men's and boys' outerwear (coats and jackets) at the Ace Sportswear Co., Lawrence, Mass.

The notice of investigation was published in the FEDERAL REGISTER on September 23, 1977 (42 FR 48418). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ace Sportswear Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment at Ace decreased 10 percent in 1975 from 1974, 17 percent in 1976 from 1975 and 20 percent in the first 8 months of 1977 compared to the same period of 1976.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Sales, in value, by Ace decreased 16 percent in 1975 from 1974, 23 percent in 1976 from 1975 and 27 percent in the first 8 months of 1977 compared to the same period of 1976.

Production, in quantity, by Ace decreased 12 percent in 1975 from 1974, 30 percent in 1976 from 1975 and 32 percent in the first 8 months of 1977 compared to the same period of 1976.

INCREASED IMPORTS

Imports of Men's and boys' non-tailored outer jackets increased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and decreased from 1974 to 1975. Imports increased 1 percent from 1975 to 1976 and increased 24 percent in the first 9 months of 1977 compared to the first 9 months of 1976. The ratios of imports to domestic production and consumption decreased from 26.3 percent and 20.8 percent, respectively, in 1975 to 25.3 percent and 20.2 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Ace who were surveyed decreased purchases of coats and jackets from Ace in 1976 and in the first 6 months of 1977 and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and boys' coats and jackets produced by Ace Sportswear Co., Lawrence, Mass. contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Ace Sportswear Co. Lawrence, Mass. who became totally or partially separated from employment on or after August 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6238 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2359]

ALBE MANUFACTURING CORP., NEW BEDFORD, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2359: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1977, in response to a worker petition received on September 12, 1977, which was filed on behalf of workers and former workers producing ladies' outerwear (coats and jackets and fake fur hats) at Albe Manufacturing Corp., New Bedford, Mass.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Albe Manufacturing Corp., its manufacturer, its manufacturer's customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The investigation has revealed that all of the above criteria have been met.

Imports of women's, misses' and children's coats and jackets increased in absolute terms, increased 48 percent from 1975 to 1976 and increased 24 percent in the first 9 months of 1977 compared to the first 9 months of 1976. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively, in 1976.

Albe produces for one manufacturer whose sales declined in 1976 from 1975 and in the first 7 months of 1977 compared to the same period of 1976. Customers of the manufacturer who were surveyed decreased purchases from that manufacturer and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' junior sportswear produced by Albe Manufacturing Corp., New Bedford, Mass. contributed importantly to the decline in sales and production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers at Albe Manufacturing Corporation, New Bedford, Massachusetts who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6239 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2289]

BLISS & LAUGHLIN STEEL CO., SEATTLE, WASH.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2289: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 29, 1977 in response to a worker petition received on August 25, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing cold-finished carbon and alloy steel bars at the Seattle, Wash., plant of Bliss & Laughlin Steel Co.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bliss & Laughlin Steel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than 12 months before the signature date of the petition.

The signature date of the petition in this case is August 23, 1977, thus workers terminated prior to August 23, 1976, are not eligible for program benefits under Title 11, Chapter 2, Subchapter B of the Trade Act of 1974.

The average number of production workers at the Seattle plant did not significantly decrease from August through December 1976, and remained unchanged through 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Seattle, Wash., plant of Bliss & Laughlin Steel Co. have not become totally or partially separated, or threatened to become separated, as required for certification under section 222 of the Trade Act of 1974:

Signed at Washington, D.C., this 28th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6240 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2290]

BORT CARLTON CO., BOSTON, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2290: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 29, 1977 in response to a worker petition received on August 25, 1977 which was filed on behalf of workers and former workers producing women's and misses' shoes and sandals at the Bort Carlton Co., Boston, Mass.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bort Carlton Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's and misses' nonrubber footwear increased from 190.7 million pairs in 1975 to 195.5 million pairs in 1976. U.S. imports declined from 110.4 million pairs in the first half of 1976 to 92.6 million pairs in the first half of 1977.

The level of U.S. imports of women's and misses' nonrubber footwear has been consistently higher than domestic production levels since 1973. The ratio of imports to domestic production declined from 114.1 percent in 1975 to 112.6 percent in 1976 and then increased from 101.7 percent in the first half of 1976 to 119.6 percent in the first half of 1977.

The U.S. International Trade Commission after a six month investigation under section 201 of the Trade Act of 1974 issued a positive finding of import injury. A Presidential directive, issued April 16, 1976, ordered that trade adjustment assistance be expedited to impacted workers, firms and communities.

A survey of Bort Carlton's major customers indicated that some had increased purchases of imported women's and misses' shoes and sandals while decreasing purchases from Bort Carlton in the first three quarters of 1977 compared to the first three quarters of 1976.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and misses' shoes and sandals produced by the Bort Carlton Co., Boston, Mass., contributed importantly to the decrease in sales and production and to the total or partial separations of the workers at that firm.

In accordance with the provisions of the Act, I make the following certification:

All workers at the Boston, Massachusetts plant of the Bort Carlton Company who became totally or partially separated from employment on or after August 1, 1977 and before October 31, 1977, be certified eligible to apply for for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after October 31, 1977, are denied eligibility.

Signed at Washington, D.C., this 28th day of February 1978.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6241 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2681]

CARNIVALE BAG CO., INC., BROOKLYN, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2681: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 30, 1977, in response to a worker petition received on November 21, 1977, which was filed on behalf of workers and former workers producing handbags at Carnivale Bag Co., Inc., Brooklyn, N.Y.

The notice of investigation was published in the Federal Register on December 16, 1977 (42 FR 63488). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carnivale Bag Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The investigation has revealed that all of the criteria have been met.

Imports of handbags increased from 57.9 million units in 1975 to 90.2 million units in 1976. The ratio of imports to domestic production increased from 75.9 percent in 1975 to 124.8 percent in 1976 and increased from 126.2 percent during January-September 1976 to 177.3 percent during January-September 1977.

Customers surveyed who decreased purchases from Carnivale in 1977 indicated that their purchases of imported handbags increased or remained unchanged during the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with handbags produced at Carnivale Bag Co., Inc., Brooklyn, N.Y. contributed importantly to declines in production and to total or partial separations of workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Carnivale Bag Company, Inc., Brooklyn, New York, who became totally or partially separated from employment on or after April 1, 1977 are eligible to apply for for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

Harry Grubert,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6242 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2367]

CROMPTON & KNOWLES CORP., GRAND STREET, WORCESTER, MASS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2367: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 20, 1977 in response to a worker petition received on September 14, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing weaving loom parts at the Grand Street, Worcester, Mass. plant of Crompton & Knowles Corp. The investigation revealed that castings (for loom parts) and automotive parts are also produced at that plant.

Workers at the Worcester, Mass. plant producing castings and power loom parts were previously certified as eligible to apply for adjustment assistance (TA-W-934). An impact date of May 25, 1975, and a termination date of January 1, 1976, were approved in a determination signed October 1, 1976. Workers producing automotive parts were denied eligibility to apply for adjustment assistance under the same determination.

The notice of investigation was published in the Federal Register on October 4, 1977, (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crompton & Knowles Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to the production of automotive parts.

that sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that sales of automotive parts by the Worcester plant, in terms of value, increased 32 percent from 1975 to 1976 and increased 29 percent in the first nine months of 1977 compared to the same period in 1976.

Automotive parts sales increased in each quarter from the first quarter of 1976 through the third quarter of 1977 compared to the respective quarter of the previous year.

Production of automotive parts is approximately equal to sales.

It is further concluded that all of the requirements have been met with respect to castings and loom parts.

INCREASED IMPORTS

Imports of power looms, in terms of value, increased 16 percent from 1975 to 1976. In the first nine months of 1977 imports declined in absolute terms while continuing to increase relative to domestic production when compared to the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

The purchase of power looms is a major capital investment. Textile mills comprise the major market for weaving looms. Customers of loom manufacturers may place orders for several looms at once and then not purchase another loom for several years. A survey of textile mills who purchase power looms indicated that mills are ordering and purchasing looms from foreign sources rather than domestic.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with articles produced at Crompton and Knowles Corp. contributed importantly to the decline in sales or production and to the total or partial separations of the workers engaged in employment related to the production of castings and loom parts at the Grand Street, Worcester, Mass. plant of Crompton & Knowles Corp. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of castings and loom parts at the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles Corporation who became totally or partially separated from employment on or after December 19, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that sales or production of automotive parts at the Grand Street, Worcester, Mass. plant of Crompton & Knowles Corp. have not decreased as required for certification under section 222 of the Trade Act of 1974. Therefore, workers engaged in employment related to the production of automotive parts are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6243 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2418]

CYPRUS BRUCE CORP., BAGDAD, ARIZ.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2418: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steelworkers of America on behalf of workers formerly producing copper at the Bagdad, Ariz. property of Cyprus Bruce Corp. During the course of the investigation, it was established that the workers also produced zinc.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Cyprus Bruce Corp., its customers, "Metal Week", "Metal Bulletin", "American Metal Market", the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers producing zinc, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of slab zinc increased from 380,437 short tons in 1975 to 714,489 short tons in 1976, an increase of 87.8 percent, and then declined to 412,200 short tons in the first nine months of 1977, compared to 535,950 short tons in the same period of 1976. The ratio of imported slab zinc to domestic production increased from 76.7 percent in 1975 to 127 percent in 1976. The ratio was 129.2 percent in the first nine months of 1977 compared to 133 percent in the same period of 1976.

Customers of Cyprus Bruce who were surveyed concerning their purchases of zinc concentrate indicated that they did not purchase imports.

With respect to workers producing copper, all of the group eligibility requirements of section 222 of the Act have been met.

U.S. imports of refined copper increased from 147,000 short tons in 1975 to 384,000 short tons in 1976, an increase of 161.2 percent, and then declined to 275,000 short tons in the first nine months of 1977, compared to 313,000 short tons in the same period of 1976. The ratio of imports to domestic production increased from 8.6 percent in 1975 to 21 percent in 1976. The ratio was 14.8 percent in the first half of 1977 compared to 23.9 percent in the first half of 1976.

U.S. imports of copper ore, concentrate, precipitates, and matte increased each year from 44,000 tons in 1973 to 89,000 tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metal Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provided no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine, concentrate, and refine domestic copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted

average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of refined copper they choose to sell.

Cyprus Bruce's decision to lay off workers and cease its mining operations was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Cyprus Bruce substantiate the fact that increased imports have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with copper produced by the Bagdad, Ariz. property of the Cyprus Bruce Corp. contributed importantly to the decrease in company production and to the total or partial separation of the workers of that firm. In accordance with provisions of the Act, I make the following certification:

All workers at the Bagdad, Arizona property of Cyprus Bruce Corporation engaged in employment related to the production of copper who became totally or partially separated from employment on or after July 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of zinc are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6244 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2390 and 2817]

ELCO DRESS CO.

Negative Determination Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2390 and 2817: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on September 28, 1977, and December 27, 1977, in response to a worker petition received on September 6, 1977, which was filed on behalf of workers and former workers producing women's dresses at the New Bedford, Mass. and Holyoke, Mass. plants of the Elco Dress Co.

The notices of investigation was published in the *Federal Register* on October 14, 1977 (42 FR 55316) and January 10, 1978 (43 FR 15555). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Elco Dress Co., its manufacturers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's and misses' dresses increased from 645,000 dozen in 1975 to 659,000 dozen in 1976. Imports declined from 540,000 dozen in the first nine months of 1976 to 471,000 dozen in the same period of 1976.

The impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976 or in the first nine months of 1977 compared to the same period of 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by only 2.2. percent in absolute terms. Imports fell by 12.8 percent in the first nine months of 1977 compared to the same period of 1976.

Apparel manufacturers representing 100 percent of Elco Dress' contract work in 1976 were surveyed by the Department. The survey revealed that the manufacturers did not import women's dresses or use foreign contractors. The survey also revealed that manufacturers which contracted for the majority of Elco Dress' work had increased retail sales in 1976 compared to 1975 and in the first nine months of 1977 compared to the same period of 1976. The value of the contract work and the average number of production workers at Elco Dress increased in 1976 compared to 1975.

CONCLUSION

After careful review I conclude that all workers at the New Bedford, Mass. (including the Slendertone Division) and Holyoke, Mass. plants of Elco Dress Co. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6379 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2516]

EMENEE MANUFACTURING CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2516: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 27, 1977, in response to a worker petition received on October 14, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing shirts and blouses at Emenee Manufacturing Corp., Inc., New York, N.Y. During the investigation it was determined that Emenee Manufacturing Corp. is located in Catawissa, Pa.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59132). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Emenee Manufacturing Corp., Eagle Bros., Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of misses', women's and children's blouses and shirts increased in 1975 to 26,113 thousand dozen, increased in 1976 to 30,273 thousand dozen and increased to 24,036 thousand dozen in the first 9 months of 1977 compared to 24,016 thousand dozen during the same period of 1976.

The ratio of imports of misses', women's and children's blouses and shirts to domestic production in-

creased in 1975 to 70.4 percent and increased in 1976 to 74.8 percent.

Imports of ladies' shirts and blouses have captured an increasing share of the domestic market, as evidenced by the significant import/domestic production and consumption ratios. For women's, misses' and children's blouses and shirts, imports as of 1976 constituted approximately 1 out of every 2 shirts sold in the U.S. A survey of major retail clothing stores (customers of apparel manufacturers) was conducted in June and July 1977. The survey revealed that, in general, retail establishments were substituting purchases of ladies' shirts manufactured offshore in place of domestically manufactured shirts. Imported shirts and blouses have gained increasing popularity with consumers due to price and quality competitiveness.

Sales declined in the first 9 months of 1977 compared to the same period of 1976. The Department's survey of customers of Eagle Bros., Inc., the selling agent for Emenee Manufacturing Corp., revealed that purchases of women's blouses and shirts from Eagle Bros. have decreased while purchases of imports have increased.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with women's blouses and shirts produced at Emenee Manufacturing Corp., Catawissa, Pa., contributed importantly to the decline in sales or production and to the total or partial separations of the workers at the firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Emenee Manufacturing Corp., Catawissa, Pa., who became totally or partially separated from employment on or after October 6, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6380 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2521]

F. M. WEAVER & CO., INC., LANSDALE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2521: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 27, 1977, in response to a worker petition received on October 25, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated structural steel at F. M. Weaver & Co., Inc., Lansdale, Pa.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59132). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of F. M. Weaver & Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

that increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

Weaver's business in 1976 and 1977 declined as a result of potential customers using other domestic firms. Weaver submits a competitive bid for each project that it might want to work on. None of the awarded contracts went to foreign firms. All of the contracts were awarded to other domestic companies.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with fabricated structural steel produced by F. M. Weaver & Co., Inc., Lansdale, Pa. have not contributed importantly to declines in sales and production or to the total or partial separations of workers at that plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6245 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2312]

GRANDOE CORP., GLOVERSVILLE, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2312: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 31, 1977, in response to a worker petition received on August 30, 1977, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing dress and ski gloves at the Bleecker Street production facility of the Grandoe Corp. Gloversville, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47271). No public hearing was requested and none was held.

On July 6, 1976, the Department issued a notice of negative determination for all workers at the Grandoe Corp., Gloversville, N.Y.

The information upon which the determination was made was obtained principally from the Grandoe Corp., the Amalgamated Clothing and Textile Workers Union, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of dress gloves and mittens increased 27.7 percent from 4,674,000 dozens pairs in 1975 to 5,970,000 dozen pairs in 1976. Imports of dress gloves and mittens increased 16.3 percent from 2,354,000 dozen pairs in the first two quarters of 1976 to 2,738,000 dozen pairs in the first two quarters of 1977. The ratio of imports to domestic production increased from 257.1 percent in 1975 to 285.5 percent in 1976.

The value of imports of ski gloves and mittens increased 94 percent from 9.27 millions of dollars in 1975 to 17.98 millions of dollars in 1976. The value of imports increased 66.8 percent from 5.73 millions of dollars in the first two quarters of 1976 to 9.56 millions of dollars in the first two quarters of 1977. The ratio of imports to domestic production increased from 272.6 percent in 1975 to 423.1 percent in 1976.

Total imports of dress and ski gloves by the Grandoe Corp. increased 19.8 percent in value from 1975 to 1976 and increased 33.5 percent in value in the first two quarters of 1977 compared to the same period in 1976. The ratio of the value of company imports to company sales increased from 62 percent in 1975 to 65 percent in 1976 and to 70 percent in the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with dress and ski gloves produced at the Bleecker Street production facility of the Grandoe Corp. in Gloversville, N.Y. contributed importantly to the total or partial separation of the workers and to the decrease in production at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly and piece rate employees at the Bleecker Street production facility of the Grandoe Corporation in Gloversville, New York, who became totally or partially separated on or after December 18, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6246 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2558]

GREAT WESTERN STEEL CO., YOUNGSTOWN DIVISION, NORTH JACKSON, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 233 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2558: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1977, in response to a worker petition received on October 28, 1977, which was filed on behalf of workers and former workers involved in employment related to the processing, warehousing, and sale of hot and cold rolled sheet and strip and galvanized sheet and strip steel at the Youngstown Division of the Great Western Steel Co., North Jackson, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Great Western Steel Co., its customers, the Youngstown Sheet and Tube Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of hot and cold rolled steel sheet and strip decreased from 5,573.4 thousand tons in 1972 to 4,481.5 thousand tons in 1973, decreased to 4,391.9 thousand tons in 1974, decreased again to 3,620.0 thousand tons in 1975, and then increased 11.9 percent to 4,052.2 thousand tons in 1976. The ratios of imports to domestic shipments and consumption declined from 14.5 percent and 12.8 percent, respectively, in 1975 to 11.8 percent and 10.7 percent, respectively, in 1976. Imports increased 46.2 percent in the first nine months of 1977 compared to the first nine months of 1976. The ratios of imports to domestic shipments and consumption increased from 10.3 percent and 9.5 percent, respectively, in the first nine months of 1976 to 16 percent and 13.8 percent, respectively, in the first nine months of 1977.

CONTRIBUTED IMPORTANTLY

Great Western Steel Co. is a wholly-owned subsidiary of the Lykes Corp. Similarly, Youngstown Sheet and Tube Co. is a wholly-owned subsidiary of Lykes. The Youngstown Division of the Great Western Steel Co. operates within Lykes' Basic Steel Group and received approximately 98 percent of its steel requirements from the Youngstown, Ohio plant of the Youngstown Sheet and Tube Co. The shutdown of flat rolled steel production operations at the Youngstown, Ohio plant of Youngstown Sheet and Tube eliminated Great Western/Youngstown's source of supply and resulted in sales and employment declines at Great Western/Youngstown. The Department has previously determined that increased import competition contributed importantly to the shutdown of flat rolled steel production operations at the Youngstown, Ohio plant of Youngstown Sheet and Tube Co. (see TA-W-1464). The Youngstown, Ohio plant of the Youngstown Sheet and Tube Co. and Great Western/Youngstown sell to many of the same customers. The customer survey conducted in conjunction with TA-W-1464 revealed that imports are an important factor in the domestic market as evidenced by customer awareness of the availability and prices of foreign steel products and the fact that some major customers reduced purchases from Youngstown Sheet and Tube and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with hot and cold rolled sheet and strip steel processed and warehoused by the Youngstown Division of the Great Western Steel Co. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Youngstown Division of the Great Western Steel Company, North Jackson, Ohio, who became totally or partially separated from employment on or after June 30, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6247 Filed 3-9-78; 8:45 am]

[4510-28]

INVESTIGATION REGARDING CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE; CORRECTION

In FEDERAL REGISTER Doc. 78-5092 appearing on page 8209 in the FEDERAL REGISTER of February 28, 1978, the following petitioner (TA-W-3,131) Erie Mining Co., Taconite Harbor, Minn., in the Appendix is corrected to read as follows: "State of Minnesota, Department of Natural Resources, Division of Minerals, Erie Mining Company, Taconite Plant, Hoyt Lakes, Minnesota".

Signed at Washington, D.C., this 3rd day of March 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-6378 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2225]

NL INDUSTRIES, INC., DOEHLER JARVIS CASTINGS DIVISION, BATAVIA, N.Y.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2225: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 25, 1977, in response to a worker petition received on July 22, 1977, which was filed by United Auto Workers on behalf of workers and former workers producing aluminum and

magnesium die castings at the Batavia, N.Y. plant of NL Industries, Inc., Doehler Jarvis Castings Division.

The notice of investigation was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40286). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of NL Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers producing magnesium die castings without regards to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with those produced at the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Imports of magnesium die castings increased from 5,000 pounds in 1975 to 34,000 pounds in 1976, an increase of 580 percent. Imports decreased from 33,000 pounds in the first seven months of 1976 to 26,000 pounds in the first seven months of 1977, a decrease of 21.2 percent. The imports to domestic production ratio increased from 0.03 percent in 1975 to 0.26 percent in 1976. The ratio decreased from 0.43 percent in the first seven months of 1976 to 0.25 percent for the first seven months of 1977.

The imports to domestic production ratio for magnesium die castings never was above 0.50 percent for the period 1972 through the first seven months of 1977.

None of the customers of the Batavia plant surveyed decreased purchases of magnesium die castings and increased purchases of imports.

With respect to workers producing aluminum die castings, all of the group eligibility requirements of section 222 of the Act have been met.

Imports of aluminum die castings increased 28.8 percent from 27.8 million pounds in 1975 to 35.8 million tons in 1976. Imports increased 31.1 percent from 19.6 million tons in the first seven months of 1976 to 25.7 million tons in the first seven months of 1977.

The imports to domestic production ratio declined from 8.5 percent in 1975 to 8.4 percent in 1976. The ratio increased to 9.3 percent in the first seven months of 1977 compared to 7.7 percent for the same period in 1976.

The Department's investigation revealed that major customers of the Batavia plant increased purchases of imported aluminum die castings in the first three quarters of 1977 when compared to the same period in 1976, while decreasing purchases from the Batavia plant during that period.

Prior to the phasing out of the aluminum die casting operation at the Batavia, N.Y. plant in July 1977, approximately 50 percent of the production was aluminum and 50 percent was in magnesium.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with aluminum die castings produced at the Batavia, N.Y. plant of NL Industries, Inc., contributed importantly to the total or partial separations of the workers and to the decrease in sales or production of aluminum die castings at that plant prior to the termination of such production in July 1977. In accordance with the provisions of the Act, I make the following certification:

All workers of NL Industries, Incorporated, Doehler Jarvis Castings Division, Batavia, New York, engaged in employment related to the production of aluminum die castings, who became totally or partially separated from employment on or after January 10, 1977, and before July 31, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after July 31, 1977 are denied eligibility.

I further conclude that workers engaged in employment related to the production of magnesium die castings are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6248 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2339]

NORRWOCK SHOE CO., DIVISION OF SCOA, INDUSTRIES, SKOWHEGAN; NORRIDGEWOCK; NORTH JAY; AND CALAIS, MAINE

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2339: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 13, 1977, in response to a worker petition received on September 7, 1977, which was filed on behalf of workers and former workers producing men's, women's, and children's shoes at Plant No. 11, Norrwock Shoe Co., Skowhegan, Maine. The investigation was expanded to include of the Norrwock Shoe Co., Plant No. 6 and Plant No. 12, Skowhegan, Maine; Plant No. 1 Norridgewock, Maine; Plant No. 3 North Jay, Maine; and Plant No. 20, Calais, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Norrwock Shoe Co., its customers, the U.S. Department of commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to workers employed at Plant No. 1, Norridgewock, Maine; Plant No. 12, Skowhegan, Maine; and Plant No. 20, Calais, Maine, without regard to whether any of the other criteria have been met, the following criterion has not been met.

the a significant number or proportion of the workers in the firm, or an appropriate subdivision thereof, have became totally or partially separated, or are threatened to become totally or partially separated;

The Department's investigation revealed that the average number of production workers at Plant No. 20 and Plant No. 12 increased in 1977 compared to 1976. The average number of production workers at Plant No. 1, while decreasing in the first quarter of 1977, increased in three consecutive quarters in the second, third, and fourth quarters of 1977. Increased employment at Plants No. 1, 12, and 20 resulted from a consolidation of operations from Plants No. 3, 6, and 11 which closed during 1977.

With respect to workers employed at Plant No. 11, Skowhegan, Maine; Plant No. 6, Skowhegan, Maine; and Plant No. 3, North Jay, Maine, all of the group eligibility requirements of section 222 of the Act have been met.

Imports of women's and misses' nonrubber footwear increased annually from 187.6 million pairs in 1974 to 195.5 million pairs in 1976. Imports decreased from 110.4 million pairs in the first six months of 1976 to 92.6 million pairs in 1977. Imports relative to domestic production increased from 102.6 percent in 1974 to 114.1 percent in 1975 and then declined to 112.6 percent in 1976. Imports relative to production increased from 101.7 percent in the first six months of 1976 to 119.6 percent in the first six months of 1977.

Imports of men's dress and casual footwear increased annually from 44.3 million pairs in 1974 to 58.7 million pairs in 1976. Imports declined from 30.1 million pairs in the first six months of 1976 to 30 million pairs in the first six months of 1977. Imports relative to domestic production increased annually from 53.5 percent in 1974 to 70.4 percent in 1976. Imports relative to production increased from 66 percent in the first six months of 1976 to 73.9 percent in the first six months of 1977.

Imports of children's nonrubber footwear decreased from 12.2 million pairs in 1974 to 11.1 million pairs in 1975 and then increased to 15.8 million pairs in 1976. Imports relative to domestic production increased annually from 59.2 percent in 1974 to 75.2 percent in 1976, and increased from 73.3 percent in the first six months of 1976 to 101.2 percent in the first six months of 1977.

After considering the various factors affecting the domestic footwear industry, the U.S. International Trade Commission concluded that certain footwear articles including men's, women's, and children's nonrubber footwear are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles. A presidential directive, issued April 16, 1976, orders that trade adjustment assistance be expedited to impacted workers, firms, and communities.

A survey of customers of Norrwock Shoe indicated they increased purchases of imports while decreasing purchases from Norrwock Shoe.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's, women's, and children's shoes produced at Plant No. 11, Skowhegan, Maine; Plant No. 6, Skowhegan, Maine; and Plant No. 3, North Jay, Maine of the Norrwock Shoe Co. contributed importantly to the total or partial separations of workers at those plants. In accordance with the provisions of the Act, I make the following certification:

All workers at Plant No. 11, Skowhegan, Maine of the Norrwock Shoe Company who became totally or partially separated from employment on or after April 9, 1977; all workers at Plant No. 6, Skowhegan, Maine of the Norrwock Shoe Company who became totally or partially separated from employment on or after September 1, 1976; and all workers at Plant No. 3, North Jay, Maine of the Norrwock Shoe Company who became totally or partially separated from employment on or after July 16, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that workers employed at Plant No. 1, Norridgewock, Maine; Plant No. 12, Skowhegan, Maine; and Plant No. 20, Calais, Maine are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 28th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6249 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2422]

PHELPS DODGE CORP.

Notice of Negative Determination Regarding Application for Reconsideration

On January 30, 1978, a worker of the Phelps Dodge Corp.'s facility at Bisbee requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on January 20, 1978, (43 FR 2949).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears, on the basis of facts not previously considered, that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The worker raised a number of points, which he felt warranted a reversal by the Department of its decision. Two of these concerned his belief and the reported belief of personnel of the company that the price of copper had negative impact on operations at the facility. Another was that there have been recent reductions in the afternoon shift. Finally, the worker maintained that the increase in production at the facility was caused by the leaching action due to flooding rains and that there had been no layoffs during the period of the copper strike in 1977.

The Department does not consider that the application introduces new material of substance that would indicate a reversal of its original denial. In its investigation, the Department found that unemployment at Bisbee was caused by the conclusion of salvage operations related to the closing of the two exhausted copper mines and the concentrator by 1975.

Foreign price decline is not a factor in this case as in other copper cases because the cost of production of the leaching and precipitating process in the open is less expensive than the usual concentrating process, and despite the decline in the world price of copper, the Bisbee facility could still maintain competitive operations.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 2nd day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6381 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2402]

PHILLIP'S SPORTSWEAR, INC., EAST BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2402: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 29, 1977, in response to a worker petition received on September 26, 1977, which was filed by workers and former workers producing women's sport coats at the East Boston, Mass., plant of Phillip's Sportswear, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55314). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Phillip's Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become

totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of workers engaged in employment related to the production of women's sport coats increased in 1976 compared to 1975 and increased in the period January through September 1977, compared to the same period in 1976. Employment increased in the fourth quarter of 1976 and each of the first three quarters of 1977 compared to the same quarters in the previous year.

The management of Phillip's Sportswear indicated that they had no plans to lay off any workers or reduce their hours of work. Therefore, no threat of total or partial separations is evident.

CONCLUSION

After careful review, I conclude that all workers at Phillip's Sportswear, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6250 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2548]

PUBLIX SHIRT CO., HAZLETON, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2548: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 1, 1977, in response to a worker petition received on October 20, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirts at the Hazleton, Pa. plant of the Publix Shirt Co.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Publix Shirt Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's and boys' dress shirts increased from 30,800,000 in 1975 to 64,283,000 in 1976. Imports increased from 46,238,000 in the first nine months of 1976 to 48,918,000 in the first nine months of 1977. The ratio of imports to domestic production increased from 36.2 percent in 1975 to 67.1 percent in 1976.

Customers representing a substantial proportion of the Publix Shirt Co.'s production increased purchases of imported dress shirts directly and from domestic sources supplying imported shirts while reducing purchases from Publix Shirt in the first nine months of 1977 compared to the same period in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Publix Shirt Co., Hazleton, Pa. plant contributed importantly to the decline in sales or production and to the total or partial separations of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Publix Shirt Company, Hazleton, Pennsylvania plant who became totally or partially separated from employment on or after October 12, 1976, are eligible to aply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6251 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2549]

PUBLIX SHIRT CO., MYERSTOWN, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2549: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 1, 1977, in response to a worker petition received on October 20, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirt at the Myerstown, Pa. plant of the Publix Shirt Co.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Publix Shirt Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boys' dress shirts increased form 30,800,000 in 1975 to 64,283,000 in 1976. Imports increased from 46,238,000 in the first nine months of 1976 to 48,918,000 in the first nine months of 1977. The ratio of imports to domestic production increased from 36.2 percent in 1975 to 67.1 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers representing a substantial proportion of the Publix Shirt Co.'s production increased purchases of imported dress shirts directly and from domestic sources supplying imported shirts while reducing purchases from Publix Shirt in the first nine months of 1977 compared to the same period in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Publix Shirt Co., Myerstown, Pa. plant contributed importantly to the decline in sales or production and to the total or partial separations of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workes at the Publix Shirt Company, Myerstown, Pennsylvania plant, with the exception of the Engineering and Design Division, who became totally or partially separated from employment on or after October 12, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February, 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6252 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2303]

STRIDE RITE MANUFACTURING CORP., BOSTON, MASS.

Certification Regarding Eligibility To Apply Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2303: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 29, 1977, in response to a worker petition received on August 24, 1977, which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing infants', babies', and children's footwear at the Boston, Mass. plant of the Stride Rite Manufacturing Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stride Rite Manufacturing Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of infants' and babies' nonrubber footwear declined annually from 1972 through 1974 and increased yearly from 1974 through 1976. Imports increased from 6.9 million pairs in 1975 to 10.7 million pairs in 1976 and increased from 7.9 million pairs in January-September 1976 to 8.2 million pairs in January-September 1977. The ratio of imports to domestic production increased from 28.5 percent in 1975 to 43 percent in 1976 and increased from 40.5 percent in January-September 1976 to 53.6 percent in January-September 1977.

Imports of children's nonrubber footwear, excluding athletic shoes, declined yearly from 1972 through 1975. Imports increased from 11.1 million parirs in 1975 to 15.8 million pairs in 1976 and decreased from 12.5 million pairs in January-September 1976 to 11.4 million pairs in January-September 1977. The ratio of imports to domestic production increased from 60 percent in 1975 to 75.2 percent in 1976 and increased from 74.4 percent in January-September 1976 to 94.2 percent in January-September 1977.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they increased purchases of imported children's, infants', and babies' footwear either absolutely or relative to their purchases from the Stride Rite Manufacturing Corp.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with infants', babies', and children's footwear produced at the Boston, Mass. plant of the Stride Rite Manufacturing Corp. contributed importantly to the decline in production and to the total or partial separations of workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Boston, Massachusetts plant of the Stride Rite Manufacturing Corporation who became totally or partially separated from employment on or after August 22, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6253 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2596]

SYNTEX FABRICS, INC., WILLIAMSPORT, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2596: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 10, 1977 in response to a worker petition received on November 4, 1977 which was filed by the Amalgamated Clothing and Textile Workers Union of America on behalf of workers and former workers producing broadwoven fabric (greige goods) at Syntex Fabrics, Inc., Williamsport, Pa.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Syntex Fabrics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Inasmuch as all types of unfinished fabric, greige goods, are generally interchangeable and substitutable in their end uses, all types of unfinished fabric must be considered like or directly competitive with the fabric produced at Syntex Fabrics, Inc., Williamsport, Pa. Depending on the blend of fabrics used, all types of greige cloth could be used in the production of men's and women's apparel and home furnishings.

Aggregate imports of unfinished fabric, which includes polyester, acetate, rayon, nylon, and cotton greige, rose from 608 million square yards in 1975 to 1,002.7 million square yards in 1976, an increase of 64.9 percent. Imports decreased from 878.3 million square yards in the first three quarters of 1976 to 585.1 million square yards in the first three quarters of 1977, a decrease of 33.4 percent. The imports to domestic production ratio for all greige goods increased from 5.5 percent in 1975 to 8.2 percent in 1976 and then decreased from 5.9 percent in the first half of 1976 to 4 percent in the first half of 1977.

None of the customers of Syntex Fabrics, Inc., that were surveyed during the course of the investigation purchased imported greige goods in 1975, 1976, or the first nine months of 1977.

CONCLUSION

After careful review I conclude that all workers at Syntex Fabrics, Inc., Williamsport, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6254 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2657]

TALLASSEE MILLS, TALLASSEE, ALA., DIVISION OF MOUNT VERNON MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2657: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977, in response to a worker petition received on that date, which was filed on behalf of workers and former workers producing industrial fabrics, home furnishings, bottom-weight apparel, and print cloth fabrics at Tallassee Mills, Tallassee, Ala., a division of Mount Vernon Mills, Inc. The petition was filed on behalf of workers in Unit Two, Unit Three, and the staff employees at Tallassee Mills.

The Department's investigation revealed that Unit Two produces bottom-weight fabric and light-weight industrial fabric. Unit Three produces heavy-weight industrial fabric. The investigation was expanded to include Unit One of Tallassee Mills, which produces print cloth.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Tallassee Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of gray woven cotton fabric, excluding industrial cotton fabric declined in 1975 to 367 million square yards, increased 67 percent, to 613 million square yards in 1976, and declined to 321 million square yards in the first nine months of 1977 compared to 517 million square yards in the like period of 1976. The ratio of imports to domestic production increased from 9.5 percent in 1975 to 15.1 percent in 1976.

Imports of gray woven acetate, rayon, polyester, and nylon fabric declined to 38 million square yards in 1975, increased 52 percent, to 57.7 million square yards in 1976, and increased to 43.3 million square yards in the first nine months of 1977 compared to 40.8 million square yards in the like period of 1976. The ratio of imports to domestic production increased from 0.63 percent in 1975 to 0.84 percent in 1976.

Imports of gray woven industrial cotton fabric (including bottom-weight fabric) declined to 203 million square yards in 1975, increased 64 percent to 332 million square yards in 1976, and declined to 158 million square yards in the first nine months of 1977 compared to 266 million square yards in the like period of 1976. The ratio of imports to domestic production increased from 15.9 percent in 1975 to 25 percent in 1976.

Customers who were surveyed reduced purchases of gray fabric, of bottom-weight fabric and of industrial weight from Tallassee Mills in 1976 and 1977 and increased purchases of imported fabric.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with gray fabric, industrial weight fabric, and bottom weight fabric produced at Tallassee Mills, Tallassee, Ala., division of Mount Vernon Mills, Inc., contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Tallassee Mills, Tallassee, Alabama who became totally or partially separated from employment on or after November 9, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-6255 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2379]

TRIO DYEING AND FINISHING CO., INC., PATERSON, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2379: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1977, in response to a worker petition received on September 22, 1977, which was filed on behalf of workers and former workers producing dyed and finished fabric at Trio Dyeing and Finishing Co., Inc., Paterson, N.J.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Trio Dyeing and Finishing Co., Inc., its customers, the American Textile Manufacturers Institute, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

that sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that Trio's sales of dyed and finished fabric increased 29 percent in quantity in 1976 compared to 1975, then increased 6 percent in the January–October period of 1977 compared to the like period in 1976.

Trio is a commission dyeing and finishing company. As such, its production is equal to its sales.

CONCLUSION

After careful review, I conclude that all workers at Trio Dyeing and Finishing Co., Inc., Paterson, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-6256 Filed 3-9-78; 8:45 am]

[4510-28]

[TA-W-2597]

UNIROYAL, INC., THOMSON, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2597: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 10, 1977, in response to a

worker petition received on November 4, 1977, which was filed on behalf of workers and former workers producing rubber/canvas footwear at the Thomson, Ga. plant of Uniroyal, Inc.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Uniroyal, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of rubber/canvas footwear increased to 31.9 million pairs in 1976 compared to 23.6 million pairs in 1975. The ratio of imports to domestic production increased to 26.6 percent in 1976 compared to 17.6 percent in 1975, and to 29.2 percent in the first nine months of 1977 compared to 23.3 percent in the same period of 1976.

After a six months investigation under section 201 of the Trade Act of 1974, the U.S. International Trade Commission issued a positive finding of import inquiry. A Presidential directive, issued April 15, 1976, ordered that trade adjustment assistance be expedited to impacted workers, firms and communities.

Customers of Uniroyal, Inc. who were surveyed indicated that several customers decreased purchases of rubber/canvas footwear from Uniroyal and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with the rubber/canvas footwear produced at the Thomson, Ga. plant of Uniroyal, Inc. contributed importantly to the decline in production and to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Thomson, Georgia plant of Uniroyal, Incorporated who became totally or partially separated from employment on or after October 7, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-6257 Filed 3-9-78; 8:45 am]

[4510-23]

Office of the Secretary

ADVISORY COMMITTEE TO REVIEW MINE HEALTH AND SAFETY TRAINING PROGRAM REGULATIONS

Meeting

Pursuant to sections 101(a) and 102(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. No. 91-173, as amended by Pub. L. No. 95-164, notice is hereby given that the Advisory Committee to Review Mine Health and Safety Training Program Regulations will meet for approximately one week beginning Tuesday, March 28, 1978. The meeting will begin at 1:30 p.m. on Tuesday, March 28, 1978, and continue through Friday, March 31, 1978, if necessary. The meetings will be held at Room 909, 200 North Glebe Road, Arlington, Va. 22203.

The committee is established pursuant to statute to review recommendations to the Secretary of Labor regarding draft rules for health and safety training programs under section 115(a) of the Federal Mine Safety and Health Act of 1977, and to recommend to the Secretary of Labor which of those draft rules, or any modifications thereof, should be proposed and promulgated as regulations.

The meeting of the advisory committee is open to the public and approximately 100 seats will be available on a first-come, first-served basis. Any member of the public may file a written statement with the advisory committee before and during the public meeting. If deemed appropriate by the chairperson, members of the public may be permitted to present oral statements at the meeting.

Copies of the committee agenda including the draft training regulations are available to the public at the office of John C. English, Acting Assistant Administrator, Education and Training, Room 516, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, telephone 703-235-1515. All written statements, comments and inquiries should be addressed to Mr. English at the above address.

Dated: March 7, 1978.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-6382 Filed 3-9-78; 8:45 am]

[4510-30]

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, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act required the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilites in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing

within two week of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St. NW, Washington, D.C. 20213

Signed at Washington, D.C., this 6th day of March 1978.

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

APPLICATIONS RECEIVED DURING THE WEEK ENDING MARCH 3, 1978

Name of applicant and location of enterprise; principal product or activity.

The Mary Rutan Hospital of Logan County, Bellefontaine, Ohio; general hospital.
Agri-Foods Inc., Hawk Point, Mo.; marketing of eggs.
Lee and George-Ann Atchison, Farmington, N. Mex.; sales of concrete and related products.
Zero Construction Corp., Humacao, Puerto Rico; various retail stores.
Peter Thomas Trenchard, Sturgeon Bay, Wis.; golf course and bar and food services.
Leo's Super Valu, Inc., Oakes, N. Dak., retail grocery store.
Gregory David & Roberta Ann Rue, Jefferson, Wis.; bowling, liquor sales, and short orders.

[FR Doc. 78-6263 Filed 3-9-78; 8:45 am]

[4510-30]

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, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate, or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilties to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within 2 weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 27th day of February 1978.

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

Applications received during the week ending Feb. 24, 1978

Name of applicant and location of enterprise	Principal product or activity
Lanier Food Systems, Inc., Cumming, Ga.	Retail sale of prepared food and drinks.
Alexvale Furniture, Inc., Taylorsville, NC.	Manufacture of upholstered living room furniture.

Applications received during the week ending Feb. 24, 1978—Continued

Name of applicant and location of enterprise	Principal product or activity
Rowan Business Forms, Inc., Salisbury, NC.	Manufacture of business forms and commercial printing.
Sanford Food System, Inc., Sanford, NC.	Steak restaurant.
Thomas A. Pierce, Raleigh, NC.	Manufacture of farm machinery and equipment.
Maxon Industries, Inc., Walton, Ga.	Manufacture of hydraulic lift gates and air compactors.
Cutler-Federal, Inc., Highland City, Fla.	Manufacture of mail chutes, mail boxes, locking devices, pneumatic tubes, and miscellaneous building materials
Cracker Barrel Old Country Store, Inc., Lebanon, Tenn.	Restaurants, gift shops, and filling stations in 15 southern locations.
CBS Homes, Inc., La Crescent, Minn.	Component home manufacturer.
Ava, Inc., Ava and Logan, Ohio.	Manufacture of glazed floor tile.
Cline Lumber Co., Inc., Haydenville, Ohio.	Wholesale and retailing building materials.
MEM, Inc., Rochester, Ind.....	Motel.
Prestress Services, Inc., Decatur, Ind.	Design, manufacture, and installation of prestressed concrete bridge beams and building products.
John Wiesner, Inc., Conroe, Tex.	Automobile dealership.
Hills Valley Foods, Inc., Batesville, Ark.	Manufacture of Cheese and whey products.
The Inn, Gallup, N. Mex	Motel and restaurant.
William M. Gibbons, trustee of the property of Chicago, Rock Island & Pacific Railroad Co., El Reno, Okla.	Repair, strip, and paint freight cars.
John Herman Focke, III, M.D., Mexia, Tex.	Medical and surgical care facility.
Den Hartog Bros. Meats, Inc., and Quality Protein, Inc., Eddyville, Iowa.	Slaughter and processing meat for retail.
Forx Con-Pro, Grand Forks, N. Dak.	Concrete work.
Amigo Roof Tile Manufacturing Co., Weld County, Colo.	Manufacture cement roof tile.
Annie Laurie Mining Ventures, Ltd., Piute and Sevier Counties, Utah.	Production of gold and silver bullion.
Thompson's Bakery & Cafe, Cavalier, N. Dak.	Restaurant.
Quality Mushroom Inc., Utah County, Utah.	Mushroom farm.
Reservation Ranch, Redding, Calif.	Manufacture of green veneer.
Reservation Ranch, Smith River, Calif.	Motel, restaurant, and bar.
Kenault Inc., Honolulu, Hawaii.	Dry storage distribution center.
Birdello/Dolores Freestone, Petaluma, Calif.	Wholesale/retail sales of domestic and imported birds, feed, cages, et cetera.
Kodiak Island Seafoods, Inc., Larsen Bay, Alaska.	Seafood processing facility.
Empire Building Supply, Inc., Klamath Falls, Oreg.	Retail of hardware and lumber

[FR Doc. 78-6266 Filed 3-9-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

[V-77-4; V-77-14]

MINNESOTA MINING & MANUFACTURING CO.

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

ACTION: Grant of variance.

SUMMARY: This notice announces the grant of a variance to Minnesota Mining & Manufacturing Co., from the standards prescribed in 29 CFR 1910.106(d)(5)(vi)(*b*) concerning storage of flammable and combustible liquids.

DATE: The effective date of the variance is March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room N-3668, Washington, D.C. 20210, telephone 202-523-7121; or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, 1961 Stout Street, Denver, Co. 80294.

U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building, Room 408, 300 North Dakota Avenue, Sioux Falls, S.D. 57102.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 1150 Grand Avenue, 6th Floor, 12 Grand Building, Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Tx. 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, American Bank Tower, Suite 310, 221 West 6th Street, Austin, Tx. 78701.

I. Background

Minnesota Mining & Manufacturing Co., Medical Products Division, Brookings Plant, Brookings, S.D. 57006, made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.106(d)(5)(vi)(*b*). The standard limits the height and gallonage of flammable and combustible liquids stored in warehouses to that permitted in Table H-14. The affected facilities, as requested in two separate variance applications, are:

3M Co., Medical Products Division, Brookings Plant, Brookings, S. D. 57006.
3M Co., Decorative Products Division, P.O. Box 327, Nevada, Mo. 64772.
3M Co., Decorative Products Division, P.O. Box 1669, Brownwood, Tx. 76801.

Notices of the applications, and of the granting of interim orders, were published in the FEDERAL REGISTER on March 1, 1977 (42 FR 11920) and on November 1, 1977 (42 FR 57182). The notices invited interested persons, including affected employers and employees to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. Facts

The applicant uses various flammable and combustible liquids in its manufacturing processes. These liquids include methyl ethyl ketone, acetone, methanol, isopropyl alcohol, hexane, heptane, and xylene. The liquids are stored in 55 gallon drums or portable tanks in warehouse areas and are transported to the mixing or compounding area by forklift truck as needed.

Section 1910.106(d)(5)(vi)(*b*) sets maximum limits on the number of gallons stored per pile and the height of each pile. In addition, it requires that no container be more than 12 feet from an aisle, that main aisles be at least 8 ft. wide, that side aisles be 4 ft. wide, and that there shall be at least 4 ft. between piles.

The applicant proposes to stack the pallets containing the drums or tanks on racks of shelves rather than directly on top of each other as is done in the piles. This would provide greater stability and would eliminate the danger of piled drums falling. In addition, it would provide greater safety because the weight of each pallet of drums rests on the rack rather than on the drums below it. Each pallet of drums would be adjacent to an aisle rather than up to 12 feet from the aisle as permitted by the standard.

Using rack storage, as described, the applicant proposes to stack its drums and portable tanks of flammable and combustible liquids with the following height limitations rather than those required by the standard:

The total quantity of liquids within a building shall not be restricted but the arrangement of racked storage shall comply with the following table*:

Class	Type rack	Storage	Maximum storage height containers	Maximum storage height portable tanks
IA	Double or single	Ground	Not permitted.	25'
		Upper	Do.	15'
IB and IC	do	Ground	15'	25'
		Upper	15'	15"
II	do	Ground	15'	25'
		Upper	15'	25'
		Basement	15'	15'
III	Multi double/ single.	Ground	15'	40'
		Upper	15'	20'
		Basement	15'	20

*Aisles between racks shall be a minimum of 4 feet wide. Cross aisle requirements shall be in accordance with the Life Safety Code (NFPA 101-1976) for means of egress.

The applicant had originally stated that at the Brookings, S. Dak. facility only about one employee-hour per shift was spent in the warehouse with usually only one employee involved, but occasionally two or three.

At the time the applicant amended its application to include other worksites, it stated that the one employee-hour per shift may not necessarily

apply to all its warehouses. Employee occupancy would, however, be kept to a minimum with the warehouses identified as restricted areas and access limited to authorized personnel only.

Employee evacuation time in the warehouses is minimal, ranging from about 5 to about 20 seconds. The employees are instructed in the procedures to follow in the event of a spill or drum rupture. In the event of a fire, the employees are instructed to evacuate immediately. At the Brookings facility they would sound an alarm to call the trained plant emergency squad and the local fire department.

This procedure may vary somewhat at other warehouses depending on the local situations. In all cases the employees would evacuate immediately in the event of a fire.

The Brookings warehouse is protected by an overhead sprinkler system fusible at 286° F and an in-rack system fusible at 165° F. The fire alarm system is a pre-action type and is actuated by either a rate of rise, pneumatic detector or manual actuation at an alarm box. Actuation of the detector or manual pull causes water to enter the sprinkler system, actuating a water flow alarm which sounds locally and at the guard's desk and is transmitted to the local fire department.

The type of fire suppression system or alarm system would also vary from warehouse-to-warehouse depending on the local conditions.

III. Decisions

Section 29 CFR 1910.106(d)(5)(vi)(*b*) sets the height and gallonage limits for flammable and combustible liquids stored in warehouses to that permitted by Table H-14. This is intended to reduce the amount of fuel for a fire, to avoid damage to containers from excessive weight in piling them, and to avoid hazards associated with unstable piles. This standard addresses only liquids stored in piles, which are generally defined as containers or pallets of containers stacked directly on top of one another.

The applicant proposes to store its flammable and combustible liquids in 55 gallon drums on racks of shelves rather than directly on top of each other in piles. This provides much greater stability in that each shelf is independently supported. This is particularly true in the event of a fire when a burning pallet may collapse causing the drums to fall.

The employee time in the warehouse will be kept to a minimum, with the warehouses identified as restricted areas and access limited to authorized personnel only.

The applicant has described the type of fire suppression system which will be utilized at its Brookings warehouse. However, some of its warehouses are isolated and do not utilize employee fire brigades. In these situations the fire suppression system would only serve for property protection. The protection of employees would be served by a fire detection and audible alarm system with employees directed to evacuate the building immediately in the event of a fire and not to re-enter the area.

However, if an employee fire brigade were to be utilized, a fire suppression system serves to enhance the safety of the fire brigade members by helping to control the fire. An alternative to a fire suppression system would be the storage of a smaller amount of flammable and combustible liquids, as is recognized in Table H-14 of the standard. Therefore, the need for a fire suppression system and/or a limitation of the amount of flammable and combustible liquids stored is recognized for situations in which there would be continued employee involvement after a fire was detected.

Therefore it is determined that, with varying provisions for different situations, the applicant will be providing a place of employment as safe as that which would be obtained by complying with the standard.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8-76 (41 FR 25059), it is ordered that Minnesota mining and Manufacturing Co. be, and it is hereby, authorized to store flammable and combustible liquids on racks to the heights and under the conditions specified below:

1. The number of employees and employee-hours in the warehouses shall be kept to a minimum (approximately 1-2 employee-hours per shift), with signs posted to restrict access to the warehouses.
2. All warehouses shall be equipped with a fire detection and audible alarm system.
3. The height of rack storage shall be restricted to the storage heights listed in the chart above, if there is an employee fire brigade.
4. Employees shall immediately evacuate the warehouse in the event of a fire.
5. Any employees involved in fighting the fire shall be properly trained and shall be equipped with personal protective equipment proper to the type of fire fighting anticipated.
6. Racks shall be constructed so that each pallet of drums is adjacent to an aisle.
7. Aisles between racks shall be a minimum of four feet wide, and cross aisles shall be in accordance with the Life Safety Code (NFPA101-1976) requirements for means of egress.
8. If the warehouse is adjacent to areas or buildings normally occupied by employees, storage shall be protected by an in-rack sprinkler system in compliance with NFPA No. 13-1974. The actuation of this system shall activate a local fire alarm signal perceptible above ambient noise or light levels by all employees in the affected portion of the worksite.
9. When using an industrial power truck to remove pallets of drums from the racks, the load shall not be raised or lowered en route.
10. Other applicable standards, such as those in § 1910.178, shall be complied with.

As soon as possible Minnesota Mining and Manufacturing Co. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on March 10, 1978, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

(84 Stat. 1596; 29 U.S.C. 655; 29 CFR Part 1905.)

Signed at Washington, D.C. this 7th day of March, 1978.

Eula Bingham,
Assistant Secretary of Labor.

[FR Doc. 78-6377 Filed 3-9-78; 8:45 am]

[1505-01]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Approval

Correction

Note.—In FR Doc. 77-5430 appearing at page 62555 in the issue of Friday, December 13, 1977, several paragraphs were omitted. The document is being republished for the convenience of the reader.

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the Federal Register (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The Notice of Approval of Revised Developmental Schedule was further published on April 1, 1974 in the Federal Register.

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20

provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as" status of the State program, a program change supplement to a State plan shall be required.

In response to Federal standards changes, the State has submitted by letter dated September 12, 1977 from M. Keith Wilson to James W. Lake and incorporated as part of the plan, State standards comparable to 29 CFR 1910.268, Telecommunications, as published in the FEDERAL REGISTER (40 FR 13436) dated March 3, 1975.

These State standards, which are contained in OAR 437 Division 82, Telecommunications, were promulgated after public comment requested by mail to those on the Workers' Compensation Board mailing list established pursuant to OAR 436-90-505, and to those on the Board's distribution mailing list as their interest may appear, on May 19, 1977.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. The significant areas of difference are more stringent standards for cylinder movement, rubber glove and blanket tests, power pole testing, and manhole entry. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Wash. 98174; Workers' Compensation Board, Labor and Industries Building, Salem, Oreg. 97310; and the Technical Data Center, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation and notice would be repetitious.

This decision is effective December 17, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Wash., this eighteenth day of October, 1977.

JAMES W. LAKE,
Regional Administrator, OSHA.

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS ADVISORY PANEL

Amended Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the meeting of the Visual Arts Advisory Panel (Photography Exhibition Aid, Publications, Surveys) to the National Council on the Arts which was listed on page 7071 of Volume 43, Number 34, Friday, February 17, 1978, issue of the FEDERAL REGISTER is amended in the following way:

The meeting is now scheduled for March 9, 1978, from 9:30 a.m. to 5:30 p.m.; and March 10, 1978, from 9:30 a.m. to 5:30 p.m. in Room 1115 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: March 6, 1978.

JOHN H. CLARK,
Director, Office of Council & Panel Operations, National Endowment for the Arts.

[FR Doc. 78-6319 Filed 3-9-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 29 to Facility Operating License No. DPR-35, issued to Boston Edison Co. (the licensee), which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Mass. The amendment is effective as of its date of issuance, except that certain procedures will not be effective until 90 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application, as amended, for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 23, 1977, as amended by filing December 15, 1977, (2) Amendment No. 29 to License No. DPR-35, and (3) the Commission's related Safety Evaulation dated November 25, 1977 and letter to the licensee of the same date. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Mass. 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission's Public Document Room, 2055, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of March 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-6287 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Co. which revises Technical Specifications for operation of the Haddam Neck Plant located in Middlesex County, Conn. The amendment is effective as of the date of issuance.

The amendment incorporates changes to the Technical Specifications as follows: (a) Specification of maximum pressurizer heatup rate as 100°F/hr., (b) specification of the exact number of members for a quorum for the Connecticut Yankee Nuclear Review Board, (c) minor on site organization changes, (d) deletion of the requirement for an Annual Operating Report, (e) deletion of requirements for a respiratory protection program and (f) revision of the monitoring requirements for entry into high radiation areas.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 17, November 21, 28, and 30, 1977, (2) Amendment No. 25 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Conn. 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-6288 Filed 3-9-78; 8:45 am]

[7590-01]

COMSUMERS POWER CO., (MIDLAND PLANT, UNITS 1 AND 2)

[Docket Nos. 50-329A, 50-330A]

Order for Prehearing Conference and Evidentiary Hearing

MARCH 3, 1978.

The Appeal Board in its decision on review of the antitrust decision of the Licensing board in this proceeding (Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-452, 6 NRC ——), remanded this case to the trial Board for the formulation of "appropriate" license conditions required to eliminate the concerns entailed in the antitrust findings (Slip opinion, pp. 429, 432). On March 2, 1978, the Board held a conference with counsel for all parties to discuss the issues appropriate to be taken up at an evidentiary hearing, and to consider scheduling and other procedural subjects necessary for an expeditious hearing and disposition of the remanded matters.

The Board has concluded that in order to comply with order of remand, a prehearing conference should be held on April 13, 1978, and an evidentiary hearing should commence on May 8, 1978. Prior to the prehearing conference, and not later than April 7, 1978, the Board should have in hand a pretrial statement or brief from each party which should contain at least the following information:

1. A statement of the issues or contentions involved in the hearing and the parties' respective positions thereon.

2. Preliminary proposed license conditions deemed appropriate in accordance with the Appeal Board's opinion and findings.

3. Citations of relevant authority.

4. A list of witnesses who might be called by each party.

5. A brief summary of the testimony expected from each witness (no written direct testimony will be used at the hearing).

In addition, the parties are requested to have the following documents in the hands of the Board by the same date (April 7):

(a) Annual reports of Consumers not previously in evidence, including the most recent drafts.

(b) Form 1, FPC (now FERC).

(c) Form 10 K (SEC).

(d) Prospectuses of the last bond or stock issue of Consumers.

(e) The Dow exhibits described in ALAB-452, p. 431, footnote 736.

Accordingly, in order to dispose of the remanded issues and in accordance with the provisions of 10 CFR 2.104, 2.750, 2.752 and 2.757. please take notice that a prehearing conference will be held at 9:30 a.m., local time, on April 13, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

Please take further notice that an evidentiary hearing will be held at 9:30 a.m., local time, on May 8, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

Dated at Bethesda, Md., this 3rd day of March 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc. 78-6289 Filed 3-9-78; 8:45 am]

[7590-01]

FINAL LIQUID PATHWAY GENERIC STUDY

Availability

Notice is hereby given that the Final Liquid Pathway Generic Study (NUREG-0440) has been prepared by the Commission's Office of Nuclear Reactor Regulation.

The principal objective of the Study is to compare the relative risks associated with accidental releases to the liquid pathway from floating nuclear plants with those from land based plants at selected sites for a spectrum of potential accidents. It has been concluded that the risks associated with releases to the liquid pathway at floating nuclear plants are less than those at land based plants for the spectrum of design basis events and are greater than those at land based plants for events beyond the design basis.

The Draft Liquid Pathway Generic Study (NUREG—0140) was issued in September 1976, the availability of which was published in the FEDERAL REGISTER on October 18, 1976 (41 FR 45918).

The Final Study is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of NUREG-0440 may be purchased at the National Technical Information Service, Springfield, Va. (Printed Copy: $13.00; microfiche: $3.00).

Dated at Bethesda, Md., this 27th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-6285 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Co. which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, N.J. The amendment is effective 30 days after the date of issuance.

This amendment adds a license condition relating to the completion of facility modifications for fire protection. It also revises Technical Specifications to incorporate limiting conditions for operation and surveillance requirements for existing fire protection systems and administrative controls. Additional operating and surveillance requirements for the modifications being performed will be added to the Technical Specifications after the modifications are completed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 30, 1977, as supplemented by letters dated December 3, 1976, August 11, 1977 and October 3, 1977, (2) Amendment No. 29 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of March 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-6290 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER & LIGHT CO., PENNSYLVANIA ELECTRIC CO., THREE MILE ISLAND NUCLEAR STATION, UNIT 2

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment 1 to Facility Operating License No. DPR-73, issued to the Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., for operating of the Three Mile Island Nuclear Station, Unit 2 (the facility), located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

The license is amended by adding paragraph H to Attachment 2 to the Operating License DPR-73, which waives certain requirements of the Technical Specifications until initial criticality is achieved.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1953, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51(d)(4), an environmental statement or negative declaration and environmental impact appraisal need not be in prepared connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 1 to Facility Operating License No. DPR-73, and (2) the Commission's related safety evaluation supporting Amendment No. 1 to Facility Operating License No. DPR-73. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 3rd day of March 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc. 78-6291 Filed 3-9-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-245, 50-336]

NORTHEAST NUCLEAR ENERGY CO., CONNECTICUT LIGHT AND POWER CO., HARTFORD ELECTRIC LIGHT CO., AND WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Provisional Operating License No. DPR-21 and Amendment No. 35 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., the Connecticut Light and Power Co., the Hartford Electric Light Co. and Western Massachusetts Electric Co., which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the Town of Waterford, Conn. The amendments are effective as of their date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and

the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated May 11, 1977, as supplemented July 11 and December 15, 1977, (2) Amendments Nos. 44 and 35 to License Nos. DPR-21 and DPR-65 respectively, and (3) the Commission's related Safety Evaluation dated November 25, 1977. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of March 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-6292 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket No. 27-39]

NUCLEAR ENGINEERING CO., INC., (SHEFFIELD, ILL., LOW-LEVEL RADIOACTIVE WASTE DISPOSAL SITE)

Hearing on Application for Renewal and Amendment of Facility Operating License

On December 5, 1977, the Staff of the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 61522) a notice that the Commission had received an application for renewal and amendment of license No. 13-10042-01 from the Applicant Nuclear Engineering Co., Inc. (NECO). The proposed amendment is to expand its low-level radioactive waste burial site near Sheffield, Ill., from 20.45 acres to 188.45 acres.

The notice in the FEDERAL REGISTER also provided that the licensee (NECO) may, pursuant to 10 CFR 2.105, file a request for a hearing with respect to the license renewal and amendment requesting site expansion. It further provided that any person whose interest may be affected by this proceeding may file a petition for leave to intervene pursuant to 10 CFR 2.714.

Thereafter a number of petitions for leave to intervene were filed with the Commission and an Atomic Safety and Licensing Board was designated to rule on any such petition for leave to intervene and request for a hearing.

On March 1, 1978, that Board ruled that the petitions to intervene and request for hearing by the following were granted:[1]

1. State of Illinois 2. County of Bureau, Illinois 3. Fifteen (15) individuals, namely:

Edith Carlson
Ervin Flint
Stanley W. Gingrich
Edward J. Goetzman, M.D.
W. T. Good
Sam Hodgett
William J. Hollein
Harley Lorenson
Wilma Lorenson
David E. Moon
William A. Rosenow
The Reverend Frank Rottier
Harold Schieler
Ralph Stabler
Sherman H. Stetson and

4. Associated Citizens for the Protection of the Environment

Thereafter an Atomic Safety and Licensing Board was designated to preside over the hearing to be conducted as a result of the granting of the petitions to intervene. The Board will consist of Dr. Linda Little, Dr. Forrest Remick, members, and Andrew C. Goodhope, chairman.

Notice is hereby given that a hearing will be held before the Atomic Safety and Licensing Board upon the licensee's application for revewal and amendment to its license to operate a low-level radioactive waste burial site near Sheffield, Ill. This hearing will be held in the vicinty of Sheffield, Ill.

The Board will conduct a special prehearing conference or conferences at a date and place to be specified in a later notice to consider pertinent matters in accordance with the Commission's "Rules of Practice". The parties to this proceeding, including the Intervenors, or their respective counsel, are directed to appear at such prehearing conferences. At the prehearing conference the Board will determine the specific issues to be considered at the evidentiary hearing and establish a schedule for further actions in the proceeding. Notices as to the dates and places of the prehearing conference will be published in the FEDERAL REGISTER. The date and place of the evidentiary hearing will be set by the Board at or after the prehearing conference and will also be published in the FEDERAL REGISTER.

The public is invited to attend the prehearing conference but members of the public may not participate in this conference. An opportunity for any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene will be provided at the hearing. Any person may request permission to make a limited appearance pursuant to provisions of 10 CFR 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board and will be subject to the conditions set forth in a subsequent Notice of Hearing. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission. U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he or she has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's "Rules of Practice", must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than March 30, 1978.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and twenty (20) conformed copies of each such paper with the Commission.

For further details the documents filed in this proceeding are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504, 17th

[1] One petition to intervene by an individual was denied because the petitioner had failed to show the requisite interest in the proceeding. This individual was given 10 days within which to make a proper showing of interest. Another petition to intervene was also denied for failure to show the requisite interest or state any contentions.

Street, Moline, Ill., and the State Clearinghouse, Bureau of the Budget, 103 Statehouse, Springfield, Ill.

Dated at Bethesda, Md., this 3rd day of March 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

ANDREW C. GOODHOPE,
Chairman.

[FR Doc. 78-6293 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., THE CITY OF EUGENE, OREGON, AND PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power and Light Co. which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

This amendment changes the requirements for performance and testing of HEPA and charcoal filters in safety-related ventilation systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 6, 1977, (2) Amendment No. 19 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of February 1978.

For the Nuclear Regulator Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-6294 Filed 3-9-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

[NUREG-75/087]

Issuance and Availability

As a continuation of the updating program for the Standard Review Plant (SRP) previously announced, (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 9.2.3 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements alone are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 9.2.3. is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 3rd day of March 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety Office of Nuclear Reactor Regulation.

[FR Doc. 78-6297 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO., ET AL. (VIRGIL C. SUMMER NUCLEAR STATION, UNIT 1)

Prehearing Conference

On February 14, 1978, the Atomic Safety and Licensing Board published in the FEDERAL REGISTER a notice of hearing on the issuance of a facility operating license for the Virgil C. Summer Nuclear Station, Unit 1. 43 FR 6347. The notice stated that a special prehearing conference pursuant to 10 CFR 2.751(a) of the Commission's Rules of Practice will be conducted on March 30, 1978 in Columbia, S.C., at a time and place to be specified later.

Please take notice that the special prehearing conference will convene at 9:30 a.m. in Richland County Courthouse, Courtroom No. 3, Corner of Washington and Sumter Streets, Columbia, S.C. 29202. All parties or their counsel are directed to attend.

Dated at Bethesda, Md., this 6th day of March 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc. 78-6295 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-566, STN 50-567]

TENNESSEE VALLEY AUTHORITY (YELLOW CREEK NUCLEAR PLANT, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Richard S. Salzman

Dated: March 6, 1978.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-6296 Filed 3-9-78; 8:45 am]

[7590-01]

[Docket Nos. 50-502, 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL., (HAVEN NUCLEAR PLANT, UNITS 1 AND 2) (FORMERLY KOSHKONONG NUCLEAR PLANT, UNITS 1 AND 2)

Receipt of Amended Application for Construction Permits and Facility Licenses and Hearing on Amended Application for Construction Permits

By application dated May 29, 1974, Wisconsin Electric Power Co., Wisconsin Power & Light Co., Wisconsin Public Service Corp., and Madison Gas and Electric Co. (Applicants),[1] applied for construction permits for two pressurized water nuclear reactors designated as the Koshkonong Nuclear Plant, Units 1 and 2. The proposed facilities were to be located in Jefferson County, Wis. Hearings on the application were convened pursuant to a Notice of Hearing published in the FEDERAL REGISTER on October 25, 1974 (39 FR 38018).

The application for the Koshkonong facility was part of an application, designated as the Wisconsin Utilities Project (WUP), to construct one or more nuclear plants at one or more sites in the state of Wisconsin. The WUP application was submitted and accepted for review under the "duplicate plant" option of the Commission's standardization policy for nuclear power plants (Appendix N to 10 CFR Part 50). A Preliminary Safety Analysis Report (PSAR), containing the standardized nonsite-related information, accompanied the application. A Site Addendum describing the specific site related aspects of the Koshkonong Nuclear Plant was subsequently filed.

A technical safety evaluation of the Koshkonong plant design was performed by the Commission staff and summarized in its Safety Evaluation Report issued in October 1975, and supplemented in April 1976 and July 1976.

By letter, dated August 24, 1977, and again in the cover letter accompanying their September 23, 1977 Amendment 14 to the WUP application, the Applicants indicated an intent to relocate the proposed nuclear facilities from the Koshkonong site to a site known as Haven, located approximately 5 miles north of Sheboygan, Wis. on the western shore of Lake Michigan, and to designate the station the Haven Nuclear Plant, Units 1 and 2. The Haven Nuclear Plant will consist of pressurized water reactors designed for initial operation at approximately 2775 megawatts (thermal) and approximately 900 net electrical megawatts per unit.

On December 16, 1977, the Applicants filed Amendment 15 to the Site Addendum to the PSAR. This amendment provides information regarding the Haven site and supersedes the Koshkonong Site Addendum in these dockets. Also on December 16, 1977, the Applicants submitted Amendment 9 to the WUP Environmental Report (ER). This amendment provides updated information regarding the Haven site and supersedes both the Koshkonong ER and the early site review document pertaining to the Haven site previously reviewed by the Commission staff.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilties," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protectin," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set by the Atomic Safety and Licensing Board (Board) previously designated to preside over this proceeding, to consider the application, as amended. The hearing on the amended application will be scheduled to begin in the vicinity of the site of the proposed Haven Nuclear Plant.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application as amended and an environmental review of the project, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the Applicants. In the event that a separate hearing is held with respect to a Limited Work Authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and [have] identified the major features of components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of constructioin of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permit should be issued as proposed.

ISSUES PURSUANT TO 10 CFR 2.761A (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR 2.761a, a separate hearing and partial decision by the Board on issues pursuant to the National Environmental Policy Act NEPA) and general site suitability and certain othe possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicants to conduct certain onsite work entirely at their own risk prior to completion of the remainder of the proceedings.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) Whether the application and the

[1] Madison Gas and Electric Co. withdrew as a co-applicant in the WUP project in Amendment 14 to the application, dated September 23, 1977.

record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1-5 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's Staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consdider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the Applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with 10 CFR 51.52(c): (1) determine whether the requirements of Section 102(2) (A), (C), and (E) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to the special prehearing conference within sixty (60) days after discovery has been completed, or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1-5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board. Any person desiring to make a limited appearance is requested to inform the Secretary of the Commission by May 19, 1978. The presiding Atomic Safety and Licensing Board may make further provisions with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene inaccordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceedings, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceedings on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceedings as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others specified below by April 10, 1978. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)-(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

This Board has previously admitted certain parties as intervenors in the Koshkonong proceeding. Any of these intervenors who wish to participate as an intervenor in the proceeding for construction permits for the Haven Nuclear Plant shall file with the Board (1) a statement indicating the party's desire to so participate; (2) a statement under oath or affirmation indicating the manner in which the earlier stated interest in the proceeding continues, or a new statement of interest, along with a showing of how the interest, new or continuing, may be affected by the results of the proceeding; (3) a specific identification of the party's previously admitted contentions which are viewed as being of continuing relevance and which the party continues to assert. New contentions arising from the relocation of the facility may also be asserted. Such filings shall be made not later than April 10, 1978. At an appropriate time the Board will consider any newly submitted contentions and will further consider the continuing acceptability of previously admitted contentions.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 N Street NW., Washington, D.C. 20036, and to Robert H. Gorske, Esq., General Counsel, Wisconsin Electric Power Co., 780 North Water Street, Milwaukee, Wis. 53202, attorneys for the Applicants; Myron M. Cherry, Esq., One IBM Plaza, Chicago, Ill. 60611, attorney for Intervenors Concerned Citizens of Wisconsin and Friends of the Earth; Mrs. Richelle A. Lisse, Route 4, Box 285, Fort Atkinson, Wis. 53538, party-intervenor, and William A. Jansen, Esq., 210 Monona Avenue, Madison, Wis. 53201, attorney for the Intervenor City of Madison.

For further details, see the application for construction permits dated

August 9, 1974, and amendments thereto, the PSAR, and amendments thereto, Amendment 15 to the Site Addendum to the PSAR; and Amendment 9 to the Environmental Report, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of the Commission's Office of Nuclear Reactor Regulation Safety Evaluation Report, and supplements thereto, related to the construction of the Koshkonong Nuclear Plant are also available at this location. Copies of those documents will also be available at the Mead Public Library, 710 North Eighth Street, Sheboygan, Wis. 53081 for inspection by members of the public between the hours of 9 a.m. to 9 p.m. Monday through Friday, from 9 a.m. to 5:30 p.m. on Saturday, from 2 to 5:30 p.m. on Sunday, and at the Madison Public Library, Division of Business and Science, 201 West Mifflin Street, Madison, Wis. 53703 during the hours of 8:30 a.m. to 9 p.m. Monday through Friday and 8:30 a.m. to 5:30 p.m. on Saturday. As they become available, a copy of the safety evaluation report and/or supplements related to construction of the Haven Nuclear Plant issued by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation report and final environmental statement may be obtained when available, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 3rd day of March 1978.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

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[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

GRANTS AND CONTRACTS WITH CERTAIN NONPROFIT ORGANIZATIONS

Principles for Determining Cost

MARCH 6, 1978.

This notice offers interested parties an opportunity to comment on proposed revisions to OMB Circular No. A-21, "Cost principles for educational institutions."

The proposed Circular is the result of numerous recommendations made by Federal departments and agencies, State and local governments, and university officials. Its purpose is to provide one standard set of cost principles for Federal work done at universities.

The Office of Management and Budget has, as yet, made no decisions with respect to the proposed principles. All interested parties are encouraged to make their views known. Comments should be submitted in duplicate to the Financial Management Branch, Budget Review division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received on or before May 1, 1978.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[Circular No. A-21, Revised]

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

1. *Purpose.* This circular establishes principles for determining costs applicable to grants, contracts, and other agreements with educational institutions. The principles deal with the subject of cost determination, and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular project. The principles are designed to provide that the Federal Government bear its fair share of total costs, determined in accordance with generally accepted accounting principles, except where restricted or prohibited by law. Agencies are not expected to place additional restrictions on individual cost elements. Provisions for any increment above cost is outside the scope of this Circular.

2. *Supersession.* The Circular supersedes Federal Management Circular 73-8, dated December 19, 1973. FMC 73-8 is revised and reissued under its original designation of OMB Circular No. A-21.

3. *Applicability.* (a) All Federal agencies that sponsor research and development training and other work at educational institutions shall apply the provisions of this Circular in determining the costs incurred for such work. The principles shall also be used as a guide in the pricing of fixed price or lump sum agreements.

(b) In addition, Federally Funded Research and Development Centers associated with educational institutions shall be required to comply with the Cost Accounting Standards, rules and regulations set forth in 4 CFR Ch. III.

4. *Responsibilities.* The successful application of cost accounting principles requires development of mutual understanding between representatives of educational institutions and of the Federal Government as to their scope, implementation, and interpretation.

5. *Attachment.* The principles and related policy guides are set forth in the Attachment, "Principles for determining costs applicable to grants, contracts, and other agreements with educational institutions."

6. *Effective date.* The provisions of this Circular shall be effective ———. The provisions shall be implemented by institutions as of the start of their first fiscal year beginning on or after that date. Earlier implementation, or a delay in implementation of individual provisions, is permitted by mutual agreement between an institution and the Government.

7. *Inquiries.* Further information concerning this Circular may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503, telephone 202—395-4773.

JAMES T. MCINTYRE, JR.,
Acting Director.

ATTACHMENT CIRCULAR NO. A-21

PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS WITH EDUCATIONAL INSTITUTIONS

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Principles for Determining Costs Applicable to Grants, Contracts, and Other Agreements With Educational Institutions

A. PURPOSE AND SCOPE

1. *Objectives.* This Attachment provides principles for determining the costs applicable to research and development, training, and other sponsored work performed by colleges and universities under grants, contracts, and other agreements with the Federal Government. These agreements are referred to as sponsored agreements.

2. *Policy guides.* The successful application of these cost accounting principles requires development of mutual understanding between representatives of universities and of the Federal Government as to their scope, implementation, and interpretation. It is recognized that—

a. The arrangements for Federal agency and institutional participation in the financing of a research, training, or other project are properly subject to negotiation between the agency and the institution concerned, in accordance with such Government-wide criteria or legal requirements as may be applicable.

b. Each institution, possessing its own unique combination of staff, facilities, and experience, should be encouraged to conduct research and educational activities in a manner consonant with its own academic philosophies and institutional objectives.

c. Each institution, in the fulfillment of its obligations, should employ sound management practices.

d. The application of these cost accounting principles should require no significant changes in the generally accepted accounting practices of colleges and universities. However, the accounting practices of individual colleges and universities must support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to sponsored agreements.

e. Federal agencies involved in negotiating indirect cost rates and auditing should assure that institutions are generally applying these cost accounting principles on a consistent basis. Where wide variations exist in the treatment of a givem cost item among institutions, the reasonableness and equitableness of such treatments should be fully considered during the rate negotiations and audit.

3. *Application.* These principles shall be used in determining the allowable costs of work performed by colleges and universities under sponsored agreements. The principles shall also be used in determining the costs of work performed by such institutions under subgrants, cost-reimbursement subcontracts, and other awards made to them under sponsored agreements. They also shall be used as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to:

a. Arrangements under which Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees of an institution.

b. Capitation Awards.

c. Other awards under which the institution is not required to account to the Government for actual costs incurred.

B. DEFINITION OF TERMS

1. *Major functions of an institution* refers to instruction (includes departmental research), organized research, other sponsored activities, and other institutional activities as defined below:

a. *Instruction* means the teaching and training activities of an institution. Except for research training as provided in c below, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a noncredit basis, and whether they are offered through regular academic departments or separate divisions, such as a summer school division or an extension division.

b. *Departmental research* means all research and development activities that are not organized research and, consequently, are not separately budgeted and accounted for. Departmental research, for purposes of this document, is not considered as a major function of an institution but as a part of the instruction function of the institution.

c. *Organized research* means all research and development activities of an institution that are separately budgeted and accounted for. This term includes research and development activities that are sponsored by Federal and non-Federal agencies and organizations, as well as those that are separately budgeted by the institution under an internal allocation of institutional funds. It also includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities.

d. *Other sponsored activities* means programs and projects financed by Federal and non-Federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects include health service projects, community service programs, and agricultural extension services. However, when any of these activities are undertaken by the institution without outside support, they should be classified as other institutional activities.

e. *Other institutional activities* means all activities of an institution except: (1) Instruction, departmental research, organized research, and other sponsored activities, as defined above; (2) indirect cost activities identified in section F; and (3) specialized service facilities described in section J38. Other institutional activities include operation of residence halls, dining halls, hospitals and clinics, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, and other similar auxiliary enterprises. This definition also includes any other categories of activities, costs of which are "unallowable" to sponsored agreements, unless otherwise indicated in the agreements.

2. *Sponsored agreement* means any grant, contract, or other agreement between the institution and the Federal Government.

3. *Allocation* means the process of distributing a cost, or a group of costs, to one or more cost objectives which they benefit, in reasonable and realistic proportion to the benefit provided. A cost objective may be a major function of the institution, a particular service or project, a sponsored agreement, or an indirect cost activity, as described in section F. The process may entail a distribution of a cost(s) directly to a final cost objective or through one or more intermediate cost objectives.

C. BASIC CONSIDERATIONS

1. *Composition of total costs.* The cost of a sponsored agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits as described in 5 below.

2. *Factors affecting allowability of costs.* The tests of allowability of costs under these principles are: (a) They must be rea-

sonable; (b) they must be allocable to sponsored agreements under the standards and methods provided herein; (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the sponsored agreement as to types or amounts of cost items.

3. *Reasonable costs.* A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (a) Whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the sponsored agreement; (b) the restraints or requirements imposed by such factors as arm's-length bargaining, Federal and State laws and regulations, and sponsored agreement terms and conditions; (c) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (d) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including sponsored agreements.

4. *Allocable costs.* a. A cost is allocable to a particular cost objective (i.e., a specific function, project, research agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a sponsored agreement if (1) it is incurred solely to advance the work under the sponsored agreement; (2) it benefits both the sponsored agreement and other work of the institution, in proportions that can be approximated through use of reasonable methods; or (3) it is necessary to the overall operation of the institution and, in light of the standards provided in this Circular, is deemed to be assignable in part to sponsored projects. Where the purchase of equipment or other capital items is specifically authorized under a sponsored agreement, the amounts thus authorized for such purchases are allocable to the sponsored agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

b. Any costs allocable to a particular sponsored agreement under the standards provided in this Circular may not be shifted to other sponsored agreements in order to meet deficiencies caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the sponsored agreement, or for other reasons of convenience.

5. *Applicable credits.* a. The term applicable credits refers to those receipts or negative expenditures that operate to offset or reduce direct or indirect cost items. Typical examples of such transactions are: Purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges. This term also includes "educational discounts" on products or services provided specifically to educational institutions, such as discounts on computer equipment, except where the arrangement is clearly and explicitly identified as a gift by the vendor.

b. In some instances, the amounts received from the Federal Government to finance institutional activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the institution in determining the rates or amounts to be charged to sponsored agreements for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds. (See sections F8, J9a, and J38 for areas of potential application in the matter of direct Federal financing.)

6. *Costs incurred by State and local Governments.* Costs incurred or paid by State or local governments on behalf of their colleges and universities for fringe benefit programs such as pension costs and FICA and any other costs specifically incurred on behalf of, and in direct benefit to, the institutions are allowable costs of such institutions whether or not these costs are recorded in the accounting records of the institutions, subject to the following:

a. The costs meet the requirements of C1 through 5 above.

b. The costs are properly supported by cost allocation plans in accordance with applicable Federal cost accounting principles.

c. The costs are not otherwise borne directly or indirectly by the Federal Government.

7. *Limitations on allowance of costs.* Sponsored agreements may be subject to statutory requirements that limit the allowance of costs. When the maximum amount allowable under a limitation is less than the total amount determined in accordance with the principles in this Circular, the amount not recoverable under a sponsored agreement may not be charged to other sponsored agreements.

D. DIRECT COSTS

1. *General.* Direct costs are those costs that can be identified specifically with a particular sponsored project, an instructional activity, or any other institutional activity; or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

2. *Application to sponsored agreements.* Identifiable benefit to the sponsored work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of sponsored agreements. Typical costs charged directly to a sponsored agreement are the compensation of employees for performance of work under the sponsored agreement, including related fringe benefit costs to the extent they are consistently treated by the institution as direct rather than indirect costs; the costs of materials consumed or expended in the performance of the work; and other items of expense incurred for the sponsored agreement, including extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of sponsored agreements: *Provided*, Such items are consistently treated by the institution as direct rather than indirect costs, and are charged under a recognized method of realistically computing actual costs, and conform to generally accepted cost accounting practices consistently followed by the institution.

E. INDIRECT COSTS

1. *General.* Indirect costs are those that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity. At educational institutions such costs normally are classified under the following indirect cost categories: Depreciation and use allowances, general administration and general expenses, research administration expenses, operation and maintenance expenses, library expenses, departmental administration expenses, and student administration and services.

2. *Criteria for distribution.* a. Base period. A base period for distribution of indirect costs is the period during which the costs are incurred. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid enequities in the distribution of costs.

b. Need for cost groupings. The overall objective of the indirect cost allocation process is to distribute the indirect costs described in Section F to the major functions and specialized service facilities of the institution in proportions reasonably consistent with the nature and extent of their use of the institution's resources. In order to achieve this objective, it may be necessary to provide for selective destribution by establishing separate groupings of cost within one or more of the indirect cost categories referred to in Section E1. In general, the cost groupings established within a category should constitute, in each case, a pool of those items of expense that are considered to be of like nature in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropriate. Cost groupings should be established considering the general guides provided in c below. Each such pool or cost grouping should then be distributed individually to the related cost objectives, using the distribution base or method most appropriate in the light of the guides set forth in d below.

c. General considerations on cost groupings. The extent to which separate cost groupings and selective distribution would be appropriate at an institution is a matter of judgment to be determined on a case-by-case basis. Typical situations which may warrant the establishment of two or more separate cost groupings (based on account classification or analysis) within an indirect cost category include but are not limited to the following:

(1) Where certain items or categories of expense relate solely to one of the major functions of the institution or to less than all functions, such expenses should be set aside as a separate cost grouping for direct assignment or selective allocation in accordance with the guides provided in Sections E2b and d.

(2) Where any types of expense ordinarily treated as general administration or departmental administration are charged to sponsored agreements as direct costs, the similar type expenses applicable to other activities of the institution must, through separate cost groupings, be excluded from the indirect costs allocable to those sponsored agreements and included in the direct cost

of other activities for cost allocation purposes.

(3) Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurement on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research, instructional, and other activities at the institution or within the department.

(4) Where organized activities (including identifiable segments of organized research as well as the activities cited in Section B1c) provide their own purchasing, personnel administration, building maintenance or similar service, the distribution of general administration and general expenses, or operation and maintenance expenses to such activities should be accomplished through cost groupings which include only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities.

(5) Where the institution elects to treat the cost of the pension plan and other staff benefits as indirect charges, such costs should be set aside as a separate cost grouping for selective distribution to related cost objectives, including organized research.

(6) The number of separate cost groupings within a category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

d. Selection of distribution method. (1) Where an allocation can be made by assignment of a cost grouping directly to the area benefited, the allocation should be made in that manner.

(2) Where the expenses under a cost grouping are more general in nature, the bases for the indirect cost categories cited in Section F shall be used in allocating such costs to cost objectives unless one of the following conditions is met:

(a) The institution can clearly demonstrate that the use of a different base would result in a more equitable allocation of costs, or can demonstrate that the use of a more readily available base would not increase the costs charged to sponsored agreements. In either case the use of the base must be approved in advance by the Government.

(b) The Government can clearly demonstrate that the use of another base would result in a more equitable allocation of costs.

(c) The institution qualifies for and elects to use the simplified method for computing indirect cost rates described in section H.

(3) In order to make the demonstrations described in (2) (a) and (b) above, a base should be selected that will produce equitable results to both the Government and the institution. The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning costs or a pool of costs to related cost objectives in accordance with the relative benefits derived; the traceable cause and effect relationship, or logic and reason, where neither benefit nor cause and effect relationship is determinable. The base should be (a) readily expressible in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, manhours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (b) common to the benefiting cost objectives during the base period.

(4) Results of cost analysis studies may be used when they result in more accurate and equitable distribution of costs. Such cost analysis studies may take into consideration weighting factors, population, or space occupied if they produce equitable results. Cost analysis studies, however, should (a) be appropriately documented in sufficient detail for subsequent review by the Government, (b) distribute the indirect costs to the related cost objectives in accordance with the relative benefits derived, (c) be conducted to fairly reflect the true conditions of the activity and to cover representative transactions for a reasonable period of time, (d) be performed specifically at the institution at which the results are to be used, and (e) be updated periodically, but not less frequently than every two years, and used consistently. Any assumptions made in the study will be stated and explained. The use of cost analysis studies and periodic changes in the method of cost distribution must be fully justified.

e. Order of Distribution. (1) Indirect cost categories consist of depreciation and use allowance, operation and maintenance, general administration and general expenses, departmental administration, sponsored agreements administration, library, and student administration and services, as described in Section F.

(2) Depreciation and use allowances, operation and maintenance expenses, and general administrative and general expenses must be allocated in the order shown to the remaining indirect cost categories as well as to the major functions and specialized service facilities of the institution. Other cost categories may be allocated in the order determined to be most appropriate by the institutions. When cross allocation of costs is made as provided in (3) below, this order of allocation does not apply.

(3) Normally an indirect cost category will be considered closed once it has been allocated to other cost objectives, and costs may not be subsequently allocated to it. However, a cross allocation of costs between two or more indirect cost categories may be used if such allocation will result in a more equitable allocation of costs. If a cross allocation is used, an appropriate modification to the composition of the indirect cost categories described in Section F is required.

F. IDENTIFICATION AND ASSIGNMENT OF INDIRECT COSTS

1. *Depreciation and use allowances.* a. The expenses under this heading are the portion of the costs of the institution's buildings, capital improvements to land and buildings, and equipment which are assigned to current operations in accordance with Section J9.

b. The expenses included in this category shall be allocated in the following manner:

(1) Depreciation or use allowances on equipment or buildings used exclusively in the conduct of a single function shall be allocated to that function.

(2) Depreciation or use allowances on buildings and capital improvements to buildings shall be allocated to the individual functions performed in each building on the basis of usable square feet of space, excluding common areas such as hallways, stairwells, and restrooms.

(3) Depreciation or use allowances on equipment or buildings used jointly shall be allocated to benefiting functions in proportion to the total salaries and wages applicable to those functions. Depreciation or use allowances on equipment and buildings used predominantly for one function and only incidentally for the other(s), shall be assigned to the function in which it is used predominantly. The institution and the Government should agree in advance when use of equipment or space is incidental or predominant to a given function.

(4) Depreciation or use allowances on certain capital improvements to land, such as paved parking areas, fences, sidewalks, and the like, not included in the cost of buildings, shall be allocated on an unweighted headcount basis to user categories of students and employees. The student categories shall consist of all individuals enrolled at the institution as students regardless of whether they do or do not earn credits toward a degree of certificate. The employee category shall consist of all faculty members, other professionals, and nonprofessional employees excluding student employees. The amount allocated to the student category shall be assigned to the instruction function of the institution. The amount allocated to the employee category shall be further allocated to the major functions of the institution in proportion to the salaries and wages of all employees applicable to those functions.

2. *Operation and maintenance expenses.* a. The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation, and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment; and care of grounds and maintenance and operation of buildings and other plant facilities. The operation and maintenance expense category should also include the fringe benefit costs applicable to the salaries and wages included therein, and depreciation and use allowance.

b. The expenses included in this category shall be allocated on the basis of usable square feet of space assigned to each function, excluding common areas such as hallways, stairwells, and restrooms. Operation and maintenance expenses applicable to space used jointly for two or more functions shall be further allocated to the benefiting functions in proportion to the total salaries and wages applicable to those functions. Operation and maintenance expenses applicable to space used predominantly for one function and only incidentally for the other(s), shall be assigned to the function in which it is used predominantly. The institution and the Government shall agree in advance when use of space is incidental or predominant to a given function.

3. *General administration and general expenses.* a. The expenses under this heading are those that have been incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any major division of the institution; i.e., solely to (1) instruction, (2) organized research, (3) other sponsored programs, or (4) other institutional activities. The general administration and general expense category should also include the fringe benefit costs applicable to the salaries and wages included therein, an appropriate share of operation and maintenance

expense, and depreciation and use allowances.

b. The expenses included in this category shall be grouped according to common function(s) to which they render services or provide benefits. The aggregate expenses of each group shall then be allocated to benefiting functions on the modified total cost basis. Modified total costs consist of salaries and wages, fringe benefits, materials and supplies, travel, and subgrants and subcontracts up to $5,000 each. When an activity included in this indirect cost category provides a service or product to another institution or organization, an appropriate adjustment must be made to either the expenses or the basis of allocation or both, to assure a proper allocation of costs.

4. *Departmental administration expenses.* a. The expenses under this heading are those that have been incurred for administrative and supporting services in academic deans' offices, academic departments and divisions, and organized research units. Organized research units include such units as institutes, study centers, and research centers. The expenses under this heading which may be allocated to sponsored agreements are limited to:

(1) Academic deans' offices. Salaries and operating expenses attributable to its administrative functions.

(2) Academic departments. (a) The salaries of the heads of academic departments, divisions, and organized research units attributable to their administrative duties. Salaries of professional staff, whose appointment or assignment involve the performance of such administrative work, may also be included to the extent that the protion so charged is clearly and specifically supported as required in Section J6.

(b) Other administrative and supporting expenses incurred within academic departments, such as the salaries of secretarial and clerical staffs, the salaries of administrative officers and assistants, travel, office supplies, stockrooms, and the like. *Provided,* That such expenses are treated consistently as indirect costs in all academic departments of the institution.

(3) Fringe benefit costs applicable to the salaries and wages included in (1) and (2) above, as well as an appropriate share of general administration and general expenses, operation and maintenance expenses, and depreciation and/or use allowances.

b. Allocation of departmental administration expenses shall be performed as follows:

(1) The administrative expenses of the dean's office of each college and school shall be allocated to the academic departments within that college or school in proportion to the total salaries and wages of those departments.

(2) The administrative expenses of each academic department, and the department's share of the expenses allocated in (1) above shall be allocated to the functions performed by that department in proportion to the total salaries and wages applicable to those functions.

(3) An exception to the above may be permitted only where (a) certain administrative or supporting expenses are charged directly to an activity because it is performed in an environment which is substantially different from that applicable to other activities, and (b) a special indirect cost rate is developed for the activity in accordance with Section G1b.

5. *Sponsored agreements administration.* a. The expenses under this heading are those that have been incurred by a separate organization(s) established primarily to administer sponsored agreements, including such functions as grant and contract administration, security, purchasing, personnel administration, and editing and publishing of research and other reports. They include the salaries and expenses of the head of such organization, his assistants, and their immediate staff, together with the salaries and expenses of personnel engaged in supporting activities maintained by the organization, such as stock rooms, stenographic pools, and the like. The salaries of members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to sponsored agreements administration is clearly identified and supported as required by Section J6. This category should also include the fringe benefit costs applicable to the salaries and wages included therein, an appropriate share of general administration and general expenses, the operation and maintenance expenses, and depreciation and use allowance. Appropriate adjustments should be made for services provided to other functions or organizations.

b. The expenses included in this category shall be allocated to the major functions of the institution under which the sponsored agreements are conducted in proportion to the number of agreements active during the period for which the expenses are allocated.

c. An appropriate adjustment shall be made to eliminate any duplicate charges to sponsored agreements when this category includes similar or identical activities as those included in the general administration and general expense category or other indirect cost items, such as accounting, procurement, or personnel administration.

6. *Library expenses.* a. The expenses under this heading are those that have been incurred for the operation of the library, including the cost of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under Section C5. The library expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of general administration and general expense, operation and maintenance expense, and depreciation and use allowances. Costs incurred in the purchases of rare books (museum-type books) with no value to sponsored projects should not be allocated to sponsored agreements.

b. The expenses included in this category shall first be allocated on an unweighted headcount basis to user categories consisting of students, professional employees, and other users.

(1) The student category shall consist of all individuals enrolled at the institution as students regardless of whether they do or do not earn credits toward a degree or certificate.

(2) The professional employee category shall consist of all faculty members and other professional employees of the institution, except student employees.

(3) The other users category shall consist of all other users of library facilities, including the general public.

c. Amounts allocated in b above shall be assigned further as follows:

(1) The amount allocated to the student category shall be assigned to the instruction function of the institution.

(2) The amount allocated to the professional employee category shall be further allocated to the major functions of the institution in proportion to the salaries and wages of all faculty members and other professional employees (excluding student employees) applicable to those functions.

(3) The amount allocated to the other users category shall be assigned to the other institutional activities function of the institution.

7. *Student administration and services.* a. The expenses under this heading are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments involve the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to Section J6. This expense category also includes the fringe benefit costs applicable to the salaries and wages included therein, an appropriate share of general administration and general expenses, operation and maintenance, and use allowances and/or depreciation.

b. The expenses in this category are applicable in their entirety to the instruction function. However, to the extent that such expenses reasonably benefit sponsored agreements in the instruction function, they may be included in the common pool of indirect costs for that function for subsequent distribution to the agreements (See Section G1a.). Expenses included in this category that do not benefit sponsored agreements shall be excluded from the common pool. Where the level of benefits varies significantly for different agreements, or different groups of agreements, the expenses shall be allocated only to applicable cost objectives within the instruction function through separate cost groupings and selective allocations, in accordance with Section E2b.

8. *Offset for indirect expenses otherwise provided for by the Government.* a. The items to be accumulated under this heading are the reimbursements and other payments from the Federal Government which are made to the institution to support solely, specifically, and directly, in whole or in part, any of the administrative or service activities described in F1 through 7.

b. Amounts negotiated as applicable institutional indirect costs for research centers or Government-owned-institution-operated laboratories shall be treated as offset provided that such amounts represent a reasonable approximation of the indirect costs allocable to the center or laboratory. If such amounts do not represent a reasonable approximation of these costs, they shall be disregarded and the indirect costs for the centers and laboratories shall be determined in accordance with the indirect cost procedures set forth in these principles.

c. The items in this group shall be treated as a credit to those affected elements of each individual indirect cost category before that category is allocated to benefiting functions.

G. DETERMINATION AND APPLICATION OF INDIRECT COST RATE OR RATES

1. *Indirect cost pools.* a. Subject to b below, the separate categories of indirect

costs allocated to each major function of the institution as prescribed in Section F shall be aggregated and treated as a common pool for that function. The amount in the common pool shall be divided by the distribution base described in G2 below to arrive at a single indirect cost rate. The single indirect cost rate then is used to distribute indirect costs in the common pool to the individual sponsored agreements of that junction. Since a common pool is established for each major function of the institution, a separate indirect cost rate would be established for research, educational services, and other types of sponsored projects.

b. In some instances a single rate basis for use across the board on all sponsored projects within a major function at an institution may not be appropriate. A single rate for research, for example, would not take into account those different environmental factors and other conditions which may affect substantially the indirect costs applicable to a particular segment of Government research at the institution. For this purpose, a particular segment of sponsored research may be that performed under a single sponsored agreement or it may consist of research under a group of sponsored agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of federally-sponsored work is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the regular course of the rate determination process and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have been obtained under a. above, and (2) the volume of work to which such rate would apply is material in relation to other federally-sponsored work at the institution.

2. *The distribution basis.* Indirect costs shall be distributed to applicable sponsored agreements on the basis of modified total direct costs, consisting of salaries and wages, fringe benefits, materials and supplies, travel, and subgrants and subcontracts up to $5,000 each. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to 1. above. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the modified total direct costs identified with such pool. Other bases may be used only where it can be clearly demonstrated that they produce more equitable results.

3. *Negotiated lump sum for indirect costs.* A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained, off-campus, or primarily subcontracted activities where the benefits derived from an institution's indirect services cannot be readily determined. Such negotiated indirect costs will be treated as an offset to total indirect expenses before allocation to instruction, organized research, and other institutional activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

4. *Predetermined fixed rates for indirect costs.* Public Law 87-638 (76 Stat. 437) authorizes the use of predetermined fixed rates in determining the indirect costs applicable under research agreements with educational institutions. The stated objectives of the law are to simplify the administration of cost-type research and development contracts (including grants) with educational institutions, to facilitate the preparation of their budgets, and to permit more expeditious closeout of such contracts when the work is completed. In view of the potential advantages offered by this procedure, consideration should be given to the negotiation of predetermined fixed rates for indirect costs in those situations where the cost experience and other pertinent facts available are deemed sufficient to enable the parties involved to reach an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

5. *Negotiated fixed rates and carry-forward provisions.* When a fixed rate is negotiated in advance (or a fiscal year for other time period), the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation. When the rate is negotiated before the carry-forward adjustment is determined due to the delay in audit, the carry-forward amount may be applied to the next subsequent rate negotiation. When such adjustments are to be made, each fixed rate negotiated in advance for a given period will be computed by applying the expected indirect costs allocable to sponsored agreements for the forecast period plus or minus the carry-forward adjustment (over- or under-recovery) from the prior period, to the forecast distribution base. Unrecovered amounts under lump-sum agreements or cost-sharing provisions of prior years shall not be carried forward for consideration in the new rate negotiation. There must, however, be an advance understanding in each case between the institution and the Government as to whether these differences will be considered in the rate negotiation rather than making the determination after the differences are known. Further, institutions electing to use this carry-forward provision may not subsequently change without prior approval of the Government. In the event that an institution returns to a postdetermined rate, any over- or under-recovery during the period in which negotiated fixed rates and carry-forward provisions were followed will be included in the subsequent postdetermined rates. Where multiple rates are used, the same procedure will be applicable for determining each rate. This procedure also applies to rates established for grants and contracts for training and other educational services, but does not apply to cost-type agreements covering work performed in wholly or partially Government-owned facilities.

H. SIMPLIFIED METHOD FOR SMALL INSTITUTIONS

1. *General.* a. Where the total direct cost of work performed under all sponsored agreements at an institution does not exceed $3,000,000 in a fiscal year, the use of the simplified procedure described in 2. below, may be used in determining allowable indirect costs. Under this simplified procedure, the institution's most recent annual financial report and immediately available supporting information with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable to all sponsored agreements.

b. The simplified procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

2. *Simplified procedure.* a. Establish the total amount of salaries and wages paid to all employees of the institution.

b. Establish an indirect cost pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalents:

(1) General administration and general expenses (exclusive of costs of student administration and services, student activities, student aid, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under (1) and (2) above have previously been allocated to other institutional activities, they may be included in the indirect cost pool. The total amount of salaries and wages included in the indirect cost pool must be separately identified.

c. Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established in a. above the amount of salaries and wages included under b. above.

d. Establish the indirect cost rate, determined by dividing the amount in the indirect cost pool, b. above, by the amount of the distribution base, c. above.

e. Apply the indirect cost rate to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

J. GENERAL STANDARDS FOR SELECTED ITEMS OF COST

Sections 1 through 45 below provide standards to be applied in establishing the allowability of certain items involved in determining cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of discrepancy between the provisions of a specific sponsored agreement and the applicable standards provided, the provisions of the agreement should govern.

1. *Advertising costs.* a. The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like.

b. The only advertising costs allowable are those which are solely for (1) the recruitment of personnel required for the performance by the institution of obligations arising under the sponsored agreement, when considered in conjunction with all other recruitment costs, as set forth in Section J32; (2) the procurement of goods and services

for the performance of the sponsored agreement; (3) the disposal of scrap or surplus materials acquired in the performance of the sponsored agreement except when institutions are reimbursed for disposal costs at a predetermined amount in accordance with Attachment N, OMB Circular No. A-110; or (4) other specific requirements of the agreement.

c. Costs of this nature, if incurred for more than one sponsored agreement or for both sponsored work and other work of the institution, are allowable to the extent that the principles in sections D and E are observed.

2. *Bad debts.* Any losses, whether actual or estimated, arising from uncollectible accounts and other claims, related collections costs, and related legal costs, are unallowable.

3. *Civil defense costs.* Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, firefighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capaital expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth in Section J9. Costs of local civil defense projects not on the institution's premises are unallowable.

4. *Commencement and convocation costs.* Costs incurred for commencements and convocations are unallowable.

5. *Communication costs.* Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage and the like, are allowable.

6. *Compensation for personal services*—a. *General.* Compensation for personal services covers all remuneration paid currently or accrued by the institution for services of employees rendered during the period of performance under sponsored agreements. Such remuneration includes salaries, wages, and fringe benefits (see section J15). The costs of such remuneration are allowable to the extent that the total compensation to individual employees conforms to the established policies of the institution, consistently applied. *And provided,* That the charges for work performed directly on sponsored agreements and for other work allocable as indirect costs are determined and supported as hereinafter provided. Charges to Government agreements may include reasonable amounts for activities contributing and intimately related to work under the agreements, such as delivering special lectures about specific aspects of the ongoing activity, writing reports and articles, participating in appropriate seminars, consulting with colleagues and graduate students, and attending meetings and conferences.

b. *Payroll distribution.* For each organizational unit of an institution, amounts charged as salaries and wages for professorial or professional services applicable to sponsored agreements, whether treated as direct costs or as indirect costs, will be based on either a system of monitored workloads or a system of personnel activity reports. The latter must be used for nonprofessional and student employees. Under either alternative, salaries and wages applicable to nonmandatory cost sharing may be incorporated in institutional costs (such as instructional costs) and need not be separated therefrom. In the use of either method, it is recognized that, because of the nature of work involved in academic institutions, the various and often interrelated activities of professorial and professional employees frequently cannot be measured with a high degree of precision, that reliance must be placed on reasonably accurate approximations, and that acceptance of a degree of tolerance in measurements is appropriate.

c. *Monitored workloads.* Under this method the distribution of salaries and wages applicable to sponsored agreements is based on budgeted or assigned workloads, updated as required to reflect any significant changes in workload distributions. A monitored workload system used for salaries and wages charged directly or indirectly to sponsored agreements will meet the following standards:

(1) A system of budgeted or assigned workloads will be incorporated into the official records of the institution or campus, and encompass both sponsored and all other activities on an integrated basis. The system may include the use of subsidiary records.

(2) The system will reasonably reflect workloads of employees, accounting for 100 percent of each employee's total salaried activity for which the employee is compensated and which is required in fulfillment of the employee's obligations to the institution. Because practices vary among institutions and within institutions as to the total activity constituting a full workload—when expressed in measurable units, such as contact hours in teaching—the system will be based on a determination for each individual, reflecting the ratio of each of the activities which comprise the total workload of the individual.

(3) The system will provide for modification of an individual's salary or salary distribution commensurate with any significant change in the employee's workload or the ratio of activities comprising the total workload. A significant change in an employee's workload shall be considered to include the following as a minimum: when work begins or ends on a Government agreement, when a teaching load is materially modified, when additional unanticipated assignments are received or taken away, when an individual begins or ends a sabbatical leave, prolonged sick leave, or leave without pay, etc. Short-term (such as one or two months) fluctuation between workload categories need not be considered as long as the distribution of salaries and wages is reasonable over the longer term such as an academic period. Whenever it is apparent that a significant change in workload will occur or has occurred, the change will be documented over the signature of a responsible official and entered into the system.

(4) The system will utilize workload categories reflecting direct activity which is applicable to and chargeable to each sponsored agreement, activity required to meet mandatory cost sharing, activity applicable to any indirect cost category, and activity applicable to other direct cost categories (see section B1).

(5) At least annually a statement will be signed by an employee, principal investgator, or responsible official, having first hand knowledge of the work stating that salaries and wages charged to Government agreements as direct charges, or that salaries and wages charged to both direct and indirect cost categories, or to more than one indirect cost category are proper.

In the use of this method an institution shall not be required to provide additional support or documentation for the effort actually performed, but is responsible for assuring that the system meets the above standards.

In cases where nonprofessional, student, or other "task oriented" employees are charged to projects based on use of services rather than longer term assignment, systems such as time cards or similar distribution systems or service center costing arrangements may be used (see d below).

d. *Personnel activity reports.* Under this method the distribution of salaries and wages will be supported by personnel activity reports as prescribed below.

(1) Personnel activity reports will reflect the distribution of activity expended by each employee not under the monitored workload system.

(2) The reports will reflect an after-the-fact reporting of the percentage of activity of each employee. Estimates made before the services are performed may be used initially: *Provided,* That such charges are promptly adjusted if significant differences are indicated by acitivity reports.

(3) Each report will account for 100 percent of each employee's total activity for which the employee is compensated and which is required in fulfillment of his or her obligations to the institution. The report will reasonably reflect (a) the percentage of activity applicable to and chargeable to each sponsored agreement, (b) activity required to meet mandatory cost sharing, (c) activity applicable to each indirect cost category, and (4) activity applicable to other cost categories.

(4) To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, each report will be signed by the employee or by a responsible official having first hand knowledge of the work performed.

(5) For professorial and professional employees, the reports will be prepared each academic period or no less frequently than twice a year. For other individuals, the reports will be prepared no less frequently than monthly and will coincide with pay periods.

(6) Where the institution uses time cards or other forms of after-the-fact payroll documents as original documentation for payroll and payroll charges, such documents shall qualify as a personnel activity report provided that they are signed in accordance with (4) above.

e. *Salary rates for faculty members*—(1) *Salary rates for academic year.* Charges for work performed on sponsored agreements by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the policy of the institution concerned, constitutes the basis of his salary. Charges for work performed on sponsored agreements during all or any portion of such period are allowable at the base salary rate. In no event will charges to sponsored agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period. This principle applies to all members of the faculty at an institution. Since intra-university consulting is assumed to be undertaken as a university obligation

requiring no compensation in addition to full-time base salary, the principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided that such consulting arrangements are specifically provided for in the agreement or approved in writing by the sponsoring agency.

(2) *Periods outside the academic year.* (a) Except as otherwise provided in (b) below, charges for work performed by faculty members on sponsored agreements during the summer months or other period not included in the base salary period will be determined for each faculty member at a monthly rate not in excess of the base salary divided by the number of work months in the period for which the base salary is paid, and will be limited to charges made in accordance with other parts of this section. The base salary period used in computing charges for work performed during the summer months will be the number of months covered by the faculty member's official academic year appointment.

(b) Charges for teaching activities performed by faculty members on sponsored agreements during the summer months or other periods not included in the base salary period will be based on the normal policy of the institution governing compensation to faculty members for teaching assignments during such periods.

(3) *Part-time faculty.* Charges for work performed on sponsored agreements by faculty members having only part-time appointments will be determined at a rate not in excess of that regularly paid for the part-time assignments; e.g., an institution pays $5,000 to a faculty member for half-time teaching during the academic year. He devoted one-half of his remaining time (25 percent of his total available time) to a sponsored agreement. Thus, his additional compensation, chargeable by the institution to the agreement, would be one-half of $5,000, or $2,500.

f *Noninstitutional professional activities.* Unless an arrangement is specifically authorized by a Federal sponsoring agency, an institution must follow its institution-wide policies and practices concerning the permissible extent of professional services that can be provided outside the institution for noninstitutional compensation. Where such institution-wide policies do not exist or do not adequately define the permissible extent of consulting or other noninstitutional activities undertaken for extra outside pay, the Government may require that the effort of professional staff working on sponsored agreements be allocated between (1) institutional activities, and (2) noninstitutional professional activities. If the sponsoring agency considers the extent of noninstitutional professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

7. *Contingency provisions.* Contributions to a contingency reserve or any similar provision made for events, the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

8. *Deans of faculty and graduate schools.* The salaries and expenses of deans of faculty and graduate schools, or their equivalents, and their staffs, are allowable.

9. *Depreciation and use allowances.* Institutions may be compensated for the use of their buildings, capital improvements, and equipment: *Provided,* That they are used beneficially, needed in the institutions' activities, and properly allocable to sponsored agreements. Such compensation shall be made by computing either depreciation or use allowance. Use allowances are the means of providing such compensation when depreciation or other equivalent costs are not computed. The allocation for depreciation or use allowance shall be made in accordance with section F1. Depreciation and use allowances are computed applying the following rules:

a. The computation of depreciation or use allowances shall be based on the acquisition cost of the assets involved. For this purpose, the acquisition cost will exclude (1) the cost of land; (2) any portion of the cost of buildings and equipment borne by or donated by the Government, irrespective of where title was originally vested or where it is presently located; and (3) any portion of the cost of buildings and equipment contributed by or for the institution in satisfaction of a Federal cost sharing or matching requirement. For an asset donated to the institution by a third party, its fair market value at the time of the donation shall be considered as the acquisition cost.

b. In the use of the depreciation method, the following shall be observed:

(1) The period of useful service or useful life established in each case for usable capital assets must take into consideration such factors as type of construction, nature of the equipment, technological developments in the particular area, and the renewal and replacement policies followed for the individual items or classes of assets involved.

(2) The depreciation method used to charge the cost of an asset (or group of assets) to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions than in the later portions of its useful life, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the Government.

(3) Where the depreciation method is introduced for application to assets for which use allowance was previously charged, the aggregate amount of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets.

(4) When the depreciation method is used for buildings, a building "shell" may be treated separately from other building components, such as plumbing system and heating and air conditioning system. Each component item may then be depreciated over its estimated useful life. On the other hand, the entire building, including the shell and all components, may be treated as a single asset and depreciated over a single useful life.

(5) Where the depreciation method is used for a particular class of assets, no depreciation may be allowed on any such assets that should be viewed as fully depreciated.

c. Under the use allowance method, the following shall be observed:

(1) The use allowance for buildings and improvements (including improvements such as paved parking areas, fences, and sidewalks) will be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost.

(2) In contrast to the depreciation method, the entire building must be treated as a single asset without separating its "shell" from other building components under the use allowance method. The entire building must be treated as a single asset, and the two-percent use allowance limitation must be applied to all parts of the building. The two-percent limitation, however, need not be applied to equipment or other assets that are merely attached or fastened to the building but not permanently fixed and are used as furnishings, decorations or for specialized purposes (e.g., dentist chairs and dental treatment units, counters, laboratory benches bolted to the floor, dishwashers, and carpeting). Such equipment and assets will be considered as not being permanently fixed to the building if they can be removed without the need for costly or extensive alterations or repairs to the building to make the space usable for other purposes. Equipment and assets which meet these criteria will be subject to the six and two-thirds percent equipment use allowance.

(3) A reasonable use allowance may be negotiated for any assets that are considered to be fully depreciated, after taking into consideration the amount of depreciation previously charged to the Government, the estimated useful life remaining at the time of negotiation, the effect of any increased maintenance charges, decreased efficiency due to age, and any other factors pertinent to the utilization of the asset for the purpose contemplated.

d. Except as otherwise provided in b and c above, a combination of the depreciation and use allowance methods may not be used for a single class of assets (e.g., buildings, office equipment, and computer equipment).

e. Charges for use allowances or depreciation must be supported by adequate property records, and physical inventories must be taken at least once every two years to ensure that the assets exist and are usable, used, and needed. In addition, when the depreciation method is used, adequate depreciation records showing the amount of depreciation taken each period must also be maintained.

10. *Donated services and property.* The value of donated services and property are not allowable either as a direct or indirect cost, except that depreciation or use allowances on donated assets are permitted in accordance with Section J9a. The value of donated services and property may be used to meet cost sharing or matching requirements, in accordance with OMB Circular No. A-110.

11. *Employee morale, health, and welfare costs, and credits.* The costs of house publications, health or first-aid clinics and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs will be equitably allocated to all activities of the institution in proportion to the

distribution of salary and wage costs. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

12. *Entertainment costs.* Costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

13. *Equipment and other capital expenditures.* a. For purposes of this paragraph, the following definitions apply:

(1) *Equipment* means an article of nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit.

(2) *Capital expenditure* means the cost of the asset including the cost to put it in place. Capital expenditure for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation may be included in, or excluded from, capital expenditure cost in accordance with the institution's regular accounting practices.

(3) *Special purpose equipment* means equipment which is usable only for research, medical, scientific, or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

(4) *General purpose equipment* means equipment, the use of which is not limited only to research, medical, scientific or other technical activities. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

b. The following rules of allowability shall apply to equipment and other capital expenditures:

(1) Capital expenditures for general purpose equipment, buildings, and land are unallowable except where such expenditures are specifically approved in advance by the sponsoring agency.

(2) Capital expenditures for special purpose equipment are allowable as direct costs, provided that the acquisition of items having a unit cost of $1,000 or more is approved in advance by the sponsoring agency.

(3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable, except where such expenditures are specifically approved in advance by the sponsoring agency.

(4) Equipment and other capital expenditures are unallowable as indirect costs.

(5) See Section J9 for allowability of depreciation or use allowance on buildings, capital improvements, and equipment. Also see Section J33 for allowability of rental costs on land, buildings, and equipment.

14. *Fines and penalties.* Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the sponsored agreement, or instruction in writing from the contracting officer.

15. *Fringe benefits.* a. Fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, military leave, and the like, are allowable: *Provided,* Such costs are distributed to all institutional activities in proportion to the relative amount of time or effort actually devoted by the employees. See Section J35 for treatment of sabbatical leave.

b. Fringe benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, tuition or remission of tuition for individual employees or their families and the like are allowable: *Provided,* Such benefits are granted in accordance with established institutional policies, and are distributed to all institutional activities on an equitable basis. See Section J36b for treatment of tuition remission provided to students.

c. Rules for pension plan costs are as follows:

(1) Costs of the institution's pension plan which are incurred in accordance with the established policies of the institution are allowable: *Provided,* (a) Such policies meet the test of reasonableness; (b) the methods of cost allocation are equitable for all activities; (c) the amount of pension cost assigned to each fiscal year is determined in accordance with (2) below; and (d) the cost assigned to a given fiscal year is funded for all plan participants within six months after the end of that year.

(2) The amount of pension cost assigned to each fiscal year shall be determined in accordance with generally accepted accounting principles as prescribed in Accounting Principles Board Opinion Number 8, "Accounting for the Cost of Pension Plans," issued by the American Institute of Certified Public Accountants. However, institutions may elect to follow the "Cost Accounting Standard for Composition and Measurement of Pension Cost" (4 CFR Part 412). Where these standards are followed, actuarial gains and losses shall be accounted for in accordance with Accounting Principles Board Opinion No. 8.

(3) Premiums paid for pension plan termination insurance pursuant to the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) are allowable. Late payment charges on such premiums are unallowable. Excise taxes on accumulated funding deficiencies and prohibited transactions of pension plan fiduciaries imposed under the Employee Retirement Income Security Act are also unallowable.

d. Fringe benefits may be assigned to cost objectives by identifying specific benefits to specific individual employees or by allocating on the basis of the salaries and wages of the employees receiving the benefits. When the allocation method is used, separate allocations must be made to selective groupings of employees, if the costs in relationship to salaries and wages differ significantly for different groups of employees. Also, fringe benefits related to institutional salaries and wages treated as direct costs shall also be treated as direct costs.

16. *Insurance and indemnification.* a. Costs of insurance required or approved, and maintained, pursuant to the sponsored agreement, are allowable.

b. Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations: (1) Types and extent and cost of coverage must be in accordance with sound institutional practice; (2) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable, except to the extent that the Government has specifically required or approved such costs; and (3) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

c. Contributions to a reserve for an approved self-insurance program are allowable, to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable, unless expressly provided for in the sponsored agreement, except that costs incurred because of losses not covered under existing deductible clauses for insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools, which occur in the ordinary course of operations, are allowable.

(e) Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided for in the sponsored agreement, except as provided in d above.

17. *Interest, fund raising, and investment management costs.* a. Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

b. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are unallowable.

c. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

d. Costs related to the physical custody and control of monies and securities are allowable.

18. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

19. *Losses on other sponsored agreements or contracts.* Any excess of costs over income under any other sponsored agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for indirect costs.

20. *Maintenance and repair costs.* Costs incurred for necessary maintenance, repair or upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciable prolong its intended life but keep it in an efficient operating condition, are allowable.

21. *Material costs.* Costs incurred for purchased materials, supplies, and fabricated parts directly or indirectly related to the sponsored agreements, are allowable. Purchases made specifically for the sponsored

agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the sponsored agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the sponsored agreement. Where Government-donated or furnished material is used in performing the sponsored agreement, such material will be used without charge.

22. *Memberships, subscriptions, and professional activity costs.* a. Costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

b. Costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable.

c. Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

23. *Patent costs.* Costs of preparing disclosures, reports, and other documents required by the sponsored agreement, and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the sponsored agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also section J34.)

24. *Plant security costs.* Necessary expenses incurred to comply with Government security requirements, including wages, uniforms and equipment of personnel engaged, in plant protection, are allowable.

25. *Preagreement costs.* Costs incurred prior to the effective date of the sponsored agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless specifically set forth and identified in the sponsored agreement.

26. *Professional services costs.* a. Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable, subject to b and c below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

b. Factors to be considered in determining the allowability of costs in a particular case include (1) the past pattern of such costs, particularly in the years prior to the award of sponsored agreements; (2) the impact of sponsored agreements on the institution's total activity; (3) the nature and scope of managerial services expected of the institution's own organizations; and (4) whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under sponsored agreements.

c. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the sponsored agreements.

27. *Profits and losses on disposition of plant equipment or other capital assets.* Profits or losses arising from the sale or exchange of plant, facilities, equipment or other capital assets, including sale or exchange of either short-term or long-term investments, shall not be considered in computing the costs of sponsored agreements except for pension plans as provided in Section J15c. When assets acquired with Federal funds, in part or wholly, are disposed of, the distribution of the proceeds shall be made in accordance with Attachment N, OMB Circular No. A-110.

28. *Proposal costs.* Proposal costs are the costs of preparing bids or proposals on potential Government and nongovernment sponsored agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods will be allocable to the current period. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

29. *Public information services costs.* Cost of news releases pertaining to specific research or scientific accomplishment are allowable.

30. *Rearrangement and alteration costs.* Cost incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approve in advance by the sponsoring agency concerned.

31. *Reconversion costs.* Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of a sponsored agreement, fair wear and tear excepted, are allowable.

32. *Recruiting costs.* a. Subject to b, c, and d below, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

b. In publications, costs of help wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect), are unallowable.

c. Costs of help wanted advertising, special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel from other intitutions that do not meet the test of reasonableness or do not conform with the established practices of the institution, are unallowable.

d. Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within twelve months after hire, the institution will be required to refund or credit such relocation costs to the Government.

33. *Rental cost of buildings and equipment.* a. Subject to the limitations described in b through d below, rental costs are allowable to the extent that the rates are reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

b. The institution should make a reasonable, periodic determination whether comparable or suitable space or equipment is available within the institution. When comparable or suitable space is available, the institution must justify why noninstitution space is being rented.

c. Rental costs under "sale and leaseback" arrangements are allowable only up to the amount that would be allowed if the institution continued to own the property.

d. Rental costs under "less-than-arms-length" leases are allowable only up to the amount that would be allowed if the institution owned the property. For this purpose, a less-than-arms-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include those between: (1) divisions of an institution; (2) institutions or organizations under common control through common officers, directors, or members; and (3) an institution and a director, trustee, officer, or key employee of the institution or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

e. Rental costs under leases which create a material equity in the leased property are allowable only up to the amount that would be allowed if the institution purchased the property on the date the lease agreement was executed. For this purpose, a material equity in the property exists when the lease:

(1) Is noncancelable or is cancelable only upon the occurrence of some remote contingency, and

(2) Has one or more of the following characteristics:

(a) Title to the property passes to the institution at some time during or after the lease period.

(b) The term of the lease corresponds substantially to the estimated useful life of the property (i.e., the period of economic usefulness to the legal owner of the property).

(c) The initial term is less than the useful life of the property and the institution has the option to renew the lease for the remaining useful life at substantially less than fair rental value.

(d) The property was acquired by the leasor to meet the special needs of the institution and will probably be usable only for that purpose and only by the institution.

(e) The institution has the right, during or at the expiration of the lease, to purchase the property at a price which at the inception of the lease appears to be substantially less than the probable fair market value at the time it is permitted to purchase the property (commonly called a lease with a bargain purchase option).

34. *Royalties and other costs for use of patents.* Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the sponsored agreement and applicable to tasks or processes thereunder, are allowable unless the Government has a license or the right tc free use of the patent, the patent has been adjudicated to be invalid or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

35. *Sabbatical leave costs.* Costs of leave of absence by employees for performance of graduate work or sabbatical study, travel, or research are allowable provided the institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all related activities of the institution. Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the institution's actual experience under its sabbatical leave policy.

36. *Scholarships and student aid costs.* a. Scholarships, fellowships, and other forms of student aid and the costs of administering such aid are allowable only when the purpose of the sponsored agreement is to provide training to selected participants and the charge is approved by the sponsoring agency. However, tuition remission and other forms of compensation paid as, or in lieu of, wages to students performing necessary work are allowable: *Provided*, That (1) there is a bonafide employer-employee relationship between the student and the institution for the work performed, (2) the tuition or other payments are reasonable compensation for the work performed and are conditioned explicitly upon the performance of necessary work, and (3) it is the institution's practice to similarly compensate students in nonsponsored as well as sponsored activities.

b. Charges for tuition remission and other forms of compensation paid to students as, or in lieu of, wages shall be subject to the reporting requirements stipulated in section J6, and shall be treated as direct or indirect cost in accordance with the actual work being performed. Such compensation shall not be classified as a fringe benefit.

37. *Severance pay.* a. Severance pay is compensation in addition to regular salary and wages which is paid by an institution to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

b. Severance payments that are due to normal recurring turnover and which otherwise meet the conditions of a. above may be allowed: *Provided*, The actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

c. Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determind on a case-by-case basis. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

38. *Specialized service facilities.* a. The costs of institutional services involving the use of highly complex or specialized facilities such as electronic computers, wind tunnels, reactors, and animal resource centers are allowable: *Provided*, The charge for the service meets the conditions of b-through d below.

b. The cost of each service shall consist of both its direct costs and its allocable share of indirect costs with deductions for appropriate income or Federal financing as described in section C5.

c. The cost of such institutional services when material in amount must be charged directly to applicable sponsored agreements based on actual use of the services on the basis of a schedule of rates that: (1) does not discriminate between federally and nonfederally supported activities of the institution, including usage by the institution for internal purposes; and (2) is designed to recover not more than the aggregate cost of the services over a long-term period agreed upon in advance by the Government on a case-by-case basis. Accordingly, it is not necessary that the rates charged for services be exactly equal to the cost of providing those services during any one fiscal year as long as rates are adjusted to offset overcharges or undercharges at least annually.

d. Where the costs incurred for such institutional services are not material, they may be assigned as indirect costs to those activities which they benefit on a basis representative of benefits received. Such arrangements must be worked out in advance with the Government in order to assure an equitable distribution of the costs.

39. *Special services costs.* Costs incurred for general public relations activities, catalogs, alumni activities, and similar services, are unallowable.

40. *Student activity costs.* Costs incurred for intramural activities, student publications, student clubs, and other student activities, are unallowable, unless specifically provided for in the sponsored agreements.

41. *Student services costs.* Costs of the deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services apply only to instruction and therefore are not normally allowable. However, when students actually engage in work under sponsored agreements, a proportion of student services costs measured by the relationship between hours of work by students on such sponsored work and total student hours may be allowed.

42. *Taxes.* a. In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable. Payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for: (1) taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government, and in the latter case when the sponsoring agency makes available the necessary exemption certificates; and (2) special assessments on land which represent capital improvements.

b. Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as sponsored agreement costs, will be credited or paid to the Government in the manner directed by the Government, provided any interest actually paid or credited to an institution incident to a refund of tax, interest, and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

43. *Transportation costs.* Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in porcess, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the sponsored agreement, should be treated as a direct cost.

Travel costs. a. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the institution. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the institution in its regular operations.

b. Travel costs are allowable subject to c, d, e, and f below, when they are directly attributable to specific work under a sponsored agreement or are incurred in the normal course of administration of the institution or a department or research program thereof.

c. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (1) require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler

d. Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

e. Foreign travel costs are allowable only when the travel has received specific prior approval. Each separate foreign trip must be specifically approved For purposes of

this provision, foreign travel is defined as "any travel outside of Canada and the United States and its territories and possessions."

f. When an amount for domestic travel is specified in the sponsored agreement, expenditures for such travel will not be allowed if they exceed the amount specified by more than 25% or $500, whichever is greater, except with an advanced approval of the sponsoring agency.

45. *Termination costs applicable to sponsored agreements.* a. Termination of sponsored agreements generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the agreement not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this Circular in the case of termination.

b. The cost of common items of material reasonably usable on the institution's other work will not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution will be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the agreement should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

c. If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Circular, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs will be considered unacceptable.

d. Loss of useful value of special tooling, and special machinery and equipment is generally allowable, *Provided*, (1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution; (2) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer or equivalent; and (3) the loss of useful value as to any one terminated agreement is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the agreement bears to the entire terminated agreement and other Government agreements for which the special tooling, special machinery, or equipment was acquired.

e. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated agreement, less the residual value of such leases, if (1) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the agreement and such further period as may be reasonable; and (2) the institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property: *Provided*, Such alterations were necessary for the performance of the agreement, and of reasonable restoration required by the provisions of the lease.

f. Settlement expenses including the following are generally allowable: (1) Accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers or equivalent of settlement claims and supporting data with respect to the terminated portion of the agreement, and the termination and settlement of subagreements; and (2) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the agreement.

g. Claims under subagreements, including the allocable portion of claims which are common to the agreement and to other work of the institution, are generally allowable.

K. *Certification of charges.* To assure that expenditures for sponsored agreements are proper and in accordance with the agreement documents and approved project budgets, the annual and/or final fiscal reports or vouchers requesting payment under the agreements will include a certification, signed by an authorized offical of the university, which reads essentially as follows: "I certify that all expenditures reported (or payment requested) are for appropriate purposes and in accordance with the provisions of the application and award documents."

[FR Doc. 78-6275 Filed 3-9-78; 8:45 am]

[3110-01]

PRIVACY ACT OF 1974

Reports on New System

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires the agencies to give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period January 9, 1978, through February 3, 1978, no new or revised systems of records were received. During the period February 6, 1978, through February 17, 1978, the Office of Management and Budget received the following reports on new (or revised) systems of records.

COPYRIGHT OFFICE

Systems of records. (1) Notices of institution of actions for the infringment of works refused registration.

(2) Deposit recordation file.

Report date. January 26, 1978.

Point of contact. Mr. Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Arlington, Va. 22202.

Summary. The first system will be used by the Copyright Office to determine whether the Register of Copyrights will join these actions on the issue of registrability of the copyright claim. The second system will be used to keep records of compliance with the requirement to deposit copies and phonorecords of copyrighted works and to locate and correspond with those who do not comply.

DEPARTMENT OF DEFENSE

System of record. DOD health services enrollment eligibility system.

Report date. January 27, 1978.

Point of contact. Mr. William Cavaney, Department of Defense, Forrestal Building, 1000 Independence Avenue, Washington, D.C. 20314.

Summary. This system is intended to "create a central automated file of all personnel who are legally eligible * * * to receive health care benefits from the Uniformed Services Health Services Delivery System" for determing eligibility for care, and to conduct longitudinal research for planning and managing medical resources.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

System names. (1) Blood donors for tissue typing sera and cell analysis and related research.

(2) Medical library management intern program.

Report date. February 3, 1978.

Point of Contact. Mr. John D. Young, Department of Health, Education, and Welfare, Washington, D.C. 20201.

Summary. The purpose of the first system is "to provide data to be used in evaluating histocompatibility testing sear submitted by manufacturers for approval and release on the market." The second system will be used to "facilitate the processing and review of applications" for the National Library of Medicine's management intern program.

System name. Cancer patients on laetrile and physicians.

Report date. February 10, 1978.

Point of contact. Mr. John D. Young, Department of Health, Education, and Welfare, Washington, D.C. 20201.

DEPARTMENT OF AGRICULTURE

System name. Food service management company registration system for the summer food service program for children.

Report date. February 6, 1978.

Point of contact. John Heslin, Special Feeding Programs Branch, U.S. Department of Agriculture, 201 14th Street NW., Washington, D.C. 20250.

Summary. This system, to be operated by the Food and Nutrition Service, will consist of records of registered food service management companies and their program records, and will be used to certify the qualifications of those companies.

SMALL BUSINESS ADMINISTRATION

System name. Official travel file.
Report date. February 13, 1978.
Point of contact. Mr. Nicholas Kalcounos, FOIA and Privacy Officer, Small Business Administration, Washington, D.C. 20416.
Summary. SBA proposes to change this system of records to reflect the inclusion of applications for advance of funds and the use of the social security number.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-6274 Filed, 3-9-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10150; 812-4243]

AMERICAN GENERAL BOND FUND, INC. AND AMERICAN GENERAL CAPITAL MANAGEMENT, INC.

Filing of Application

MARCH 3, 1978.

Notice is hereby given that American General Bond Fund, Inc. ("Fund"), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and American General Capital Management, Inc., ("American Capital"), 2777 Allen Parkway, Houston, Tex. 77019, the Fund's investment adviser, filed an application on December 5, 1977, and an amendment thereto on February 21, 1978, pursuant to section 17(b) of the act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed purchase by American Capital from the fund of certain securities of El Tigre Corp. ("El Tigre"). All interested persons are referred to the application on file with the Commission for a statment of the representations contained therein, which are summarized below.

On March 19, 1971, the Fund purchased $468,000 of El Tigre 10.25 percent secured notes maturing on May 1, 1968, that were part of a private placement offered by El Tigre in order to finance the purchase of two oil tankers. At the same time, American General Life Insurance Co. of Delaware ("American General of Delaware") also purchased $468,000 of the El Tigre secured notes. Both American Capital and American General of Delaware at the time of the above purchases were, and still are, wholly-owned subsidiaries of American General Insurance Company ("AG Insurance"). In addition, at the time of the above purchases American Capital served as investment adviser to both the Fund and American General of Delaware. Since American General of Delaware is affiliated with the Fund through a common investment adviser (American Capital) and a common parent corporation of that investment adviser (AG Insurance) American General of Delaware is an affiliated person of an affiliated person of the Fund, as that term is defined in section 2(a)(3) of the Act. This being the case, the above purchases of El Tigre secured notes, in which both the Fund and American General of Delaware participated, may have been subject to the provisions of section 17(d) of the Act and Rule 17d-1 thereunder, which provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which any such registered company, or company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been granted by an order of the Commission. It does not appear that an application requesting an order of the Commission to permit the above purchases of the El Tigre secured notes was ever filed.

On March 9, 1977, the board of directors of the Fund was provided with a detailed report on the El Tigre secured notes held by the Fund, including certain facts concerning impairment of the collateral securing those notes, and the current financial instability of the guarantor of those notes (Commonwealth Oil and Refining Co., Inc.). After considering the above report, the Fund's board of directors revalued its holdings in the El Tigre secured notes downward to $44,947 for purposes of portfolio valuation. American General of Delaware took the same action with respect to its holdings in the secured notes. On August 31, 1977, the remaining principal balance on the El Tigre secured notes held by the Fund was $432,146. Since it appears that the purchases of the El Tigre secured notes by American General of Delaware and the Fund may not have conformed with the requirements of section 17(d) of the Act and Rule 17d-1 thereunder, and therefore that the Fund may have grounds to assert a claim against American Capital for the loss it has suffered on this investment, American Capital has offered, in settlement of any claims which the Fund may have against American Capital on account of such purchases, but without admitting or denying any liability arising from such purchases, and subject to the Commission's issuance of the order requested herein, to purchase the El Tigre secured notes from the Fund for their full remaining principal balance.

At a regular meeting of the board of directors of the Fund on September 9, 1977, which was attended by a majority of the disinterested directors of the Fund, independent counsel for the disinterested directors, and the Fund's portfolio manager, the Fund's board of directors unanimously approved acceptance of American Capital's offer to purchase the El Tigre secured notes held by the Fund for their full amortized principal amount, subject to obtaining the required order of the Commission. It is represented that in approving acceptance of this offer the Fund's directors considered the fact that since under the offer American Capital would be providing a cash payment to the Fund equalling the remaining principal balance of the El Tigre secured notes the Fund could not receive any more in payment on those notes if it held them in its portfolio until their maturity at May 1, 1986. The applicants state that the Fund's directors also considered the significant investment risks to the Fund that would be inherent in retention of the notes (i.e., that the Fund would not receive full payment on the notes at maturity). Upon their approval of American Capital's offer to purchase the El Tigre secured notes, the Fund's directors revalued those notes in the Fund's portfolio upward to their remaining principal balance.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or to purchase from such registered company any security or other property, subject to certain exceptions not relevant here. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Since American Capital is investment adviser to the Fund, and section 2(a)(3) of the Act defines an affiliated person of another person to include any person acting as investment adviser to such other person, the proposed purchase of the El Tigre secured notes from the Fund by American Capital requires an order pursuant to section 17(b) of the Act.

The applicants represent that American Capital's offer to purchase the El Tigre secured notes held by the Fund at their remaining principal bal-

ance will fully reimburse the Fund for its investment since the purchase price will not involve any discount from the outstanding principal balance of those notes. Further, the applicants assert that there will be no investment risk to the Fund associated with the Fund's sale of the above secured notes to American Capital, as the Fund will be receiving a cash payment from American Capital, and since the Fund could not realize any more from its investment in the notes even if they were held to maturity. The applicants also represent that there are significant investment risks inherent in retention of the secured notes by the Fund, and that such risks will be shifted from the Fund to American Capital if the proposed purchase of the notes is consummated. The applicants, moreover, submit that American Capital's offer will provide the Fund with cash which the Fund can then reinvest in higher grade securities, and will relieve the Fund of a portfolio investment that has become more speculative than desirable in light of the Fund's investment policies. Thus, the applicants contend that the terms of American Capital's proposed purchase of the El Tigre secured notes from the Fund, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that such proposed purchase is consistent with the policy of the Fund and with the general purposes of the Act. Accordingly, the applicants request an order of the Commission exempting the proposed purchase from the provisions of section 17(a) of the Act.

Notice is further given that any interested person may, not later than March 27, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a 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 the 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 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6322 Filed 3-9-78; 8:45 am]

[8010-01]

[File No. 500-1]

AMINEX RESOURCES CORP.

Suspension of Trading

MARCH 6, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Aminex Resources Corp. 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 9:30 a.m. e.s.t., on March 6, 1978 through March 15, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6323 Filed 3-9-78; 8:45 am]

[8010-01]

NATIONAL MARKET ADVISORY BOARD

Continuation of Advisory Committee; Opportunity for Public Comment

The Securities and Exchange Commission is conducting a review of its Federal advisory committee as directed by the President and the Office of Management and Budget. In connection with that review, we invite comments from interested members of the public on the need for and the performance of this SEC advisory committee.

The one SEC advisory committee is: the National Market Advisory Board.

On December 30, 1977, the charter of the National Advisory Board was amended so as to continue the board's existence as an entity after the expiration of the terms of its then current members, December 31, 1977, so that the Commission may appoint members in the future should it be deemed appropriate.

The Advisory Board's objectives are to: (1) Formulate and furnish to the Commission its views on signficant regulatory proposals made by the Commission or any self-regulatory organization concerning the establishment, operation, and regulation of the markets for securities in the United States;

(2) Study and make recommendations to the Commission as to the steps it finds appropriate to facilitate the establishment of a national market system; and

(3) Study the possible need for modification of the scheme of self-regulation so as to adapt it to a national market system, including the need for the establishment of a new self-regulatory organization, a National Market Regulatory Board, to administer the national market system. In the event the Advisory Board determines that a National Market Regulatory Board should be established it shall make recommendations as to: (a) The point in time at which a Regulatory Board should be established;

(b) The composition of a Regulatory Board;

(c) The scope of the authority of a Regulatory Board;

(d) The relationship of a Regulatory Board to the Commission and to existing self-regulatory organizations; and

(e) The manner in which a Regulatory Board should be funded.

Persons wishing to comment on the above advisory committee should submit written statements in triplicate to George A. Fitzsimmons, Advisory Committee Management Officer, room 892, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should be specific in nature. Comments should be received no later than March 31, 1978. The Commission will consider and where appropriate will forward comments to the Office of Management and Budget.

Questions concerning the review may be directed to George A. Fitzsimmons 202-755-1160.

Dated: March 7, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-6321 Filed 3-9-78; 8:45 am]

[8010-01]

[Rel. No. 20431; 70-6120]

NORTHEAST UTILITIES

Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment Plan

MARCH 3, 1978.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Mass. 01089, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections

6(a) and 7 of the act and rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. Interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Pursuant to Commission order dated March 25, 1977 (HCAR No. 19961), Northeast has been authorized to issue and sell up to 3,000,000 of its authorized but unissued common shares, par value $5 per share, pursuant to its Dividend Reinvestment and Common Share Purchase Plan adopted in 1974 ("Plan"). As of February 1, 1978, Northeast had issued and sold 2,474,637 of its authorized common shares pursuant to the Plan.

Northeast proposes to issue and sell from time to time up to April 15, 1979, the 525,363 shares remaining from the 3,000,000 shares previously authorized, plus a maximum of 1,000,000 additional authorized but unissued shares ("Additional Common Shares"). The purchase price for the 525,363 shares remaining from those previously authorized and for the Additional Common shares will be the average of the closing sales prices for common shares during the fifteen trading days immediately preceding the dividend payment date.

As of February 1, 1978, the proceeds from the sale of shares pursuant to the Plan had been applied to the repayment of short-term borrowings incurred for capital contributions or advances to Northeast's subsidiaries to finance the cost of the continuing construction program of the Northeast Utilities System. The proceeds from the sale of the balance of the additional common shares (estimated at approximately $16,016,311, assuming all of the remaining 1,525,363 additional common shares are sold at a price of $10.50 per share) will also be applied to the repayment of short-term borrowings incurred for capital contributions or advances to Northeast's subsidiaries to finance the cost of the continuing construction program of the Northeast Utilities System.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1978, 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 the filing 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 mail upon the applicants-declarants at 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 said date, the application-declaration, as filed or as it may be 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 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 recieve any notices or orders issued 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. 78-6324 Filed 3-9-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. SA-78-1]

WHITEHEAD AND KALES CO.

Waiver of Safety Appliance Standards

The Whitehead and Kales Co. (W&K) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with certain provisions of the Railroad Safety Appliance Standards contained in 49 CFR Part 231. W&K seeks exemption from the provisions of 49 CFR 231.1(f), which specifies the clearance dimensions that must be adhered to when installing ladders on the ends of freight cars.

W&K is engaged in the installation of automobile racks on railroad flatcars. The most recent design for the application of radial end doors for these automobile racks incorporates a portion of a vertical ladder. This, door mounted, end ladder will encroach approximately four inches, beyond the vertical plane at the striker plate. W&K seeks a waiver to permit the installation of such a ladder since the regulation does not permit end ladders to encroach beyond the striker plate on the end of a freight car.

In support of this request for waiver, W&K notes that the ladders are used solely for the convenience of personnel engaged in loading and unloading vehicles from the upperdeck levels. W&K studied several alternative solutions to this ladder design but rejected these solutions because the alternatives caused additional problems with the basic design which could not be corrected. Furthermore, W&K notes that these cars are not equipped with end platforms and, therefore, operating personnel would not be riding on the ends of these cars. Consequently, this reduction of the clearance space between cars should not present a danger to personnel.

W&K indicates that this end door design is part of an effort to enclose the automobile rack cars so as to reduce vandalism and theft. The waiver, if granted, would permit W&K to use this design on approximately 1,100 car sets. These car sets are currently on order with W&K from several railroads including the Atchison, Topeka & Santa Fe, Consolidated Rail Corp., Norfolk & Western, and Southern Railway.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment as the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by any interested party prior to March 10, 1978. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket No. SA-78-1) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before March 31, 1978, will be considered by the FRA before final action is taken. Comments received after that date will be considered to the extent practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101. Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

This notice is ussued under the authority of sections 4, 6, and 12, 27 Stat. 531, as amended, section 6 (c) and (f), 80 Stat. 939; 45 U.S.C. 4, 6, 12; 49 U.S.C. 1655 and section 1.49(c) of the regulations of the Secretary of Transportation, 49 CFR 1.49(c).

Issued in Washington, D.C. on March 2, 1978.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-6265 Filed 3-9-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[055507]

AMERICAN MANUFACTURER'S PETITION

Receipt of an American Manufacturer's Petition To Revoke Duty-Free Treatment Under Generalized System of Preferences for Microscope Slides and Micro Cover Glasses Imported From Beneficiary Developing Countries

MARCH 3, 1978.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of receipt of American manufacturer's petition.

SUMMARY: The Customs Service has received a petition from an American manufacturer of microscope slides and micro cover glasses requesting that such items not be granted free entry under the Generalized System of Preferences (GSP) when imported from beneficiary developing countries. The petitioner contends that these items are import-sensitive and not entitled to be designated for duty-free entry under the GSP.

DATES: Interested persons may comment on this petition, and comments must be received on or before April 10, 1978.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

David A. Lee, Attorney, Special Projects and Programs Branch, U.S. Customs Service, 1301 Constitution Avenue N.W., Washington, D.C. 20229, 202-566-5786.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by Erie Scientific Co. (a division of Syborn Corp.) of Buffalo, N.Y., an American manufacturer of microscope slides and micro cover glasses. The petitioner requests that the same or similar items not be granted free entry under the Generalized System of Preferences (GSP) when imported from beneficiary developing countries. The petitioner contends that these items are import-sensitive items and not properly designated as eligible articles.

Under section 503 of the Trade Act of 1974 (19 U.S.C. 2463), the President may not designate any article for duty-free treatment if it is among certain enumerated import-sensitive categories including "semimanufactured and manufactured glass products" (section 503(c)(1)(F) of the Trade Act).

By Executive Order No. 11888, dated November 24, 1975 (40 FR 55275), the President granted GSP status to laboratory glassware, including glass microscope slides and micro cover glasses, not containing over 95 percent silica by weight (item 547.55, Tariff Schedules of the United States). Petitioner unsuccessfully sought relief from this order from the Trade Policy Staff Committee, and thereafter filed suit in the United States District Court for the Western District of New York to have the designation changed. The Court refused to act on the merits, ordering the petitioner to bring its action in the United States Customs Court, while at the same time retaining jurisdiction. This petition is being filed in order to enable the Customs Court to gain jurisdiction in this matter.

Petitioner believes that microscope slides and micro cover glasses are semimanufactured or manufactured glass products within the meaning of the Trade Act. Petitioner points to the highly price-competitive structure of the domestic industry and traditionally high duties as factors indicating the import-sensitivity of these articles. Petitioner further believes that the term "import-sensitive" means that duty-free treatment would entail injury or threat of injury to domestic producers, and lists conditions present overseas and domestically which he believes indicate that injury is inevitable.

COMMENTS

Pursuant to § 175.21(a), the Customs Regulations (19 CFR 175.21(a)), the Customs Service invites written comments on this petition from all interested parties.

The American manufacturer's petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with §§ 103.8(b) and 175.21(a) of the Customs Regulations (19 CFR 103.8(b), 175.21(a)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

AUTHORITY

This notice is being published in accordance with § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)).

DONALD W. LEWIS,
Acting Assistant Commissioner
Regulations and Rulings.

[FR Doc. 78-6325 Filed 3-9-78; 8:45 am]

[4810-22]

Customs Service

[TMK-2-R:E:R]

AURORA STEEL PRODUCTS

Application for Recordation of Trade Name

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name AURORA STEEL PRODUCTS used by Aurora Steel Products, division of Hupp, Inc. and a wholly owned subsidiary of White Consolidated Industries, Inc., a corporation organized under the laws of the State of Delaware, located at 580 So. Lake Street, Aurora, Ill. 60507.

The application states that the trade name is applied to desks, chairs, bookcases, tables, shelving, and storage equipment namely, lockers, library shelving, storage cabinets and shelf storage cabinets and shelf filing systems, manufactured in the United States. The application states further that no foreign person, partnership, subsidiary, related company or parent company is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than April 10, 1978.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

DONALD W. LEWIS,
Deputy Assistant Commissioner,
Regulations and Rulings.

MARCH 7, 1978.

[FR Doc. 78-6315 Filed 3-9-78; 8:45 am]

[4810-22]

[TMK-2-R:E:R]

DAWN IMPORTS INTERNATIONAL, INC.

Application for Recordation of Trade Name

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Dawn Imports International, Inc., used by Dawn Imports International, Inc., a corporation organized under the laws of the State of New York, located at 500 Seventh Avenue, New York, N.Y. 10018.

The application states that the trade name is applied to ladies outerwear coats and ladies outerwear sweaters, in various fabrics and styles, manufactured in Taiwan and Korea. The application states further that neither a parent nor a subsidiary company or any other foreign company under common ownership or control is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than April 10, 1978.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

DONALD W. LEWIS,
Deputy Assistant Commissioner, Regulations and Rulings.

MARCH 7, 1978.

[FR Doc. 78-6314 Filed 3-9-78; 8:45 am]

[4810-22]

Office of the Secretary

ICE HOCKEY STICKS FROM FINLAND

Modification of Determination of Sales at Less Than Fair Value

AGENCY: U.S. 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 ice hockey sticks from Finland has been reconsidered. Accordingly, the determination is being modified to reflect the results of this reconsideration. 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.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald W. Eiss, Office of Tariff Affairs, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-8256.

SUPPLEMENTARY INFORMATION: A "Determination of Sales at Less Than Fair Value" with respect to ice hockey sticks from Finland was published in the FEDERAL REGISTER of December 30, 1977 (42 FR 65345).

In the "Statement of Reasons" of that notice, paragraph one of subsection (e) "Results of Fair Value Comparisons," stated that the weighted average margin found on all sales to the United States during the investigatory period made by the firm used for fair value comparisons, Koho-Tuote Oy (Koho), was 10.5 percent. It has been determined that this figure was not accurate and that the correct weighted average margin found on all Koho's sales was 14.0 percent.

Further, in paragraph two under subsection (e), the Treasury raised the possibility that a revision in the size of the margins of sales at less than fair value might be necessary to account for certain additional adjustments to home market prices pursuant to § 153.15, Customs Regulations, (19 CFR 153.15) for differences in the home market and export levels of trade. In particular, certain warehousing costs which Koho claimed to incur in connection with its home market sales, but which it said were not incurred on sales to the U.S. importer, were to be considered.

As was stated in the notice, the possibility of making adjustments for such warehousing costs was considered within the context of the presently pending review of Treasury regulations and policies concerning adjustments both for differences in circumstances of sale (19 CFR 153.10) and levels of trade (19 CFR 153.15). Treasury is aware of, and sensitive to, the possibility that present regulations and Treasury policies regarding these two issues may not have in the past properly recognized all expenses which may warrant adjustments.

However, it has been determined that a review and possible alteration of regulations and policies with respect to such a fundamental area of the administration of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) should not be implemented on a case-by-case basis. It would be inappropriate to make such changes in any case before the comprehensive review referred to is completed. Therefore, it has been decided that no further adjustments to home market price based on alleged differences in levels of trade, under § 153.15, supra, will be made pending the completion of the more general review of this area presently underway.

It has however, been determined that Koho does incur warehousing costs in certain of its home market sales of ice hockey sticks, namely, with respect to those sticks already sold. The Treasury recognizes that when warehousing costs are incurred after the sale of a good is completed, an adjustment is justified under § 153.10, supra, as an expense which is directly related to the sale under consideration.

In accordance with § 153.2, Customs Regulations (19 CFR 153.2), the home market price of the merchandise has been recalculated to reflect the additional deduction warranted under § 153.10, supra. As a result the margins found with respect to all sales from Finland now range from 0 to 19 percent with a weighted average margin of 12.2 percent.

Accordingly, the "Notice of Determination of Sales at Less Than Fair Value" referred to above is modified to reflect the change in the home market price used for comparison and the results of comparisons made.

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. MUNDHEIM,
General Counsel of the Treasury.

MARCH 6, 1978.

[FR Doc. 78-6332 Filed 3-9-78; 8:45 am]

[4810-25]

Office of the Secretary

IMPORTED STEEL MILL PRODUCTS "TRIGGER PRICE MECHANISM"

Coverage of Wire Rod, Wire, and Wire Products

On February 21, 1978, a final rulemaking took effect which amended regulations to require the filing of a special summary steel invoice (SSSI) with all entries of imported steel mill products (43 FR 6065). The information provided in the SSSI is being used to enable the Treasury Department to implement the "trigger price mechanism" for monitoring imports of basic steel mill products and to obtain statistical data on all steel mill product imports. Under the trigger price mechanism, the sales price of imported steel mill products for which trigger prices have been published in the FEDERAL REGISTER are being compared to the applicable trigger prices; sales below the trigger prices are being investigated to determine whether the Treasury Department should initiate an antidumping proceeding with respect to such or similar merchandise. Trigger base prices where published in the FEDERAL REGISTER on January 9, 1978, for a majority of the steel mill products imported during 1976 and 1977 (43 FR 1463).

Trigger prices for wire rods were published in the FEDERAL REGISTER on January 9, 1978. However, among the steel mill products for which no trigger prices have thus far been published are wire and wire products. Users of wire rod have contended that this product is the only "semifinished" steel mill product for which trigger prices are being announced and that

such prices should be limited to finished steel mill products. It has also been contended that the domestic producers of wire rods appear unable to meet total domestic demand at a time that the Treasury is conducting antidumping proceedings with respect to carbon steel wire rod from France and the United Kingdom. Further, it has been argued that trigger prices for wire rod do not reflect the efficiencies realized by mini-mill producers in Japan. Finally, it has been urged that the relationship between wire rods and wire products is such that it is inappropriate not to publish the trigger prices for all these products simultaneously. All of these contentions have been disputed by domestic makers of wire rods and others.

In the light of the conflicting contentions, it has been determined that it is desirable thoroughly to review the status of wire rod as a steel mill product for which trigger prices should be established and to review the level of those prices. The same occasion will also be used to solicit comments on the extent to which it is necessary and desirable to establish trigger prices for wire and wire products.

Public comment. The public is invited to comment on the issues mentioned above and the implications of including wire rod, wire, and wire products under the trigger price mechanism.

1. *Written submissions.* Written submissions which are received before the close of business on Wednesday, March 29, 1978, will be considered. Written submissions must be submitted in five copies. Each submission should designate clearly the name and address of the party making the submission.

2. *Requests to present oral testimony.* All requests to present oral testimony, and an outline of the proposed testimony, must be received in writing not later than the close of business, Friday, March 17, 1978.

Requests to present oral testimony should include the following information:

(a) The name, address, telephone number, and official position (if applicable) of the party submitting the request, and the person or persons who will present the oral testimony (if different from the party submitting the request);

(b) A description of the articles and tariff item number(s) (TSUS) in which the party has an interest;

(c) The position to be taken by the party; and

(d) The amount of time requested for the presentation of oral testimony, and, if more than 10 minutes is requested, the reasons therefor.

Treasury might find it useful to organize oral testimony into panels of witnesses so that specific issues can be explored in depth among persons who bring to the discussion varying experience and points of view.

3. *Oral testimony.* If sufficient interest is expressed, oral testimony will be heard on Tuesday, March 28, 1978. Each person scheduled to testify will be notified of the date and the amount of time allotted for his presentation.

4. *Communications.* All communications with regard to written submissions or oral testimony should be addressed to: Peter D. Ehrenhaft, Deputy Assistant Secretary for Tariff Affairs, Room 3424, Department of the Treasury, Washington, D.C. 20220, telephone 202-566-2806.

Dated: March 6, 1978.

ROBERT H. MUNDHEIM,
General Counsel.

[FR Doc. 78-6272 Filed 3-9-78; 8:45 am]

[4810-22]

NYLON YARN FROM JAPAN

Antidumping Proceeding

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether nylon yarn from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or the constructed value.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On February 3, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from E.I. du Pont de Nemours & Co., Inc., Wilmington, Del., indicating the possibility that the subject merchandise from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this investigation, the term "nylon yarn" means nylon yarn and grouped nylon filaments, not textured, provided for in items 309.30, 309.31, 310.01, and 310.02, Tariff Schedules of the United States.

Pricing information was supplied by petitioner on two types of nylon yarn—warp knitting yarn and broadweaving yarn. With respect to warp knitting yarn, petitioner submitted Japanese home market and export prices which indicate there may be less-than-fair-value margins of as great as 43 percent. With respect to broadweaving yarn, petitioner invoked section 205(b) of the Act, claiming sales in the home market below the cost of production. Consequently, petitioner constructed the value of broadweaving yarn produced in Japan and, in comparison with a representative export price to the United States, arrived at an alleged less-than-fair-value margin of 42 percent.

With respect to warp knitting yarn, a price-to-price comparison will be used in the investigation hereby initiated. With respect to broadweaving yarn, the investigation will cover not only price-to-price comparisons but will also seek to determine whether (1) there have been sales made in the home market at less than the cost of production over an extended period of time and in substantial quantities and (2) such sales were not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. If there have been such sales, those sales will be disregarded in the determination of foreign market value. If insufficient sales remain at not less than the cost of production, then the constructed value will be employed as the basis of fair value.

There is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States that produces nylon yarn. This information indicates that imports of nylon yarn from Japan are underselling domestic nylon yarn by margins of at least 5 percent, which is fully accounted for by the alleged dumping margins. As a result, in part, of the alleged sales at less than fair value, imports of nylon yarn from Japan have increased in both absolute and relative terms. In addition, domestic production, capacity utilization and sales have all declined in the latest 3-year period. Furthermore, petitioner's profitability in the production of nylon yarn has declined appreciably and employment in petitioner's plants has been affected by lost sales.

In addition, in the FEDERAL REGISTER of January 25, 1978, (43 FR 3470), an "Antidumping Proceeding Notice" was published initiating an antidumping investigation concerning nylon yarn from France. The nylon yarns that are the subject of that investigation also appear to be the subject of this inves-

tigation. The cumulative effect of imports of a single product from more than one country must be considered in assessing the injurious effects of alleged "less than fair value" imports. When the imports from Japan are cumulated with those alleged to exist from France, the level of import penetration exceeds 5 percent of current U.S. consumption.

Counsel for a Japanese exporter has asserted that the nylon yarn at issue here is within the coverage of the Agreement Regarding International Trade in Textiles (MFA), TIAS 7934, and is also covered in an exchange of notes dated December 19, 1975, between the United States and Japan TIAS 8181, under which either government may initiate consultations concerning possible market disruptions caused by imports in textiles and yarns. However, there are no quantitative or other restrictions now in effect concerning imports of the Japanese nylon yarn under the provisions of the MFA or the note of December 19, 1975, which would limit the adverse impact of sales of nylon yarn at less-than-fair-value. Therefore, this case does not present the issue of whether the existence of international agreements or procedures for addressing market disruption caused by the imports under investigsation is a relevant factor in considering whether "substantial doubt" of injury exists requiring a reference of the case to the ITC at this time pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Accordingly, based upon the available information of injury resulting from sales at less than fair value, no "substantial doubt" of injury exists and no reference of this case to the ITC will be made.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact of likelihood of sales at less than fair value.

This notice is being published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MARCH 7, 1978.

[FR Doc. 78-6331 Filed 3-9-78; 8:45 am]

[3510-17]

WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

ADVISORY COMMITTEE MEETING; CANCELLATION

The meeting of the Advisory Committee to the White House Conference on Balanced National Growth and Economic Development announced in the FEDERAL REGISTER, February 27, 1978, 43 FR 7998, has been canceled. The meeting will be rescheduled for a date in April to be announced later in the FEDERAL REGISTER.

Dated: March 8, 1978.

MICHAEL S. KOLEDA,
Director, White House Conference on Balanced National Growth and Economic Development.

[FR Doc. 78-6507 Filed 3-9-78; 9:09 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 607]

ASSIGNMENT OF HEARINGS

MARCH 7, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 95876 (Sub-No. 211), Anderson Trucking Service, Inc., now being assigned May 9, 1978 (1 day), at Chicago, IL in a hearing room to be later designated.

MC 107012 (Sub-No. 251), North American Van Lines, Inc., now being assigned May 10, 1978 (1 day), at Chicago, IL in a hearing room to be later designated.

MC 11651 (Sub-No. 30), Kaney Transportation, Inc., now being assigned May 11, 1978 (1 day), at Chicago, IL in a hearing room to be later designated.

MC 124947 (Sub-No. 75), Machinery Transports, Inc., now being assigned May 12, 1978 (1 day), at Chicago, IL in a hearing room to be later designated.

MC 41404 (Sub-No. 130), Argo-Collier Truck Lines Corp. and MC 41404 (Sub-No. 131), Argo-Collier Truck Lines Corp., now being assigned May 15, 1978 (1 week), at Chicago, IL in a hearing room to be later designated.

MC-F-13383, Red Ball Motor Freight, Inc.—Control—ET & WNC Transportation Company and East Tennessee and Western North Carolina Railroad Company; FD-28589, Red Ball Motor Freight, Inc.—Notes; MC-F-13384, McLean Trucking Co.—Purchase (Portion)—ET & WNC Transportation Company; and MC-F-13385, Gateway Transportation Co., Inc.—Purchase (Portion)—ET & WNC Transportation Co., are now assigned for hearing May 16, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 143065, Mack D. Weatherford, d.b.a. Weatherford Transit, now being assigned April 17, 1978 (1 week), at Columbia, SC in a hearing room to be later designated.

MC 136837 (Sub-No. 3), Florida Continental Express, Inc., is now assigned for hearing May 16, 1978 (1 day) at Columbus, OH, at a hearing room to be later designated.

MC 19157 (Sub-No. 45), McCormack's Highway Transportation, Inc., is now assigned for hearing May 17, 1978 (1 day) at Columbus, OH, at a hearing room to be later designated.

MC 134029 (Sub-No. 6), Sigel's Hauling, Inc., is now assigned for hearing May 18, 1978 (2 days) at Columbus, OH, at a hearing room to be later designated.

MC 109821 (Sub-No. 53), Taynton Freight System, Inc., is now assigned for hearing May 22, 1978 (1 week) at Pittsburgh, PA, at a hearing room to be later designated.

AB 1 (Sub-No. 40), Chicago and North Western Transportation Company abandonment between Gillett, Oconto County, Wisconsin, and Scott Lake, Iron County, Michigan, now being assigned for continued hearing on the 28th day of March 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 115841 (Sub-No. 544), Colonial Refrigerated Transportation, Inc., now assigned April 5, 1978 at Chicago, IL, will be held in Room 204A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 64932, Rogers Cartage Co., Inc., now assigned April 4, 1978 at Chicago, IL, will be held in Room 204A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 107515 (Sub-No. 1075), Refrigerated Transport Co., Inc., now being assigned for continued hearing on April 4, 1978, at the Offices of the Interstte Commerce Commission, Washington, DC.

MC 117883 (Sub-No. 219), Subler Transfer, Inc. now assigned April 3, 1978 at Chicago, IL, is postponed to April 24, 1978 (2 weeks) at Chicago, IL in a hearing room to be later designated.

MC 143539, Republic Delivery Service, now being assigned April 24, 1978 (1 day) at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 73165 (Sub-No. 414), Eagle Motor Lines, Inc., is now assigned for hearing April 25, 1978 (1 day) at Atlanta, GA, at a location to be later designated.

MC 121654 (Sub-No. 5), Coastal Transport & Trading Co.; MC 124887 (Sub-No. 17), Southeastern Transfer & Storage Co., Inc.; MC 124887 (Sub-No. 38), Shelton Trucking Service, Inc.; and MC 136285 (Sub-No. 26), Southern Intermodal Logistics, Inc., are now assigned for hearing April 26, 1978 (3 days) at Atlanta, GA, at a location to be later designated.

MC 143358 (Sub-No. 2), State Express, Inc., is now assigned for hearing May 1, 1978 (1 day) at Atlanta, GA, at a location to be later designated.

MC 136285 (Sub-No. 29), Southern Intermodal Logistics, Inc., is now assigned for

hearing May 2, 1978 (1 day) at Atlanta, GA, at a location to be later designated.
MC 94350 (Sub-No. 385), Transit Homes, Inc., is now assigned for hearing May 3, 1978 (3 days) at Atlanta, GA, at a location to be later designated.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-6357 Filed 3-9-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 7, 1978

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

Protests are due at the ICC by March 27, 1978.

FSA No. 43513, Southwestern Freight Bureau, Agent's No. B-734, rail rates on paper and paper articles, from points in Michigan, Minnesota, and Wisconsin, also Fort Frances, Ontario, Canada, to points in southwestern territory, in its tariff 281-J, ICC 5231, to become effective April 7, 1978. Grounds for relief—motor carrier competition.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-6361 Filed 3-9-78; 8:45 am]

[7035-01]

[MC-16073, MC-66462, MC-104377]

WILLET MOTOR COACH CO., THE WILLET CO., AND WILLET TRANSPORT, INC.

Authority To Increase Self-Insurance Retention From $25,000 to $150,000 per Occurrence

These three affiliated companies have held authority to be self-insurers of their BI&PD and cargo liability since 1955. This authority was conditioned on the maintenance of excess insurance for losses of $25,000 and above. Their management has now asked that the carriers be permitted to absorb all losses up to $150,000 per occurrence.

This increased retention limit will give the carriers greater flexibility in dealing with insurance companies for excess coverage. To a large degree, the higher limit merely reflects the loss in purchasing power of the dollar caused by the historically high price inflation since 1955.

These motor carriers are financially strong companies. They have well-qualified and experienced claims department personnel. We have received no complaints from the public as to their handling of claims.

We find: These companies have established that they would benefit from this increase in retention limit without jeopardizing protection to the public.

It is ordered: Willet Motor Coach Co., The Willet Co., and Willet Transport, Inc., are authorized to increase their self-insurance retention limit from $25,000 per occurrence to $150,000 per occurrence effective April 1, 1978, provided excess insurance in an adequate amount is maintained.

By the Commission, Insurance Board, Members Burns, Turkington, and Schloer, this 2nd day of March, 1978.

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

[FR Doc. 78-6360 Filed 3-9-78; 8:45 am]

[7035-01]

[Notice No. 20TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBURARY 17, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 12118 (Sub-No. 61TA), filed December 30, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie (same as above). Authority to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products* from the facilities of Fort Howard Paper Co., at or near Muskogee OK (2) *materials, supplies, and equipment used in the manufacture and distribution of paper and paper products* (except commodities in bulk and those which because of size or weight require the use of special equipment) to the facilities of Fort Howard Paper Co., at or near Muskogee, OK. Part (I) to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, and Part (II) from the destination named in Part (I) in this paragraph, for 180 days. Applicant has also filed an ETA seeking up to 90 days for operating authority. Supporting shipper(s): Dale E. Hitchcock, Manager of Transportation, Fort Howard Paper Co., P.O. Box 130, Green Bay, WI 54305. Send protests to: Max H. Johnson, District Supervisor, 285 Federal Building and Court House, 100 Cenntennial Mall North, Lincoln, NE 68508.

No. MC 39406 (Sub-No. 20TA), filed January 10, 1978. Applicant: CENTRAL MOTOR LINES, INC., P.O. Box 10303, 4101 South Interstate 85, Charlotte, NC 28201. Applicant's representative: Garland V. Moore, P.O. Box 1067, Charlotte, NC 28237. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Aluminum ingots* from plantsite of Keystone Resources Aluminum Division, Greensboro, GA to Chicago, IL and its commercial zone; Bedford Heights, Cleveland, Toledo, and Willoughby, OH; Jackson, MI; Pottstown, PA; Stamford, CT; and Henderson, KY. (2) *Aluminum scrap* from CT, NY, NJ, PA, IL, IN, OH, KY, and NC, to plantsite of Keystone Resources Aluminum Division, Greensboro, GA for 180 days. Supporting shipper(s): Keystone Resources Aluminum Division, P.O. Box 687, Greensboro, GA 30642. Send protests to: District Supervisor, Terrell Price, 800 Brair Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 58035 (Sub-No. 15TA), filed December 30, 1978. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, Denver, CO 80264. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings knocked down or in sections, and related component parts, acessories and fixtures*

therefore; and (2) *such materials, equipment, and supplies as are used in the erection, completion and maintenance of prefabricated metal building,* from the plantsite of Marathon Metallic Building Co., at or near Fort Collins, CO, to points in WY, points in that portion of SD on and west of a line beginning at the ND line then south over U.S. Hwy 83 to junction U.S. Hwy 16, then over U.S. Hwy 16 to junction to U.S. 183, and then over U.S. Hwy 183 to the NE State line, and to points in those portions of NE and KS on the west of U.S. Hwy 183, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Marathon Metallic Building Co., P.O. Box 14240, 4601 Holmes Road, Houston, TX 77021. Send protests to: Roger L. Buchannan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 94265 (Sub-No. 257TA), filed January 20, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, GA 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* (1) from the facilities of Mount Airy Cold Storage at or near Mount Airy, MD, to points in the States of CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH PA, VA, WV, and DC; and (2) *returned shipments of frozen foods,* from the above specified destination points to the above specified, for 180 days. Supporting shiper(s): (1) Ralph P. Hill, Manager, Corporate Distribution, Lamb-Weston, Division of Amfac Foods, Inc., P.O. Box 23517, Portland, OR 97223. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502, 400 North 8th Street, Richmond, VA 23240.

No. MC 97310 (Sub-No. 27TA), filed January 16, 1978. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, MS 39301. Applicant's representative: David A. Watson, Jr., 3730 First Avenue South, Birmingham, AL 35222. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* (including telephone communication equipment and apparatus, except classes A and B explosives and commodities which by reason of size or weight require the use of special equipment), between the plantsite of Western Elecrtric Corp. at or near Pineville, LA, on the one hand, and, Jackson, MS, on the other, serving no intermidiate points; from Jackson over MS Hwy 18 to Junction U.S. Hwy 61, then over U.S. Hwy 61 to Natchez, MS, then over U.S. Hwy 84 to juction LA Hwy 28, then over LA Hwy 28 to Pineville, LA, and return over the same route. Also as an alternate route for operating convenience only; from Jackson over U.S. Hwy 80 and Interstate Hwy 20 to Vicksburg, MS, then over U.S. Hwy 61 to Natchez, MS then over U.S. Hwy 84 to Junction LA Hwy 28, then over LA Hwy 28 to Pineville, LA, and return over the same route. Applicant seeks authority to tack the authority sought herein with all of its existing authority at common service points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Electric Corp. 2855 Selma Hwy, Montgomery, AL 36108. Send protest to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 99388 (Sub-No. 12TA), (correction), filed December 30, 1977, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: ALLTRANS EXPRESS U.S.A., INC., 925 Westchester Avenue, Suite 105, White Plains, NY 10604. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, frozen foods, and commodities in bulk) which are at the time moving on bills of lading of freight forwarders operating pursuant to part IV of the Interstate Commerce Act. (A) Between, on the one hand; Baltimore, MD; Boston, ME; New Haven, CT; New York, NY; Philadelphia, PA; and, on the other, Chicago, IL; Milwaukee, WI; St. Louis, MO; and (B) between on the one hand, Baltimore, MD; Boston, ME; Chicago, IL; MIlwaukee, WI; New Haven, CT; New York, NY; Philadelphia, PA; St. Louis, MO; and, on the other, Los Angeles, CA; Oakland, CA; Phoenix, AZ; Portland, OR; Salt Lake City, UT; San Francisco, CA; and Seattle, WA, for 180 days.

NOTE.—Application also includes authority to serve all points in terminal areas of points shown in A and B. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York NY 10007. the purpose of the republication is to indicate correction of territorial description.

No. MC 113651 (Sub-No. 262TA), filed January 17, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Applicant's representative: Paul R. Bergant, Singer & Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides), from Green Bay, WI, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WVA, and the DC, restricted to traffic originating at the plantsite and storage facilities of Green Bay Dressed Beef, Inc., located at or near Green Bay, WI, and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Suppporting shipper(s): Green Bay Dressed Beef Co., P.O. Box 8546, Green Bay, WI 54305. Send protests to: J. H Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802

No. MC 114632R (Sub-No. 133TA), filed January 16, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, S.D. 57042. Applicant's representative: Michael L. Carter, 212 Southwest Second Street, Madison, S.D. 57042. Authority sought to operate as a *common carrier,* motor vehicle, over irregular routes, transporting: *Clay and clay products* (except commodities in bulk), from the facilities of Absorbent Clay Products, Inc., at or near Mounds, IL, to Los Angeles, CA; Jacksonville, FL.; Kansas City, KS; New Orleans, LA; Albuquerque, NM; Charlote, NC; Tulsa, OK; Norfolk, VA; Seattle WA, and points in IA, MA, MI, MO, NJ, NY, OH, PA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Absorbent Clay Products Co., P.O. Box 687, Anna, IL 62906 (Don Michel, Secretary—Coowner). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501

No. MC 114632 (Sub-No. 135TA), filed January 20, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, 212 Southwest Second Street, Madison, SD 57042. Applicant's representative: Michael L. Carter, 212 Southwest Second Street, Madison SD 57402. Authority sought ot operate as a *common carrier,* by motor vehicle, over irregu-

lar routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Huron, SD, to Oklahoma City, OK, restricted to products originating at named origin and terminating at named destination, and (2) *hides, green, salted,* from Huron, SD, to Kansas City, MO, restricted to products originating at named origin and terminating at named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912 (Edward C. Hunkele Supervisor, Motor carrier Services). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 115716 (Sub-No. 19TA), filed January 19, 1978. Applicant: DENVER - LIMON - BURLINGTON TRANSFER CO., 3650 Chestnut Place, Denver, CO 80216. Applicant's representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. Authority sought to operate at a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* between Limon, CO, on the one hand, and, San Leandro, CA, and its respective commercial zones, on the other hand for 180 days. Applicant intends to tack the authority here applied for to another authority held by it. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Limon Packing Co., Inc., 474 Wisconsin Avenue, Limon, CO 80828. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 117507 (Sub-No. 12TA), filed January 13, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate at a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen, liquid oxygen,* in specially designed cryogenic trailers, furnished by the shipper, from Ecorse, MI, to points in IN and OH and ports of entry on the international boundary line between the United States and Canada located on the Detroit and St. Clair Rivers in MI, for furtherance to points in ON as a contract carrier, under a continuing contract, or contracts, with Union Carbide Corp., for 180 days. Supporting shipper(s): Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 117823 (Sub-No. 28TA), filed January 18, 1978. Applicant: RALPH F. DUNKLEY, d.b.a. DUNKLEY DISTRIBUTING CO., 1915 South 900 West, Salt Lake City, UT 84104. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate at a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products,* as described in section B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from Delta and points within 5 miles of Delta, UT, to points in AZ, CA and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Old Capital Valley Cheese, Inc., d.b.a. Delta Valley Farms, Inc., R.F.D. Route 2, Delta, UT 84624 (Erwin M. Johnson, President). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

No. MC 119090 (Sub-No. 4TA), filed January 16, 1978. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 56, Elmwood Park, NJ 67407. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper articles,* from the plantsites of the International Paper Co. at or near Corinth and Ticonderoga, NY, to points in the New York, NY, commercial zone, Nassau and Suffolk Counties, NY, NJ points in PA on and east of U.S. Hwy 15, points in MD, DE, and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., 220 East 42nd Street, New York, NY 10017. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 618, 9 Clinton Street, Newark, NJ 07102.

No. MC 119634 (Sub-No. 24TA), filed January 9, 1978. Applicant: DICK IRVIN, INC., P.O. Box F, Shelby, MT 59474. Applicant's representative: Charles R. Irvin, P.O. Box F, Shelby, MT 59474. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Baler twine and binder twine,* from Duluth, MN, and Superior, WI, to ports of entry on the international boundary line between the United States and Canada located in MN, ND, MT, ID, and WA on traffic destined for points in the Provinces of MB, SK, AB, BC, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joseph Urista, Vice President, United Rope (Holland) Distribution, Inc., 4524 Excelsior Boulevard, Minneapolis, MN 55416. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 119726 (Sub-No. 114TA), filed January 18, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from the plant and warehouse facilities of Kal-Kan Foods, Inc., at or near Terre Haute and Indianapolis, IN, to Minneapolis, MN, St. Louis and Kansas City, MO, Dallas, TX, Memphis, TN, Atlanta, GA, Jacksonville, FL, and Columbus, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kal-Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 Each Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119765 (Sub-No. 47TA), filed December 29, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, P.O. Box 7356, Omaha, NE 68107. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in sections A, B, and C of appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins, commodites in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, SD, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC; and (2) *meats, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Description in Motor Carrier Certificated, 61

MCC 209 and 766 (except hides and skins and commodities in bulk) from the plantsite and stoarge facilities of John Morrell & Co., at Esterville, IA, to points in CT, ME, MD, MA, UH, NJ, NY, PA, RI, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Curt Y. Hopkins, Transportation Manager, John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 120618 (Sub-No. 7TA), filed January 11, 1978. Applicant: SCHALLER TRUCKING CORP., 5700 West Minnesota Street, Indianapolis IN 46241. Applicant's representative: John R. Bagileo, 700 World Center Bldg., 918 Sixteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum*, from the plantsite of General Motors Corp. and its subsidiaries located at or near Detroit, Flint, Grand Blanc, Lansing, Pontiac, Saginaw and Willow Run, MI; Lockport, NY, and Cleveland, Dayton and Moraine, OH and the plantsite of Harry Davis and Sons, Inc., located at or near Toledo, OH to points located in Marion County, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Central Foundry Division, General Motors Corp., Bedford, IN. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio Street, room 429 Indianapolis, IN 46204.

No. MC 123255 (Sub-No. 135 TA), filed January 19, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Company, Inc., at or near Cliffwood, NJ; Terre Haute, IN; and Warner Robins, GA, to the facilities of Midland Glass Company, Inc., at Eden, NC, or points within 50 miles of Eden, NC, restricted to shipments originating at and destined to the facilities of Midland Glass Company, Inc., for 180 days. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 123255 (Sub-No. 136 TA), filed January 19, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Company, Inc., located at or near Warner Robins, GA, to Columbus, OH; St. Louis, MO; and Newark, NJ, restricted to shipments originating at the facilities of Midland Glass Company, Inc., and destined to the named destinations, for 180 days. Supporting shipper(s): Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 127752 (Sub-No. 5TA) (correction) filed December 27, 1977, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: WILLIAM P. RALSTON, Box 54, Bern, KS 66408. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, animal treats* and *specialty extruded items for pets*, from the plantsite and/or storage facilities of Bern Extrusion, Inc., at or near Bern, KS, to points in AL, AZ, CA, ID, LA, MN, MS, MO, NV, ND, OR, SD, UT, WA and WI. (2) *Pet food and animal treats*, from the plantsite and/or storage facilities of O. A. Copper Co. at or near Abilene, KS, to points in AL, AZ, AR, CA, CO, ID, IL, IA, LA, MI, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TN, TX, UT, WA, WI, and WY. (3) *Pet food ingredients*, from Humboldt, NE, to Bern, KS. Extruded pet food, from Fall City, NE, to Bern, KS., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bern Extrusion, Inc., P.O. Box 143, Bern, KS 66408. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg., and U.S. Courthouse, 4444 S.E. Quincy, Topeka, KS 66683. The purpose of this republication is to include the state of Arkansas in number (2) above, which was previously omitted in error.

No. MC 138991 (Sub-No. 23TA) (correction), filed January 24, 1978, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Applicant's representative: S. Michael Richards/Raymond A. Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry beverage preparations*, from Norfield, IL, to Geneva, OH and Hightstown, NJ, under a continuing contract or contracts with Coca-Cola Company Foods Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coca-Cola Company Foods Division, 480 Mercer Street, Hightstown, NJ 08520. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 South Clinton St., room 1259, Syracuse, NY 13202. The purpose of this republication is (1) to show applicant's correct address 1000 Jefferson Road, in lieu of 100 Jefferson Road; (2) to show the correct supporting shipper Coca-Cola Company Foods Division, in lieu of Coca-Cola Foods Division; and (3) to show correct zip code of the Interstate Commerce Commission 13202, in lieu of 13260.

No. MC 140010 (Sub-No. 12TA) (correction) filed November 23 , 1978, published in the FEDERAL REGISTER ISSUE OF JANUARY 20, 1978, AND REPUBLISHED IN THE FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, GA 30309. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by automotive service stations (except commodities in bulk and except commodities which, because of size or weight, require the use of special equipment), between Fulton County, GA, on the one hand, and on the other, points in the United States in and east of WI, IL, MS, OK and TX; and (2) *plastic granules* (except in bulk), from Houston, Baytown and Orange, TX, to points in AL, FL, GA, NC, SC and TN, under a continuing contract or contracts with Gulf Oil Company-U.S., a Division of Gulf Oil Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gulf Oil Company-U.S., Division of Gulf Oil Corp., P.O. Box 3706, Houston, TX 77701. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW, room 300, Atlanta, GA 30309. The purpose of this republication is to show that applicant is seeking contract carrier authority.

No. MC 140267 (Sub-No. 8TA), filed December 28, 1977. Applicant: R. A.

TRANSPORTATION, INC., 115 Jacobus Avenue, South Kearney, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as is dealt in by wholesale, retail, chain grocery, department stores and food business houses* (except malt beverages), and in connection therewith, equipment, materials and supplies used in the conduct of such business (except commodities in bulk) from Baltimore, MD to points in NY west of NY Hwys 14, 13, U.S. Interstate Hwy 81 (except Syracuse, NY) NY Hwy 57, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days for operating authority. Supporting shipper(s): Lever Brothers Co., 390 Park Avenue, New York, NY 10022. Send protests to: Robert E. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

No. MC 141318 (Sub-No. 2TA), filed January 16, 1978. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth Street, Medford, WI 54451. Applicant's representative: Richard A. Westley, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Doors, windows, window units, sashes, frames, blinds, screens, shutters, thresholds, sills, and glass*, and (b) *unassembled components of the aforementioned commodities*, from Medford, WI, to points in AL, AR, CO, DE, GA, IN (except points in Chicago, IL, commercial zone), IA, ID, KS, KY, MD, MI, MS, MO (except Moberly), MT, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, UT, VA, WA, WV, WY, and the DC; (2) *Materials, equipment and supplies* (except glass) used or useful in the production or distribution of the commodities described in part (1) above, from points named in the destination states named in part (1) above to Medford, WI; (3) *Advertising materials* relating to the commodities described in part (1) above, between Medford, WI, on the one hand, and, on the other points in the destination States named in part (1) above; restricted in parts (1), (2), and (3) to a transportation service to be performed under a continuing contract or contracts with Weather Shield Mfg., Inc., Medford, WI, for 180 days. Supporting shipper(s): Weather Shield Mfg., Inc., 531 North Eighth Street, Medford, WI 54451. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 143031 (Sub-No. 3TA), filed December 29, 1977. Applicant: LLOYD PAUL MURPHY, JAMES EDWARD MURPHY, TIMOTHY PAUL MURPHY AND ERNST STEWART MURPHY d.b.a. MURPHY & SONS, Route 2, Box 139, Spring City, TN 37381. Applicant's representative: Stan Guthrie, Attorney, Suite 100, Maclellan Building, Chattanooga, TN 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, crated and uncrated, materials and supplies to be used by La-Z-Boy Chair Co. in the manufacturing and selling of new furniture*, for 180 days. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract, or contracts with the shipper and La-Z-Boy Chair Co. Outbound shipments: New Furniture and furniture parts from the plantsite and storage facilities of La-Z-Boy Chair Co. at or near Dayton, TN, to points in IA, LA, MD, NY, PA, WV, and WI. Inbound shipments: Furniture parts and materials and supplies to be used in the manufacturing of new furniture at the plantsite of La-Z-Boy in Dayton, TN, from points in PA to the plantsite of La-Z-Boy in Dayton, TN. Supporting shipper(s): La-Z-Boy Chair Co., P.O. Box 191, Walnut Grove Road, Dayton, TN 37321. Send protests to: District Supervisor, Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422-U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

By the Commission.

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

[FR Doc. 78-6356 Filed 3-9-78; 8:45 am]

[7035-01]

[Notice No. 24TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

February 27, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its aplication.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 720 (Sub-No. 45TA), filed January 30, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned baby food and dry cereal*, from Canajoharie, NY, to MI, OH, IN, IL, KY, MN, and WI, restricted to traffic originating at the facilities of Beechnut Foods Corp., at Canajoharie, NY, and destined to the named destination States, for 180 days. Supporting shipper(s): Beechnut Foods Corp., Church Street, Canajoharie, NY 13317 (Donald Beaver). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 2934 (Sub-No. 17TA), filed January 20, 1978. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Black jack tables, crap tables, roulette tables, baccarat tables, big six tables, big six wheels, roulette wheels, slot machine stands, chips and miscellaneous gambling equipment*, from Las Vegas, NV, to Atlantic City, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Paul-Son Dice & Card, Inc., 2121 Industrial Road, Las Vegas, NV 89102. Send protests to: Beverly J. Williams, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 5227 (Sub-No. 33TA), filed January 20, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar heating units, collectors and duct work, and equipment, materials, and supplies* used in the manufacture, distribution, and installation thereof; from Denver, CO, to points in AR, KS, MO, NE, NM, OK, OR, TX, WA, and WY, for 180 days. Supporting shipper(s): James McAdams, President, Future Systems, Inc., 12500 West Cedar Drive, Lakewood, CO 80228. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 20861 (Sub-No. 9TA), filed January 18, 1978. Applicant: FROZEN FOOD DELIVERY SERVICE, INC., 300 West Street, Berlin, MA 01513. Applicant's representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper or paperboard cores and tubes*, and (2) *fiberboard, paperboard, or pulpboard ducts and tubes*, from Lawrence, MA, to points in CT, ME, NH, NJ, NY, PA, RI, and VT, under a continuing contract or contracts with Bird & Son, Inc., for 180 days. Supporting shipper: Bird & Son, Inc., Washington Street, East Walpole, MA 02032. Send protests to: David M. Miller, District Supervisor, 436 Dwight Street, Room 338, Springfield, MA 01103.

No. MC 53709 (Sub-No. 347TA), filed January 27, 1978. Applicant: RIGSBY TRUCK LINES, INC., 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* serving the storage facilities of Pepperidge Farm, Inc., at or near Logan, UT, as an off-route point in connection with carrier's presently authorized regular-route operations at Ogden, UT, for 180 days. Supporting shipper: Pepperidge Farm, Inc., 595 Westport Avenue, Norwalk, CT 06856. Send protests to: Roger L. Buchanan, Officer in Charge, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 64820 (Sub-No. 11TA), filed January 23, 1978. Applicant: PARADIS TRANSFER & STORAGE CO., INC., 922 Whitman, Medford, OR 97501. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, OR 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre cartons, corrugated, KD flat and empty return wooden pallets*, between Salem, OR, on the one hand, and job site packing sheds in Modoc and Siskiyou Counties, CA, on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corp., 120 North East Court, Salem, OR. Send protests to: District Supervisor, A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 Yamhill Street, Portland, OR 97204.

No. MC 72423 (Sub-No. 5TA), filed January 10, 1978. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 East Chestnut Street, Sterling, CO 80751. Applicant's representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties, CO, on the one hand, and, on the other hand, points in IA, KS, MO, NE, NM, OK, SD, and WY, for 180 days. Supporting shippers: There are approximately (21) statements of support attached to the application which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 107515 (Sub-No. 1124TA), filed January 30, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby and Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and medicines*, in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Sterling Drug, Inc., at Gulfport, MS, to the facilities of Sterling Drug, Inc., in the Atlanta, GA, commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sterling Drug, Inc., 90 Park Avenue, New York, NY 10016. Send protests to: Sara K. Davis, Transportation Assistant, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 111375 (Sub-No. 89TA), filed January 24, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rennets*, (2) *agricultural commodities* when moving in the same vehicle at the same time with commodities in (1) above, from WA and CA to Madison, WI, for 180 days. Supporting shipper(s): Marschall Division, Miles Laboratories, Inc., P.O. Box 529, Madison, WI 53701. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 112223 (Sub-No. 106TA), filed January 20, 1978. Applicant: QUICKIE TRANSPORT CO., 1700 New Brighton Boulevard NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, in pneumatic or dump vehicles, from Black Hills Bentonite at Casper and Worland, WY, to Forbes, MN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eveleth Taconite, Forbes, MN 55738. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations. 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 112713 (Sub-No. 207TA), filed January 11, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packing house products* in temperature controlled vehicles, from East St. Louis, IL, to Manchester, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Fresh Meats Co. a division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission BOp, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 426TA), filed January 10, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, from Pike County,

IL, to points in MO and TX, for 180 days. Supporting shipper: W & W Sales & Leasing Co., P.O. Box 486, Edwardsville, IL 62025. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo 64106.

No. MC 114632 (Sub-No. 134TA), filed January 19, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, SD 57024. Applicant's representative: Michael L. Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite and/or warehouse facilities of Green Giant Co. at or near Belvidere, IL, to all points in the state of ND, for 180 days. Supporting shipper: Green Giant Co., 1100 North 4th Street, Le Sueur MN 56058, Robert F. Rohde, Manager Motor Transportation. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 115331 (Sub-No. 448TA), filed January 20, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *ground coal*, in bags, from M. A. Bell, St. Louis, MO, to John Deere & Co., Waterloo, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper; M. A. Bell Co., 217 Lombard Street, St. Louis, Mo 63102. Send protests to: District Supervisor, J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 116254 (Sub-No. 196TA), filed January 11, 1978. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35630. Applicant's representative: Randy C. Luffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from the facilities of Monsanto Co. at Decatur, AL, to points in IL, MD, MI, MS, MO, OH, PA, and VA, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh, St. Louis, MO 63166. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 117639 (Sub-No. 11TA), filed February 9, 1978. Applicant: PICK'S PACK HAULER, INC., doing business as PICK'S PACK HAULER, 1214 East South Street, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from the facilities of Cloud Ceramics, at or near Concordia, KS, to points in MI, IN, IL, WI, MN, ND, SD, IA, NE, and CO, under a continuing contract, or contracts with Cloud Ceramics, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dennis L. Smith, Sales Manager, Cloud Ceramics, Box 369, Concordia, KS 66901. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 118989 (Sub-No. 175TA), filed January 23, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Danville, IL, to NJ, Berkeley, RI, Cockeysville, MD, Milford, CT, and Andover and East Hampton, MA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, 5401 West 65th, Chicago, IL 60638, (James R. Jandora). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 119012 (Sub-No. 14TA), filed January 20, 1978. Applicant: RIVER TERMINALS TRANSPORT, INC., P.O. Box 176, Aurora, IN 47001. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aragonite-limestone*, in bulk, in dump vehicles, from the terminal transfer and storage facilities of Auroa Terminal Co., Inc., located at Aurora, IN, to Lancaster, OH. Restriction: The authority is limited to commodities having had a prior movement by water carrier, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aurora Terminal Co., Inc., P.O. Box 176, Aurora, IN 47001. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119489 (Sub-No. 46TA), filed January 30, 1978. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT CO., 2500 North 13th Street, P.O. Box 249, Norfolk, NE, 68701. Applicant's representative: A. J. Sindelar, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in bulk in tank vehicles, from plantsite of Nutra Flo Chemical Co. at or near Optic, Ne, to points in KS and Co, for 180 days. Supporting shipper(s): Rodney W. Johnson, Traffic Manager, Nutra Flo Chemical Co., 1919 Grand Avenue, Sioux City, IA 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 121630 (Sub-No. 7TA), filed January 16, 1978. Applicant: LEMORE TRANSPORTATION, INC., d.b.a. ROYAL TRUCKING CO., 1420 Royal Industrial Way, P.O. Box 6085, Concord, CA 94524. Applicant's representative. Daniel W. Baker, 100 Pine Street, San Francisco, Ca 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, in bulk, in tank vehicles, from Stockton, CA, to Davenport, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lone Star Industries, Inc., 2800 Campus Drive, San Mateo, CA 94403. Send protests to: District Supervisor, A. J. Rodriguez, 211 Main—Suite 500, San Francisco, CA 94105.

No. MC 123115 (Sub-No. 17TA), filed February 13, 1978. Applicant: PACKER TRANSPORTATION CO., 465 South Rock Boulevard, Sparks, NV 89431. Applicant's representative: Ben Packer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in ID to points in CA and NV, for 180 days. Supporting shippers: There are approximately (25) statement of support attached to this application which may be examined at the field office named below. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV. 89701

No. MC 123389 (Sub-No. 40TA), filed January 30, 1078. Applicant: CROUSE CARTAGE CO., P.O. Box 586, Hwy 30 West, Carroll, IA 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, MA 55102. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Iron or steel articles,* serving the plantsite of the Westendorf Manufacturing Co. at or near Onawa, IA, as an offroute point in connection with applicant's authorized regular route operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Neal A. Westendorf, Westendorf Manufacturing Co., Box 447, Onawa, IA 51040. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 124078 (Sub-No. 782TA), filed February 9, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aplite,* in bulk, from Montpelier, VA, to points in IN, MD, OK, PA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Feldspar Corp., P.O. Box 99, Spruce Pine, NC 28777, (S. E. Mills). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124774 (Sub-No. 102TA), filed January 20, 1978. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Drive, P.O. Box 7344, Omaha, NE 68107. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* from the plantsite of Dubuque Packing Co. located at Omaha, NE, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and the DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ralph L. McGee, transportation manager, Dubuque Packing Co., 4003 Dahlman Avenue, Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 129510 (Sub-No. 12TA), filed January 12, 1978. Applicant: ENGLUND EQUIPMENT CO., 740 Old Stage Road, Salinas, CA 93901. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobile body parts,* NOI or trim, plastic, having a density of 4 lbs. but less than 10 lbs. PCF; National Motor Freight Classification, Item No. 18260. From the plantsite and storage facilities of Pantel, Inc., located in Lapeer County, MI, to all points in the United States and Hawaii, under a continuing contract, or contracts, with Pantel, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pantel, Inc., 3024 West Pierson Road, Flint, MI 48504. Send protests to: District Supervisor, Michael M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

No. MC 138104 (Sub-No. 52TA), filed January 23, 1978. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, TX 76106. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ferro manganese and silicon manganese,* in bulk, in dump vehicles, from Mobile, AL, to the plantsite and storage facilities of Chaparral Steel Co., at or near Midlothian, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chaparral Steel Co., P.O. Box 1100, Midlothian, TX 76505. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 138420 (Sub-No. 24TA), filed January 17, 1978. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, WI 53015. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madision, WI 53708. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods and artificial sweetener,* from Brownsville, WI, to points in AL, FL, GA, KY, LA, MN, MS, NC, SC, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): California Canners & Growers, P.O. Box 1237, Fond Du Lac, WI, (Charles Augustine). Send protest to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 139482 (Sub-No. 34TA), filed January 26, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, P.O. Box 347, New Ulm, MN 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs,* from Belvidere, IL, to points in IN, KY, MI, OH, and Sharon, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Green Giant Co., 1100 N. 4th Street, Le Sueur, MN 65058. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 south 4th Street, Minneapolis, MN 55401.

No MC 142606 (Sub-No. 4TA), filed January 30, 1978. Applicant: WESCO TRANSPORTATION, INC., 2222 West Garvey, Suite L, West Covina, CA 91790. Applicant's representative: William J. Moneheim, 13710 East Whittier Boulevard, Suite 203, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper forms,* from Leitchfield, KY, to Vernon, CA, under a continuing contract or contracts, with Huron Copysette, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huron Copysette, Inc., P.O. Box 377, Leitchfield, KY 42754. Send protests to: Edward P. Henry, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 140159 (Sub-No. 5TA), filed February 1, 1978. Applicant: C. L. FEATHER, INC., Box 434, R. D. No. 5, Altoona, PA 16601. Applicant's representative: Thomas M. Mulroy, 800 Lawyers Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* in bulk, in dump vehicles, from Barton, MD, to Tyrone, PA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corporation, Tyrone, PA 16686. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 144054 (Sub-No. 1TA), filed January 12, 1978. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, OR 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *gift wrapped and pack-*

aged foods, food products, and commodities dealt in by retail gift shops, from Medford, OR, to Oakland and San Francisco, CA and Los Angeles, CA, and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harry and David, P.O. Box 712, Medford, OR 97501. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

No. MC 144173 (Sub-No. 2TA), filed January 20, 1978. Applicant: PETERSEN TRANSPORTATION, INC., P.O. Box 96, Ruskin, NE 68974. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, from Mapco, Inc., pipeline terminal, at or near Clay Center, KS and terminal storage facilities located on the pipeline of Mapco, Inc., at or near Conway, KS, to Carleton and Ruskin, NE, under a continuing contract or contracts with Petersen Oil & Fertilizer, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Berwyn Petersen, President, Petersen Oil & Fertilizer, Inc., Box 96, Ruskin, NE 68974. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 144184TA, filed January 12, 1978. Applicant: R. T. PUGH MOTOR TRANSPORTATION, INC., 233 Whiley Avenue, Lancaster, OH 43130. Applicant's representative: James Duvall, P.O. Box 97, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bulk, from Aurora, IN, to Lancaster, OH. Restricted to shipments having a prior movement by barge, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 144185TA, filed January 12, 1978. Applicant: LARSON TRUCKING, INC., 1413 3rd Avenue South, Fargo, ND 58102. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Dalton, GA, to the facilities of Fargo Paper Co., at or near Fargo, ND, under a continuing contract or contracts with Fargo Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fargo Paper Co., 1300 North 38th, Fargo, ND 58102. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 144206TA, filed January 20, 1978. Applicant: JONES BROOKS, doing business as, PRAIRIE JAYS CHARTER BUS CO., 1408 Eastern Drive, Urbana, IL 61801. Applicant's representative: Douglas G. Brown, The INB Center, Suite 555, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charter bus passengers and their baggage*, from points in the following Illinois Counties: Iroquois, Ford, Dewitt, Piatt, Champaign, Vermillion, Moultrie, Douglas, Coles and Edgar, to points throughout the United States, except Alaska and Hawaii, and return, under a continuing contract or contracts with those parties who have filed Certifications of support of application attached hereto, for 180 days. Supporting shippers: There are approximately (5) statements of support attached to the application which may be examined at the field office named below. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

By the Commission

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

[FR Doc. 78-6358 Filed 3-9-78; 8:45 am]

[7035-01]

[Notice No. 26TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 28, 1978

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 321TA) (Correction), filed January 3, 1978, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408R, Jacksonville, FL 32209. Applicant's representative: John Carter, 2050 Kings Road, P.O. Box 2408R, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, wooden fencing and wood products*, from Post Falls, Coeur d' Alene, St. Maries, Santa, Potlatch, Lewiston, Spalding, Kamiah, and Jaype, ID, to IL, IN, IA, MI, MN, MO, OH, PA, WV, and WI, restricted to the transportation of shipments originating at Potlatch Corp. mill sites at the named origins and destined to points in the named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Potlatch Corp., Box 1016, Lewiston, IN 83501. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202. The purpose of this republication is to indicate correction of territorial description.

No. MC 3302 (Sub-No. 7TA), filed February 2, 1978. Applicant: HOUDEK MOTOR SERVICE, INC., 33 Mockingbird Lane, Oak Brook, IL 60521. Applicant's representative:

Hubert Grane, Jr., 33 Mockingbird Lane, Oak Brook, IL 60521. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities of unusual value and commodities in bulk, in tank vehicles), between the Chicago Commercial Zone, and (1) points and places within 100 miles of the Chicago Commercial Zone in the states of IN, MI, and WI, and (2) St. Louis, MO, for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 30844 (Sub-No. 598TA), filed February 2, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, IA 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Cleaning, scouring, and washing compounds,* from Fort Madison, IA to Port Ivory, NY, restricted to shipments originating at Fort Madison, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Proctor & Gamble Distributing Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 67361 (Sub-No. 10TA), filed February 1, 1978. Applicant: GENERAL ROAD TRUCKING CORP., 99 Mauran Avenue, East Providence, RI 02914. Applicant's representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* in bulk, in dump vehicles, from Somerset, MA, to Bow, NH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Public Service Co. of New Hampshire, 1000 Elm street, Manchester, NH 03105. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

No. MC 109821 (Sub-No. 54TA), filed February 2, 1978. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main Street, Wellsboro, PA 16901. Applicant's representative: Dewey T. Whitford (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic bottles, lids and covers* (except in bulk), from New Castle, DE, to Cicero, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Clinton's Ditch Cooperative Co., Inc., P.O. Box "G", Cicero, NY 13039. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503

No. MC 113406 (Sub-No. 5TA), filed February 1, 1978. Applicant: DOT LINES, INC., P.O. Box 1526, Lima, OH 45802. Applicant's representative: Beery & Spurlock, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compound* (except in bulk), from the plantsites and warehouse of Proctor & Gamble Manufacturing Co. in Bath Township, Allen County, OH to Livonia, Warren, Detroit, Grand Rapids, Vassar, Lansing, and Ann Arbor, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Proctor & Gamble Manufacturing Co., P.O. Box 1900, Lima, OH 45801. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604

No. MC 114632 (Sub-No. 136TA), (correction), filed January 20, 1978, published in the FEDERAL REGISTER February 15, 1978, and republished as corrected this issue. Applicant: APPLE LINES, INC., P.O. Box 287, 212 SW. Second Street, Madison, SD 57042. Applicant's representative: Michael L. Carter, 212 SW. Second Street, Madison, SD 57042. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing- houses,* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk), from Fort Morgan, CO, to Landover, MD, boston and Marlboro, MA; New York and Rochester, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morgan Colorado Beef, Box 487, Fort Morgan, CO 80701. (Tim Hopkins Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Comission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501. The purpose of this republication is to indicate the correction of the territorial description.

No. MC 114969 (Sub-No. 71TA), filed February 3, 1978. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, State Route 131, Milford, OH 45150. Applicant's representative: James M. Roudebush (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizers,* in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY, to points, IL, IN, KY, OH, MI, VA, WV, for 180 days. Supporting shipper(s) Agrico Chemical Company, J. J. Stefanec, Director, Transportation Legislation, P.O. box 3166, Tulsa, OK 74101. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 115826 (Sub-No. 288TA), filed February 2, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088, 1960 31st Street, Terminal Annex, Denver, CO 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80217. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, and carpet materials and supplies,* from Ringgold, Dalton, Chatsworth, Cartersville, Calhoun, Eton, Rome, Rossville, and Resaca, GA, and points within their commercial zones, to Salt Lake City, UT for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Col-Con Columbine Consolidators, Inc., 2801 East Colfax Avenue, Denver, CO 80206. Send protest to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 116632 (Sub-No. 19TA), filed February 1, 1978. Applicant: H. O. BOUCHARD, INC., MRC Box 141A Bangor, ME 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Precut log buildings and related construction material therewith,* from Kenduskeag, ME, to points in NH, VT, ME, CT, RI, NY, NJ, PA and OH, for 180 days. Supporting shipper(s): Northeastern Log Homes, Inc., P.O. Box 46, Kenduskeag, ME 04450. Send protest to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, ME. 04111.

No. MC 117686 (Sub-No. 204TA), filed February 2, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the manufacture and sale of clothing and wearing apparel (except in bulk), from Landis, Henderson, Ranlo, Statesville, Goldsboro, Tuxedo, Madison, Kingston, Salisbury, Lumberton and Greensboro, NC, to Minneapolis, MN, restricted to traffic originating at the above-named origin and destined to the plantsite and storage facilities of Munsingwear, Inc., at Minneapolis, MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David Hill, Traffic Manager, Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, MN 55405. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 117999 (Sub-No. 5TA), filed February 1, 1978. Applicant: TOM GALLO, Wicker Street, P.O. Box 151, Ticonderoga, NY 12883. Applicant's representative: W. Norman Charles, 80 Bay Street, P.O. Box 724, Glens Falls, NY 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Corinth and Ticonderoga, NY, to points in the New York, NY, commercial zone, as defined by the Commission, Nassau and Suffolk Counties, NY; CT, DE, ME, MD, MA, NH, NJ, PA, RI, VT, and the DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., Room, 1616, 220 East 42nd Street, N.Y., NY 10017. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

No. MC 119493 (Sub-No. 180TA) (correction), filed January 11, 1978, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, animal* and *poultry feed* and *ingredients*, from Springfield, TN, to AL, AR, FL, GA, IN, KY, LA, MN, MS, MI, NC, ND, OH, SC, SD, TN, TX, VA, WV, and WI and (2) *ingredients*, from destination states named to Springfield, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wells Div/Natl. Pet Food Corp., 617 South D. Street, Monmouth, IL 61462. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106. The purpose of this republication is to correct the territorial description.

No. MC 119765 (Sub-No. 48TA), filed February 3, 1978. Applicant: EIGHT WAY XPRESS, INC., P.O. Box 7356, 5402 South 27th Street, Omaha, NE 68107. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and inedible foods*, (except in bulk), moving in mechanically refrigerated vehicles, (1) from the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, IA, to points in IL, IN, KY, MI, MN, MO, OH, and WI; and (2) returned and rejected shipments from the destinations named in part (1) above, to Bettendorf, IA, restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Terminal Ice & Cold Storage Co., Larry Christensen, office manager, 6875 State Street, Bettendorf, IA 52722. (2) Lamb-Weston Divison of Amfac Foods, Inc., Lawrence L. Shipp, manager distribution services, 6600 Southwest Hampton Street, Portland, OR 97223. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 123255 (Sub-No. 137TA), filed February 1, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned petfood*, from Muscatine, IA, to Cleveland, OH; Chicago, IL; North Bergen, NJ; Baltimore, MD; Syracuse, Rochester, and Liverpool, NY; East Cambridge, MA, and Huntington, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90731. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 133565 (Sub-No. 12TA), filed February 1, 1978. Applicant: TRUE TRANSPORT, INC., 293 Wilson Avenue, P.O. Box 829, Newark, NJ 07101. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers, having a prior or subsequent movement by water, between points in the New York, NY, Commercial Zone, on the one hand, and, on the other, points in that part of NY west and north of a line beginning at the NY-PA State line at or near Lawrenceville, PA, and extending along U.S. Hwy 15 to Corning, NY, then along NY Hwy 17 to Horseheads, NY, then along NY Hwy 13 to Cortland, NY, then along U.S. Hwy 11 to Syracuse, NY, then along U.S. Hwy 5 to Schenectady, NY, then along NY Hwy 50 to Saratoga Springs, NY, then along U.S. Hwy 9, via Glens Falls, NY, to junction NY Hwy 149, then along NY Hwy 149 to junction U.S.Hwy 4, at or near Fort Ann, NY, thence along U.S. Hwy 4 to the NY-VT State line at or near Fair Haven, VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (19) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 134477 (Sub-No. 218TA), filed February 2, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, buffing, or polishing compounds, textile softener, lubricating grease or oil, and deodorants or disinfectants*, (except commodities in bulk), from the facilities of Economic Laboratory, Inc., at or near Joliet, IL, to St. Louis, MO, and points in its Commercial Zone, for 180 days. Supporting shipper(s): Economics Laboratory, 3001 Channahon Road, Joliet, IL 60436. Send protests to: Delores A. Poe, Transportation Assistant, Inter-

state Commerce Commission, Bureau of Operations, 110 South 4th Street, 414 Federal Building & U.S. Court House, Minneapolis, MN 55401.

No. MC 135895 (Sub-No. 15TA), filed February 2, 1978. Applicant: DON RAY BOYD AND JACKIE ROGERS, d.b.a. B & R DRAYAGE CO., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete products, and materials, equipment and supplies* used in the manufacture of pre-stressed concrete products (except commodities in bulk), between the facilities of Biloxi Prestress Concrete, Inc., located at or near Biloxi, MS, on the one hand, and, on the other, points in AL, AR, FL, LA, MS, and TN, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Biloxi Prestress Concrete, Inc., P.O. Box 407, Biloxi, MS 39533. Send protests to: Tarrant District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 136285 (Sub-No. 32TA), filed February 3, 1978. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Applicant's representative: William P. Jackson, Jr., 3456 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring the use of special equipment), in containers and trailers, having a prior or subsequent movement by water, between the facilities of the Army and Air Force Exchange Service located at or near Forest Park, GA, on the one hand, and on the other, Mobile, AL, and New Orleans, LA, and points in their commercial zones. Restrictions: Restricted against the transportation of commodities moving in trailers or containers equipped with mechanical refrigeration units, for 180 days. Supporting shipper(s): Army and Air Force Exchange Service, 3911 Walton Walker Boulevard, Dallas, TX 75222. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138469 (Sub-No. 51TA) (correction), filed December 8, 1977, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Tiuhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics and pharamaceutical, neutritional, veterinary and industrial products in soft elastic geletin capsules in vehicles equipped with mechanical refrigeration*, from the facilities of R. P. Scherer Corp. located at or near Monroe, NC to Birmingham and Hanceville, AL; Phoenix and Scottsdale, AZ; Broomfield, Denver and Englewood, CO; Atlanta, Austell, and Cumming, Ga; Elwood, Great Bend, and Shawnee Mission, KS; Baton Rouge and New Orleans, LA; Picayune, MS; Hazelwood, KC, St. Joseph, St. Louis, and Springfield, MO; Shawnee, Tecumseh, and Tulsa, OK; Kingsport and Memphis, TN; Greenville and Taylors, SC; Salt Lake City, UT; points in the commercial zones of the above named cities and points in the states of CA, FL, and TX, and (2) materials used in the manufacture of (1) above, in mechanically, refrigerated vehicles, from Gibson City, IL; Woburn, MA; Detroit, MI; St. Louis, MO; Clifton and Nutley, NJ; New York City and Rochester, NY; and Oak Creek, WI, and points in the commercial zones of the named orgins, to Monroe, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. P. Scherer Corp., 4425 Grinnell Avenue, Detroit, MI 48213. Send protests to: Joe Green, District, Room 240 Old Post Office & Ct. House, 215 Northwest 3rd, Oklahoma City, OK 73102. The purpose of this republication is to correct the territorial description.

No. MC 141076 (Sub-No. 15TA), filed February 2, 1978. Applicant: ROGERS MOTOR LINES, INC., Rd. No. 2, Box 388 D2, Hackettstown, NJ 07840. Applicant's representative: Christian Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Fremont, OH, to points in NJ on and north of NJ Hwy 33, to points in that part of NY State on and south of Interstate 84, and King of Prussia, Oaks and Philadelphia, PA, restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Heinz, U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. John Pinchot, manager distribution planning. Send protest to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

No. MC 141684 (Sub-No. 1TA), filed February 3, 1978. Applicant: COMAAND CARGO CORP., 5215 Hesperus Drive, Columbia, MD 21044. Applicant's representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Records and audio tapes*, between points in NJ within the Philadelphia, PA, commercial zone, on the one hand, and, on the other, points in MD, VA, WV, DE, and DC, restricted against the transportation of articles weighing more than 150 pounds, from one consignor at one location to one consignee at one location at any given day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Joseph Barsuglia, Warehouse Traffic Manager, WEA Corp., 106 Gaither Drive, Mount Laurel, NJ 08057. Send protests to: W. L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, MD 21201.

No. MC 141911 (Sub-No. 2TA), filed February 2, 1978. Applicant: ARTHUR DENNIS DEMONTIGNY, d.b.a. DEMONTIGNY TRUCKING, 6509 East 10th Street, Spokane, WA 99206. Applicant's representative: Arthur D. DeMontigny, Route 2, Box 279C, Moscow, ID 83843. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel building materials*, between Oklahoma City, OK, and points in WA and OR, (2) *cedar fence materials and lumber*, from Troy and Calder, ID and Superior, MT, to Arvada, Boulder, Broomfield, Colorado Springs, Fort Collins, Greeley, Lakewood, Littleton, Longmont, and Pueblo, CO, and Murray, Ogden, Orem, and Salt Lake City, UT, also from points in WA to points in WY, AZ, NE, ND, SD, TX, and KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Idaho Cedar Sales, Box 398, Troy, ID 83871; (2) Fisher & Son, Inc., P.O. Box 534, Burlington, WA 98233. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, WA 98174.

No. MC 142189 (Sub-No. 28TA), filed February 1, 1978. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, MT 59313. Applicant's representative: Mi-

chael R. Griffith, P.O. Box 980, Baker, MT 59313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts and accessories, and supplies* used in the installation of building panels, materials, and parts thereof, from Monticello, IA, to points in MT, ND, SD, and WY, and ports of entry on the international boundary line between the United States and Canada in ND, MT, ID, and WA, for 180 days. Supporting shipper(s): H. Elvin Erdahl, company attorney, Lear Siegler, Inc., Cuckler Division, Box 438, Monticello, IA 52310. Send protest to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 143071 (Sub-No. 8TA), filed February 2, 1978. Applicant: UNIVERSAL DEVELOPMENT, INC., Box 568, York, NE 68467. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Mankato, KS, to NY, PA, MA, and ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robert Mueller, Sales and Traffic Manager, Dubuque Packing Co., Mankato, KS. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 143156 (Sub-No. 2TA), filed February 1, 1978. Applicant: LARRY GENE MAUGER, d.b.a. LARRY'S TRANSPORT, 26575 Saturn Way, Hemet, CA 92343. Applicant's representative: Larry G. Mauger, 26575 Saturn Way, Hemet, CA 92343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles* (travel trailers), nonowned, from manufacturer to dealerships designated by Skyline Corp., from Hemet, CA, to these Western United States: AZ, OR, ID, MT, NV, NM, TX, UT, WA, and WY, for 180 days. Supporting shipper(s): Skyline Corp., 2520 Bypass Road, Elkhart, IN 46514. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 143563 (Sub-No. 3TA), filed February 1, 1978. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, ME 04572. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic laminated sheets and impregnated paper*, from Auburn, ME, to points in CA, FL, TX, OH, IL, TN, and IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pioneer Plastics, Division of LOF Plastics, Pionite Road, Auburn, ME 04210. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, ME 04111.

No. MC 143885 (Sub-No. 1TA), filed February 3, 1978. Applicant: HARLAND A. WILCOX and LEROY H. WILCOX, d.b.a. WILCOX TRUCKING, 206 Charles Street, Elk Rapids, MI 49629. Applicant's representative: Harland A. Wilcox, 206 Charles Street, Elk Rapids, MI 49629. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, including frozen foods*, (2) *materials and supplies* used in the processing of food and food products, between Traverse City, Elk Rapids, and East Jordan, MI, on the one hand, and, points in the United States in and east of MT, WY, CO, and NM, on the other, under a continuing contract, or contracts, with Elk Rapids Packing Co., Sherman Canning Co., and Traverse City Canning Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Elk Rapids Packing Co., Elk Rapids, MI 49629; (2) Sherman Canning Co., East Jordan, MI 49727; (3) Traverse City Canning Co., Traverse City, MI 49684. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

No. MC 143968TA (correction) filed November 11, 1977, published in the Federal Register issue of December 14, 1977, and republished as corrected this issue. Applicant: DONAHUE TRUCKING, INC., 2211 Stewart Street, Des Moines, IA 50317. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *clay building face brick*, from Utica, MO, to points in IA. Restricted to service under a continuing contract or contracts with Sheffield Brick & Tile Co., of Sheffield, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sheffield Brick & Tile Co., P.O. Box 6, Sheffield, IA 50475. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal building, Des Moines, IA 50309. The purpose of this republication is to indicate name change of carrier and correct territorial description.

No. 144208 (Sub-No. 1TA), filed February 3, 1978. Applicant: ART MORDAND TRUCKING, INC., P.O. Box 507, Methow, WA 98834. Applicant's representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags, from Vancouver, WA, to the united States/Canadian border at Oroville, WA/Osoyoos, BC; (2) *orchard and fruit warehous supplies, and fruit packing supplies, wastepaper, and machinery and equipment* used in fruit packing warehouses, between Chelan, Douglas, and Okanogan Counties, WA, on the one hand, and points in OR and ID on the other hand, including service to ports in BC and AB, Canada, via points of entry at the United States/Canadian border at Oroville, WA, and Osoyoos, BC. Supporting shipper(s): There are approximately five statements of support attached to the application which may be examined at the Interstate Commerce Commission in washington, DC, or copies thereof which may be exained at the field office named below. Send protest to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second avenue, Seattle, WA 98174.

No. MC 144212 (Sub-No. 1TA), filed february 2, 1978. Applicant: SLACK TRANSPORT, LTD., Box 579, Caledonia, ON, Canada. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products and roofing materials*, from ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, MI, and points in NY, to points in IL, IN, MI, NY, OH, and PA, and (2) *returned shipments, pallets, and materials and supplies* used in the manufacture of gypsum products and roofing materials, in the reverse direction, for the account of Domtar Construction Materials Group of Domtar, Inc., under a continuing contract, or contracts, with Domtar Construction Materials Group of Domtar, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Domtar Construction Materials Group of Domtar, Inc., 2001 University Street, P.O. Box 6138, Montreal, PQ, Canada. Send Protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

By the Commission.

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

[FR Doc. 78-6361 Filed 3-9-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., March 13, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters regarding instituting public administrative preceedings and settlement offer.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-521-78 Filed 3-8-78; 10:34 am]

[6714-01]

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., March 14, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

California Valley Bank, a proposed new bank to be located at 1315 Van Ness Avenue, Fresno, Calif., for Federal deposit insurance.

American International Bank, a proposed new bank to be located at 525 South Olive Street, Los Angeles, Calif., for Federal deposit insurance.

The Kyowa Bank of California, a proposed new bank to be located at 635 West Seventh Street, Los Angeles, Calif., for Federal deposit insurance.

Bank of Santa Maria, a proposed new bank to be located at 528 South Broadway, Santa Maria, Calif., for Federal deposit insurance.

State Bank of Merna, a proposed new bank to be located at Lots 1, 2, and 3, Block 9, Merna, Nebr., for Federal deposit insurance.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Powell, Goldstein, Frazer & Murphy, Atlanta, Ga., in connection with the liquidation of the Hamilton Bank & Trust Co, Atlanta, Ga.

Smith, Harman, Asbill, Roach & Nellis, P.C., Atlanta, Ga., in connection with the liquidation of the Hamilton Bank & Trust Co., Atlanta, Ga.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of the Bank of Bloomfield, Bloomfield, N.J.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the receivership of American Bank & Trust Co., New York, N.Y.

Hughes, Hubbard & Reed, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

J. Randolph Pelzer, North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C.

Gibbs, Roper, Loots & Williams, Milwaukee, Wis., in connection with the liquidation of American City Bank & Trust Co., National Association, Milwaukee, Wis.

Recommendation with respect to the amendment of Corporation rules and regulations:

Memorandum and resolution proposing the final adoption of a new Part 338 of the Corporation's rules and regulations, entitled "Fair Housing Advertising, Poster, and Recordkeeping Requirements."

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier denial of a request for records.

Memorandum requesting authority to solicit and select a contractor to assist in the Corporation's Liquidation Accounting Study Project.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Final report of the Chief, Accounting and Budget Branch, Office of the Controller, with regard to the liquidation of Lyons State Bank, Lyons, Wis.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-522-78 Filed 3-8-78; 10:34 am]

[6714-01]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., March 14, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

Tecumseh Bank, a proposed new bank to be located at 1213 Gordon Cooper Drive, Tecumseh, Okla., for Federal deposit insurance.

Application for consent to establish a branch:

Nassau Trust Co., Glen Cove, N.Y., for consent to establish a branch on the south side of Nesconset Highway (Route 347), approximately 100 yards west of the intersection of Nesconset Highway and Stony Brook Road, Lake Grove, N.Y.

Request for a waiver of section 337.3 of the Corporation's rules and regulations, relating to insider transactions:

Damariscotta Bank & Trust Co., Damariscotta, Maine.

Application for consent to a purchase and assumption transaction, for consent to establish four branches, and for consent to retire subordinated capital notes:

Floyd County Bank, New Albany, Ind., an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in American Bank, New Albany, Ind., also an insured State nonmember bank, under the applicant's charter and title; for consent to establish the four offices of the bank being acquired as branches of the resultant bank; and for consent to retire subordinated capital notes.

Applications for consent to merge and to establish brances:

Flagship State Bank of Jacksonville, Jacksonville, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Flagship Bank of Jacksonville," with Flagship State Bank of Arlington, Jacksonville, Fla; Flag-

ship State Bank of North Jacksonville, Jacksonville, Fla.; and Flagship State Bank of South Jacksonville, Jacksonville, Fla., also insured State nonmember banks, and for consent to establish the three offices of the banks being acquired as branches of the resultant bank.

Barnett Bank of Naples, Naples, Fla., an insured State nonmember bank, for consent to merge under its charter and title with Barnett Bank of Collier County, Collier County (P.O. Naples), Fla., also an insured State nonmember bank, and for consent to establish the sole office of Barnett Bank of Collier County as a branch of the resultant bank.

Johnstown Bank & Trust Co., Johnstown, Pa., an insured State nonmember bank, for consent to merge under its charter and title with the First National Bank in Bedford, Pa., and for consent to establish the four existing offices of the latter as branches of the resulting bank.

Application for consent to merge, establish branches, redesignate the main office, and exercise trust powers:

Landmark Bank of Brevard, Indialantic, Fla., an insured State nonmember bank, for consent to merge under its charter and title with Landmark Bank of Melbourne, National Associaton, Melbourne, Fla.; for consent to establish the two existing and one approved but unopened offices of the latter bank as branches of the resultant bank; for consent to redesignate the main office location to the present main office site of the latter bank; and for consent for the resultant bank to exercise trust powers.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,423-L—Franklin National Bank, New York, N.Y.

Case No. 43,424-L—American City Bank & Trust Co., National Associations, Milwaukee, Wis.

Case No. 43,426-SR—Franklin Bank, Houston, Tex.

Case No. 43,427-L—Northeast Bank of Houston, Houston Tex.

Case No. 43,431-L—State Bank of Clearing, Chicago, Ill.

Case No. 43,432-NR—United States National Bank, San Diego, Calif.

Case No. 43,433-NR—United States National Bank, San Diego, Calif.

Case No. 43,434-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Case No. 43,436-L—Franklin National Bank, New York, N.Y.

Case No. 43,437-L—Franklin National Bank, New York, N.Y.

Case No. 43,438-L—The Drovers' National Bank of Chicago, Chicago, Ill.

Case No. 43,439-L—The Drovers' National Bank of Chicago, Chicago, Ill.

Memorandum re: American City Bank & Trust Co., National Association, Milwaukee, Wis.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6)).

Grievance officer's findings and recommendations in connection with the formal grievance of a Corporation employee:

Name of employee authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-524-78 Filed 3-8-78; 11:03 am]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 6:10 p.m. on March 7, 1978, by telephone conference call, to (1) approve an application from the newly-chartered Town-Country National Bank, Camden, Ala., for consent to purchase assets of and assume the deposit liabilities of Wilcox County Bank, Camden, Ala., which was voluntarily closed by its board of directors and turned over to the Alabama Superintendent of Banks as of the close of business on March 1, 1978; and (2) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board of Directors determined, on motion of Chairman LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(8) and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Dated: March 8, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-530-78 Filed 3-8-78; 3:08 pm]

[6715-01]

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, March 15, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Audit, and Personnel.

* * *

DATE AND TIME: Thursday, March 16, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO-1977-54. AO-1977-41.
IV. Debt settlement procedures.
V. FOIA regulations.
VI. Appropriations and budget.
VII. Pending legislation.
VIII. Pending litigation.
IX. Liaison with other Federal agencies.
X. Classification actions.
XI. Routine administrative business.

Portions closed to the public (executive session).

Any matters not concluded at the executive session of March 15, 1978.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-532-78 Filed 3-8-78; 4:02 pm]

[6740-02]

6

MARCH 8, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 15, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA—81ST MEETING, MARCH 15, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER76-532, Pacific Gas & Electric Co.
ER-2.—Docket No. E-9181, Nantahala Power & Light Co.
ER-3.—Docket No. ES77-5, Iowa Public Service Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2426, Department of Water Resources of the State of California and City of Los Angeles Department of Water and Power.

POWER AGENDA—81ST MEETING, MARCH 15, 1978, REGULAR MEETING

CAP-1.—Docket No. ER77-388, Lake Superior District Power Co.
CAP-2.—Docket No. ER77-217, Central Maine Power Co.
CAP-3.—Docket Nos. ER77-127, ER77-215, ER77-306, ER77-336, ER77-502, and ER78-61, Oklahoma Gas & Electric Co.
CAP-4.—Docket No. ER78-218, Kansas City Power & Light Co.
CAP-5.—Docket No. ER78-98, Tucson Gas & Electric Co.
CAP-6.—Docket No. ER78-72, Montaup Electric Co.
CAP-7.—Docket No. ES78-2, Virginia Electric & Power Co.
CAP-8.—Docket No. ES78-21, Interstate Power Co.
CAP-9.—Docket No. ES78-20, Montana-Dakota Utilities Co.
CAP-10.—Docket No. EL78-7, Potomac Electric Power Co.
CAP-11.—Project No. 2146, Alabama Power Co.
CAP-12.—Project No. 2513, Green Mountain Power Corp.
CAP-13.—Project NO. 420, City of Ketchikan, Alaska.
CAP-14.—Docket No. ER77-549, Tampa Electric Co.; Docket No. ER77-550, Florida Power & Light Co.; Docket No. ER77-516, Florida Power Corp.
CAP-15.—Docket No. ER77-175, Florida Power & Light Co.
CAP-16.—*Boston Edison Company* v. *F.E.R.C.*, D.C. Cir. No. 78-1103.

MISCELLANEOUS AGENDA—81ST MEETING, MARCH 15, 1978, REGULAR MEETING

CAM-1.—Pacific Power & Light Co.
CAM-2.—Kingsport Power Co.

GAS AGENDA—81ST MEETING, MARCH 15, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. Pipeline rates

RP-1.—Docket Nos. RP74-89 and RP73-35(AP76-1), Trunkline Gas Co.
RP-2.—Docket Nos. RP73-3 (PGA76-2), RP73-69 and RP72-99 (EPGA76-3), Transcontinental Gas Pipe Line Corp.

II. PRODUCER MATTERS

A. Producer certificates

CI-1.—Docket No. CI77-683 HNG Oil Co.
CI-2.—Reserved.
CI-3.—Reserved.

B. Producer rates

CI-4.—Pennzoil Co., FERC Gas Rate Schedule No. 10.
CI-5.—Reserved.
CI-6.—Reserved.

C. Special relief

CI-7.—Docket No. RI77-134, Leach Bros, Inc.
CI-8.—Docket No. RI78-2, Ucca Petroleum Co. (operator), et al.
CI-9.—Docket No. CI78-164, Marathon Oil Co.

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1. Docket No. CP78-117, Texas Eastern Transmission Corp.
CP-2.—Docket No. CP76-464, Equitable Gas Co.
CP-3.—Docket No. CP77-653, Panhandle Eastern Pipe Line Co., Trunkline Gas Co., and United Gas Pipe Line Co.
CP-4.—Reserved.
CP-5.—Reserved.

B. Liquefied natural gas

CP-6.—Docket No. CP71-290, Consolidated System LNG Co.
CP-7.—Reserved.
CP-8.—Reserved.

C. Pipeline storage

CP-9.—Docket No. CP76-255, Michigan Wisconsin Pipe Line Co.; Docket No. CP76-254, Michigan Wisconsin Consolidated Gas Co.; Docket No. CP76-271, Northern Natural Gas Co.; Docket No. CP76-325, Natural Gas Pipeline Co. of America; and Docket No. CP76-353, Natural Gas Pipeline Co. of America.
CP-10.—Reserved.
CP-11.—Reserved.

D. Curtailments

CP-12.—Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.
CP-13.—Docket Nos. RP72-6 and RP76-38 (storage), El Paso Natural Gas Co.; Docket No. CP76-87, El Paso Natural Gas Co.; Docket Nos. CP76-258, et al., Mountain Fuel Resources, Inc., et al.; Docket No. CP78-172, El Paso Natural Gas Co.

GAS AGENDA—81ST MEETING, MARCH 15, 1978, REGULAR MEETING

CAG-1.—Docket Nos. RP76-94 and RP76-138, Columbia Gulf Transmission Co.; Docket Nos. RP76-95 and RP75-106(AP76-1), Columbia Gas Transmission Corp.
CAG-2.—Docket No. CI77-762, Pinto, Inc.; Docket Nos. CI76-806, et al., Pennzoil Offshore Gas Operators, Inc.
CAG-3.—Docket Nos. CI77-577 and CS72-1214, Glen E. Jeffery.
CAG-4.—Docket No. CI78-145, J. Roy McCoy.
CAG-5.—Docket Nos. CI64-352, et al., Sun Oil Co., et al.
CAG-6.—Docket Nos. G-4269, et al., Chevron U.S.A. Inc. (successor to the California Co., a division of Chevron Oil Co., and Chevron Oil Co., Western Division).
CAG-7.—Docket No. CP77-526, Michigan Wisconsin Pipe Line Co., Transcontinental Gas Pipe Line Corp., and United Gas Pipe Line Co.
CAG-8.—Docket No. CP77-600, Northern Natural Gas Co.
CAG-9.—Docket No. CP77-39, Iowa Power & Light Co.
CAG-10.—Docket No. CP64-89, Cities Service Gas Co. and Natural Gas Pipeline Co. of America.
CAG-11.—Docket No. CP74-133, Mountain Fuel Supply Co.; Docket No. CP74-144, Colorado Interstate Gas Co.
CAG-12.—Docket No. CP71-273, Southern Natural Gas Co.
CAG-13.—Docket Nos. CP76-208, et al., Mid-Continent Gas Storage Co., et al.
CAG-14.—Docket No. RP76-90, Kansas-Nebraska Natural Gas Co., Inc.
CAG-15.—(A) *Arizona Electric Power Coop., Inc. and the city of Willcox, Arizona* v. *F.E.R.C., D.C. Cir. No. 78-1043. General Motors Corp.* v. *F.E.R.C.*, 10th Cir. No. 78-1101.

KENNETH F. PLUMB,
Secretary.

[S-531-78 Filed 3-8-78; 3:52 pm]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 8921, published March 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 8, 1978.

CHANGE IN THE MEETING: The following item will be taken up on Thursday, March 9, 1978, at 1 p.m., instead of Wednesday, March 8, 1978.

Item No., Docket No., and Company

CI-1.—CI75-45, et al., Tenneco Oil Co., et al.

KENNETH F. PLUMB,
Secretary.

[S-529-78 Filed 3-8-78; 3:08 pm]

[6740-02]

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 8921, published March 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 8, 1978.

CHANGE IN THE MEETING: The following item has been added to the agenda of March 8, 1978.

Item No., Docket No., and Company

CI-3.—Federal Energy Regulatory Commission—FPC Form No. 40 Program.

KENNETH F. PLUMB,
Secretary.

[S-528-78 Filed 3-8-78; 3:08 pm]

[6740-02]

9

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: March 8, 1978 (following regular Commission meeting).

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pending civil litigation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

KENNETH F. PLUMB,
Secretary.

[S-527-78 Filed 3-8-78; 3:08 pm]

[4910-58]

10

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, March 16, 1978 (NM-78-14).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report and Recommendations.*—Ford Construction Co. Truck-Trailer/Dodge Van Collision on U.S. Route 221, Near Marion, N.C., May 12, 1977.
2. *Discussion.*—Proposed Criteria and Procedures for Implementing Joint NTSB-Coast Guard Accident Investigation Procedures.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-518-78 Filed 3-8-78; 9:01 am]

[7910-01]

11

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, March 21, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor. 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 9 are open to public. Matters 10 and 11 are closed to public. Matters 12 and 13 are not applicable for status.

MATTERS TO BE CONSIDERED: Regular Board Meeting concerning:

1. Approval of minutes of meeting held March 14, 1978, and other Board meetings, if any.
2. Recommendation for assignment to a division:
   Bata Shoe Co., Inc., fiscal year ended Dec. 31, 1972.
3. Proposed special accounting agreement:
   a. Security Pacific National Bank, fiscal years ended Dec. 31, 1971 through 1975.
   b. Security Pacific Leasing Co., fiscal year ended Dec. 31, 1975.
   c. Security Pacific National leasing, Inc., fiscal years ended Dec. 31, 1973, 1974, and 1975.
4. Revision to security clearance procedures.
5. Preliminary report concerning revision of general orders, staff guides and administrative letters.
6. Recommendation to approve request for special accounting agreement:
   Thiokol Corp., fiscal year ended Dec. 30, 1973 and subsequent years.
7. Recommendation for clearance:
   a. The Bendix Corp., consolidated with:
      Bendix Westinghouse Automotive Air Brake Co.
      Skagit Corp.
      Bendix Field Engineering Corp.
      P. & D. Manufacturing Co.
      Fram Corp.
   Fiscal year ended Sept. 30, 1971.
   b. The Bendix Corp., consolidated with:
      Skagit Corp.
      Bendix Field Engineering Corp.
      Fram Corp.
      The Dashaveyor Co.
   Fiscal years ended Sept. 30, 1972 and 1973.
8. Claim for partial mandatory exemption of new durable productive equipment:
   a. Houdaille Industries, Inc., fiscal year ended Dec. 31, 1974.
   b. Houdaille Industries, Inc., fiscal year ended Dec. 31, 1975.
   c. Powermatic-Houdaille, Inc., fiscal year ended Dec. 31, 1974.
   d. Powermatic-Houdaille, Inc., fiscal year ended Dec. 31, 1975.
9. Request for exemption of a specific CPFF contract No. NOd-10062:
   Parker Drilling Co., LPI No. 91613.
10. Recommended determination of excessive profits: AMF, fiscal year ended Dec. 31, 1968.
11. Recommended finding of excessive profits: Stelma Inc., fiscal year ended Mar. 31, 1967.
12. Approval of agenda for meeting to be held April 4, 1978.
13. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: March 8, 1978.

GOODWIN CHASE,
Chairman.

[S-526-78 Filed 3-8-78; 3:08 pm]

[8010-01]

12

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 Commission will hold the following meetings during the week of March 13, 1978, in room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, March 14, 1978, at 10 a.m. An open meeting will be held on Thursday, March 16, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(9)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 14, 1978, at 10 a.m., will be:

Formal order of investigation.
Referral of investigative files to Federal, State, or self-regulatory authorities.
Freedom of Information Act appeal.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Settlement of injunctive action.
Proposal relating to certain enforcement activities.
Opinion.
Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, March 16, 1978, at 10 a.m., will be:

1. Issuance of a proposed order permanently exempting Phillip S. Sassower, Lawrence I. Schneider, Adolf Marcus and Alexander Goren from section 9(a) of the Investment Company Act of 1940.
2. Consideration of proposed changes in the processing of applications filed pursuant to section 8(f) of the Investment Company Act of 1940.
3. Consideration of a proposed letter to be sent to the Office of Management and Budget responding to that Office's request for further comments on the Department of Treasury's proposed legislation to amend Chapter 25 of Title 18, United States Code, to provide penalties for the forging of endorsements on, or fraudulently negotiating United States Treasury checks, bonds or securities of the United States.

4. Consideration of the request of the Department of Justice for the Commission's comments on proposed legislation which would allow, in certain circumstances, the assessment of attorneys' fees in all civil litigation in all federal courts.

FOR FURTHER INFORMATION CONTACT:

Willie M. Alexander at 202-376-7474 or Richard Humes at 202-376-8025.

MARCH 7, 1978.

[S-523-78 Filed 3-8-78; 10:56 am]

[7020-02]

13

[USITC SE-78-12]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 23, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): a. Bicycle tires (Docket No. 501).
5. Impression fabric from Japan (Inv. AA1921-176)—briefing and vote.
6. Ice hockey sticks from Finland (Inv. AA1921-177)—briefing and vote.
7. Status report on the EEO program.
8. Update on administrative matters.
9. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-519-78 Filed 3-8-78; 9:17 am]

[7020-02]

14

[USITC SE-78-10A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 8346, published March 1, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Friday, March 10, 1978.

CHANGES IN THE MEETING: Meeting previously scheduled has been cancelled, there being no further action required on Item No. 1 (Work gloves (Inv. TA-406-1)—vote on remedy, if necessary) and Item No. 2 (Any items left over from previous agenda).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-520-78 Filed 3-8-78; 9:17 am]

[4410-01(8A0401)]

15

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: Thursday, March 2, 1978—9:30 a.m.

PLACE: Room 338, 320 First Street NW., Washington, D.C.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7798, February 24, 1978.

STATUS: Closed.

CHANGES IN THE MEETING: A portion of the agenda is carried over to March 7, 1978, for completion.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-525-78 Filed 3-8-78; 12:28 pm]

FRIDAY, MARCH 10, 1978
PART II

federal register

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

ANIMAL WELFARE

List of Licensed Dealers

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Licensed Dealers

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following dealers are licensed under said Act:

ALABAMA

Abney, A., d.b.a. Dog Patch Kennel, Route 2, Box 357A, Attalla 35954.
Barker, N. M., d.b.a. Broken Pine Rabbitry, Route 1, Box 59A, Chelsea 35043.
Campbell, P. F., d.b.a. Pet Safari, 100 Broadway, Homewood 35209.
Connelly, S. L., 8 Wilshire Road, Mobile 36619.
Fowler, T. W., Route 2, Box 459A, Theodore 36582.
Johnson, C., Route 3, Box 16A, Luverne 36049.
Kaczmarczyk, G., d.b.a. Georges Pet Center, Northside Mall, Dothan 36301.
Norwood, H., 2309 31st Street SW., Birmingham 35221.
Pet Palace Inc., 3211 Bell Air Mall, Mobile 36606.
Port of Pets, 606 Brookwood Village, Birmingham 35209.
Rambo, R. C., Route 9, Box 72-B, Eight Mile 36613.
Scott, D. and W. M., d.b.a. S & S Pet Center, 1417 Locust Street, Decatur 35601.
Scott, D. and W. M., d.b.a. S & S Pet Center, 1413 Locust Street, Decatur 35601.
Spiller, J. R., d.b.a. Spiller Pet Center, Route 1, Box 138, Tuscaloosa 35401.
Treanor, D. & P., d.b.a. Inc Spots, 1454 Fleetwood Drive East, Mobile 36605.
Wager, M. W., 1707 Fairmont Street, Dothan 36301.
White, C. G., d.b.a. Alaquatics Pet Center, 1012 3rd Avenue West, Birmingham 35204.

ARIZONA

Abrahams, O. L., 2742 East Southerland, Phoenix 85040.
Caveny, D. D., d.b.a. More-Grow Hybrid Rabbits, P.O. Drawer 38, Douglas 85607.
Clonts, B., 815 Stirrup Drive, Safford 85546.
Cox, N. and G., d.b.a. Borden-N-Kennels, Box 144, Naco 85620
Docktor Pet Center, 1391 North Scottsdale Road, Scottsdale 85257.
Dunbar, K. L., d.b.a. Dunbar's Kay Dot Rabbitry, 6710 North Waycross, Tucson 85704.
Frarer, H. W. and M. E., d.b.a. F&F Ranch, Route 1, Box 207, St. David 85630.
Henry, L., P.O. Box 72, Buckeye 85326.
Jeter, M. M. and W. S., d.b.a. Southwestern Research Animals, 4834 East Glenn Street, Tuscon 85712.
Karch, G. and G., Rural Route 19, Box 99D, Tucson 85704.
Martynowski, H. S., d.b.a. Crown Rabbitry, 14802 North 33rd Way, Phoenix 85032.
Mengert, D. and C., d.b.a. Kodinook Kennels, 1809½ Thatcher Boulevard, Safford 85546.
Nolan, A. J., d.b.a. The Pet Corral, Route 1, Box 38, Safford 85546.
Ollson, L. M., Ollson's Rare Bird and Animal Farm, Route 1, Box 152, Glendale 85301.
Olson, K. and D., d.b.a. Blue Ribbon Ranch, 622 North Forgeus Avenue, Tucson 85716.
Saubert, K., d.b.a. Pet Corral of Tuscon, 7181 East Tanque Verde Road, Tuscon 85715.
Southwestern Scientific Co., 4345 East Irvington Road, Tuscon 85706.
Stockett, S., d.b.a. Rabbit Ent, 4546 West Crivello, Laveen 85339.
Wahrendorf, W. D., d.b.a. Pet's Paradise, 4631 West Tierra Buena, Glendale 85306.
Watson, C., d.b.a. Watsons Dobermans, Box 653, Pima 85543.
Weese, R. and J., d.b.a. Weese's Rabbitry, 6350 South Camino Verde, Tucson 85706.
Wild Kingdom, Ltd., 1019 East 6th Street, Tucson 85719.
Yarolem, W. and S., 60001 West Medlock Drive, Glendale 85301.

ARKANSAS

Animal Behavior Enterprises Inc., 4800 Albert Pike, Hot Springs 71901.
Baker, D., d.b.a. Bakers Kennels, Route 2, West Fork 72774.
Bloxham, M., d.b.a. Bloxham Puppy Ranch, Route 4, Rogers 72756.
Brown, K., P.O. Box 421, Gentry 72751.
C. B. Rabbit Ranch, Route 1, Box 162-C, Jacksonville 72076.
Chatterton, E., d.b.a. Hillside Kennel, Delmar Star Route, Harrison 72601.
Cherry, M., d.b.a. Cherry's Rabbitry, Star Route 7, Searcy 72143.
Corbit, Mrs. J. M., d.b.a. Corbit Rabbitry, Route 2, Searcy 72143.
Davis, W. J. and J. P., d.b.a. Janbils Kennels, Garfield 72732.
De Salvo, G., d.b.a. Pine Acres Kennel, Route 2, Morrilton 72110.
Fauble, J., Star Route, Ash Flat 72513.
Good, J. and L., d.b.a. Shiloh Kennel, Star Route, Van Buren 72956.
Gorsline, C. R., Route 2, Box 68, Gravette 72736.
Hall, D. J. and M. K., d.b.a. Seven Seas Pet Shop, Route 2, Box 154, Clinton 72031.
Holco, Inc., P.O. Box 186, Fayetteville 72701.
Jester, A., d.b.a. Allen Jester Kennels, Route 4, Benntonville 72712.
Jester, W., d.b.a. Flying W. Kennels, Route 4, Bentonville 72712.
Kirby, M. S., d.b.a. Marilyn's Timberlane Kennel, Rural Route 5, Mountain Home 72653.
Kratz, D. and E., d.b.a. B and D Rabbitry, Route 2, Box 229, Malvern 72104.
Lamont, E., d.b.a. Lamont Kennels, 5728 Wheeler Avenue, Fort Smith 72901.
Langston, M., d.b.a. Ozark Malamute Kennel, Box 254, Mammoth Springs 73554.
Laswell, T., d.b.a. Too-Ric Kennels, P.O. Box 418, Gentry 72734.
Lloyd, L. T., d.b.a. Rock Springs Kennels, Route 4, Box 112, Elkins 72727.
Marrs, D. and H., P.O. Box 66, Colt 72326.
Matney, F. R., d.b.a. Rueselle's Kennel, Summers 72769.
Meuser, I. A., Route 2, Fayetteville 72701.
Miller, M., d.b.a. Ma-Ha Kennels, Box 111 Route N, Yellville 72687.
Morefield, D., d.b.a. Daisy Kennels, Box 283, Gentry 72734.
Morris, S., d.b.a. Canines Finest Kennel, Route 1, Piggott 72454.
Mosler, E. and D., Lambeth Lane, Bella Vista 72712.
Pel-Freez Farms Inc., P.O. Box 68, Rogers 72756.
Phillips, D., d.b.a. Phillip's Kennels, Route 41, Rogers 72756.
Platt, R., d.b.a. Platt's Kennels, Route 2, Prairie Grove 72753.
Prophet, E. and A., d.b.a. Prophet Kennels, 809 North 16th Street, Van Buren 72956.
Ray, M., d.b.a. Hollyoak Kennels, P.O. Box 401, Salem 72576.
Roberts, R. and R., d.b.a. Roberts Pet Shop, 1221 Knoxville, Fort Smith 72901.
Robison, R., d.b.a. Bryant Cove Kennel, Route 1, Box 47, Casa 72025.
Rouse, G. F., Route 1, Farmington 72730.
Sagarsee, R., Route 1, Lost Bridge Road 127, Garfield 72732.
Sharum, M. M., d.b.a. Sharum's Pups and Stud Service, 3301 Johnson, Fort Smith 72901.
Small Stock Industries, Inc., P.O. Box 157, Pea Ridge 72751.
Smith, G. and D., Route 1, Box 31, Gravette 72736.
Spelling, F. and D., d.b.a. Winn Creek Kennels, Route 1, Box 281, Winslow 72959.
Stephens, L., d.b.a. Beagel Dog Kennel, Route 4, Box 196A, Bentonville 72712.
Stratton, J., d.b.a. Ark. Coon Hound Kennels, Highway 94N, Rodgers 72756.
Striegler, C. T., d.b.a. Flint Ridge Kennel, Route 2, Fayetteville 72701.
Sutton, R. and L., d.b.a. Shan-Ric Shelties, Route 1, Box 155, Lowell 72745.
Talburt, R. L., Route 3, Box 50A, Gravette 72736.
Tisdale, G., Route 2, Box 290, Gentry 72734.
Walker, I., Route 3, Box 47, Gravette 72736.
Ward, B., d.b.a. Ward's Kennels, Route 2, Box 231, Gravette 72736.
Watkins, L. P., Box 188, Caraway 72419.
Winningham, R. M., Route 2, Gentry 72736.
Woods, B., d.b.a. Woods Kennels, Route 1, Rogers 72756.
Wormuth, M. and C., Wormuth Kennels, Route 2, Box 39, Mountainburg 72946.

CALIFORNIA

Abernathy, J. D., 175 East Street, Norco 91760.
Ackerman J. and M., 5200 South Street No. 82, Oxnard 93030.
Ayer, J. S., d.b.a. Jungle Jim's Pet Shop, 321 North Mount Shasta Boulevard, Mount Shasta 96067.
Bentley, E. M., d.b.a. Valley Laboratory Supply 4903 Bain Street, Miraloma 91752.
Bergin, Jr., R. D., d.b.a. The Golden Hare, P.O. Box 3167, Carmel 93921.
Bishop, G. and C., d.b.a. Bishop's Pet Center, P.O. Box 924, Campbell 95008.
Bliss, C. and B., 8149 Mondo Lane, Oakdale 95361.
Bloomen, D. and V., d.b.a. VGL D-B Kennels, 3386 North Highway 41, Coarsegold 93614.
Bond, L. E., d.b.a. Global Sea Lions, P.O. Box 464, Santa Barbara 93102 .
Bristow, W and T., d.b.a. Cher Mar Kennels, 4855 Pioneer Avenue, Hughson 95326.
Brusby, R., d.b.a. Jungleland Pets, 6099 San Juan Avenue, Citrus Heights 95610.
Burrett, J., 3169 Duran Avenue, San Jose 95111.
Burns, T. S., d.b.a. National Research Resources, P.O. Box 691 Bonita 92002.
Campbell, A. B., d.b.a. ABC Caviary & Rabbitry, 11203 Boswell Avenue, Pomona 91766.
Carstenson, S. and A., d.b.a. Gallant Rains Rabbitry, 125 Rainsville Road, Petaluma 94952.
Castellucci, R., d.b.a. Castle Rabbitry, Star Route Box 2M, Corning 96021.

Christensen, E. and G., d.b.a. California Biological Supply Co., P.O. Box 1736, Vista 92083.
Coates, W. B., d.b.a. Canine Country Club, 42116 4th Street East, Lancaster 93534.
Cobb, C., d.b.a. Quality Hamsters, P.O. 5691 Oxnard 93030.
Costley, I., 931 Franzi Court, Modesto 95351.
Coury, R., d.b.a. Golden West Kennels, 343 Goodwin Road, Modesto 95351.
Curd, M. E., d.b.a. Curd's Caviary & Animal Supply, 787 South 4th Avenue, La Puente 91746.
D'Angelo, F., d.b.a. Cal Luminum Inc Lake Nala Ranch 11835 South Morning Avenue, Downey 90241.
Dahl Biological Supply, Ins., 25 Hegenberger Place, Oakland 94621.
Dairi, C. S. Jr., d.b.a. Exotics of California, 32912 Lake Huron Street, Fremont 94536.
Davison, F. E., d.b.a. Falcon Kennel, P.O. Box 304, Sebastopal 95472.
De Borondy, Dr. L., d.b.a. Casa De Pets, 11814 Ventura Boulevard, Studio City 91604.
Denio's Roseville Farmers' Market and Auction Inc., P.O. Box 999, Roseville 95678.
Dougherty, B. M., d.b.a. Kittyland Kattery, 4901 Highway 9, Felton 95018.
Dunn, R., d.b.a. L. A. Pets, 12909 Saticoy Street, North Hollywood 91606.
English, V., d.b.a. Leopard Cat Information Center, P.O. Box 3632, Hollywood 90028.
Erdtsieck, A. A., d.b.a. Safe Haven Rabbitry, 2158 Walzer Road, Santa Rosa 95401.
Freman, N. F. and M. L., d.b.a. Lit Rabbitry, 5552 Freedom Boulevard, Aptos 95003.
Garrison, K., d.b.a. Garrison Rabbitry, 1426 Sunset Drive Vista 92083.
Giacinto, J., 19400 Santa Rita, Tarzana 91356.
Gillette, B. and G., d.b.a. Paradise Hamstery, 2912 Paradise Road, Modesto 95351
Goebel, A. R., d.b.a. Camel Factory, 1850A North Main, Porterville 93257.
Goebel, E. L., P.O. Box 702, Tehachapi 93561.
Goebel, L., P.O. Box 4198, Thousand Oaks 91359.
Hendricks, W. H. and G. M., d.b.a. Crest Caviary, 4133 Oak Grove School Road, Raymond 93653.
Holloman, C. and J. C., 30981 East River Road, Escalon 95320.
Holloman, G., d.b.a. Bernahsa Kennel, J27889 East Vine, Escalon 95320.
Howard, L. A., 696 North Leonard Avenue, Fresno 93727.
Jolly, B. M., 8341 Dennis Street, Cypress 90630.
Jolly, R. I., 8341 Dennis Street, Cypress 90630.
Juszyk C. and J., 2591 Los Feliz Drive, 1000 Oaks 91360.
Kearley, E. O., P.O. Box 2089, Turlock 95380.
Kelley, J. O., 609 F Street, Gart 95632.
King, B. J., d.b.a. Big Pine Rabbitry, 18850 Blythswood Drive, Los Gatos 95030.
King, W. I., d.b.a. Kings Kennel, 3035 South Trinity, Kerman 93630.
Knudsen, H. H, 12488 South Harlan Road, Lathrop 95330.
Kurz, E., 16300 Arnold Drive, Sonoma 95476.
Lancaster, L., 12663 Avenue 336, Visalia 93277.
Langley, R. E., d.b.a. Central Valley Kennels, P.O. Box 3428, Poplar 93257.
Little, J. F., 4640 Olney Street, San Diego 92109.
Loma Linda University, Animal Care Facility, Loma Linda 92354.
Magnolia Bird Farm Inc., 8990 Cerritos Avenue, Anaheim 92804.
Martinez, M., d.b.a. Basically Birds, 1549 South Marshall, Alpine 92001.
McGee, J., d.b.a. Lucky J. Kennels, 1443 Silverado Trail, St. Helena 94574.
McCreary, W. E. and N. J., 7883 Elphick Road, Sebastopol 95472.
McGarvey, J. and N., d.b.a. Fantasy Pet Shop, 330 University Avenue, Palo Alto 94301.
Merwin, J. E., d.b.a. Hills of Home Ranch, 20837 Deerhorn Valley Road, Jamul 92035.
Meyer, W. L., d.b.a. Mountain Caviary, Box 479, Angwin 94508.
Meyerdick, C. and F., d.b.a. CFM Rabbitry, 1447 Midway Road, Vacaville 95688.
Miller, D. R., d.b.a. Rancho de Conejo, 1345 Sunset Drive, Vista 92083.
Mission Laboratory Supply Inc., P.O. Box 456, Rosemead 91770.
Mohilef, D., 629 South June Street, Los Angeles 90005.
Nannini, L. J., 315 B Street, Colma 94614.
National Herpetological Society, P.O. Box 240, Glendora 91740.
Neilson, J. and D., d.b.a. Neilson's Shady Oak Rabbitry, 2540 Trower Avenue, Napa 94558.
Newcell Biochemicals and Newcell Hamster Hut, 1508 Fifth Street, Berkeley 94710.
O'Brien, A., d.b.a. O'Brien's Guard Dog Service, 9836 Florin Road, Sacramento 95826.
Oscislawski, L. and M., d.b.a. L and M Pets and Supplies, 15917 Sierra Vista Court, La Puente 91747.
Owens, D. M., 1594 Eastman Lane, Petaluma 94952.
Perkins, E. S., d.b.a. Clark's Cavies, 4891 Branciforte Drive, Santa Cruz 95065.
Quillen, P., d.b.a. Quillen Cattery, P.O. Box 7535, San Diego 92107.
Quinn Zoological Associates, 8693 Wilshire Boulevard, Suite 201, Beverly Hills 90211.
Robbins, E. K., 6027 Cold Brook, Lakewood 90713.
Robelle Animal Productions, Ltd., P.O. Box 246, Norco 91760.
Roskilly, G. B., d.b.a. GLSN's Pets and Pet Supplies, 12137 Lopez Canyon Road, San Fernando 91342.
Saenz, G., d.b.a. Gerry's Dogs, 2416 Young Street, Stockton 95205.
Schoenbein, T. L., d.b.a. Schoenbein Rabbitry, 1630 Ridge Road, San Diego 92028.
Scholl, S., d.b.a. Laboratory Animals, 2439 Catalina Drive, Vista 92083.
Schwab, F. L., d.b.a. Mar Fredricks Rabbitry, 1245 Alamo Road, Modesto 95351.
Simonsen Laboratories Inc., 1180C Day Road, Gilroy 95020.
Simunek, R. And J., 872 Busch Drive, Vista 92083.
Sinnett, A. H., d.b.a. Waggin Tail Kennel, 3324 Barnhart Road, Denair 95316.
Synder, J. W., d.b.a. Carriage Trade Kennels, P.O. Box 163, Mariposa 95338.
Spangler, R. D., d.b.a. Western Pacific Biol Supply, 3372 West Harvard Street, Santa Ana 92704.
Sparrow, E. A. and M. C., d.b.a. Crown Animal Sales, 250 Second Avenue, San Leandro 94577.
Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park 94025.
Stedman, K. M., d.b.a. Lord Stedman Kennels, Star Route, Janesville 96114.
Stein, C. and A., d.b.a. Flying Fur Pet Travel Service, 1122 4th Avenue, San Diego 92411.
Taylor, P. and S., d.b.a. Riverhole Llamasary, 5100 Volkerts Road, Sebastopol 95472.
Trent, G. and H., d.b.a. Trent's Caviary, 506 Fairland Avenue, Modesto 95351.
United States S.P.C.A. Inc., 4218 San Juan Avenue, Fair Oaks 95628.
University of Southern California, University Park, Los Angeles 90007.
Usrey, A. and D., d.b.a. Peacefield Farms, 562 Mimose Avenue, Vista 92083.
Valley Pet Supply, 1200 Zephyr Avenue, Hayward 94544.
Western Scientific Supply, Inc., d.b.a. Western Scientific Supply Co., P.O. Box 681, West Sacramento 95691.
Westervelt, M. R., Nitabell Rabbitry, 29215 Taylor Avenue, Hayward 94544.
Wheeler, S. M., Jr., P.O. Box 8245, San Francisco 94128.
Williams, H., d.b.a. Pet Village, 705 West Arbor Vitae, Inglewood 90301.
Wright, P., Route 1, Box 306, White Water 92282.
Zigler, H. & E., d.b.a. Ezh Caviary, Box 453, Williams 95987.

COLORADO

Bornhoft, T. S., Route 1, Fleming 80728.
Brauher, D., d.b.a. Brauher Rabbitry, 7155 24th Street, Greeley 80631.
Colorado Ferrits Inc., 1160 Claremont, Boulder 80303.
Elars Biopharmaceutics Inc., 225 Commerce Drive, Ft. Collins 80521.
Enos, H. and M., d.b.a. Rocky Mountain Rabbitry, 3604 Richmond Drive, Fort Collins 80521.
Essary, A. and E., d.b.a. Tag-A-Long Dog Ranch, Route 1, Box 5-C, La Animas 81054.
Freemyer, M. L., d.b.a. High Plains Kennels, Route 2, Box B15, 654 Strom, Haxtun 80731.
Gillespie, K. D., d.b.a. Suppral Hamsters, 4682 Shaw Boulevard, Westminster 80030.
Haynes, B. L. and B. B., d.b.a. Pampered Pets, 4230 Easley Road, Golden 80401.
Hill, R. A., d.b.a. Sedalia Hills Rabbitry, Route 1, Box 12B, Sedalia 90135.
Lauppe, V. L., d.b.a. Hyland Rabbitry, Route 1, Box 273, Brighton 80601.
Mauch, L., d.b.a. Arkansas Valley Kennel, Route 1, Box 107, Lamar 81052.
Mekelbury, E. D., Route 2, Yuma 80759.
Miller, L., d.b.a. Miller's Magic Hat Rab, 6142 Hygiene Road, Longmont 80901
Milliken, J. T., d.b.a. Ripples Dog Ranch, Route 2, Box 151, Rocky Ford 81067.
Morgan, N., d.b.a. Krowley Kounty K-Nine Kennel, Route 1, Box 121, Olney Springs 81062.
Murphy, H. J., Box 280, Windsor 80550.
Park, J. E., d.b.a. Biological Research Laboratories, 6700 Simms, P.O. Box 1374, Arvada 80004.
Patterson, J. E., d.b.a. Patterson Kennels, Route 2, Box 76, Yuma 80759.
Redden, Mrs. H., Route 1, Hotchkiss 81419.
Shepard, J. M., d.b.a. Jacks Rabbits, 3312 Buckskin Trail, La Port 80535.
Sindt, L. and A., d.b.a. Sindt's Ace Hi Kennels, Route 1, Peetz 80747.
Smith, F. J., d.b.a. Aquaria Terraria Etc., P.O. Box 1474, Dillion 80435.
Spear, H., Burdette Route, Box 33, Akron 80720.
Steele, M. T., 101 East 1st Street, Otis 80743.
Stolns, J., Route 1, Box 7, Bennett 80102.
Turvey, A., d.b.a. Turvey's Kennel, Eckley 80727.
Waitman, E., Route 2, Hotchkiss 81419.
Wernsman, G. and A. V., Rural Route 1, Box 61, Fleming 80728
Wolff, M., Route 3, Haxtun 80731.

Woods, E., d.b.a Alldog Kennel, Box 112, Eastlake 80614.
Woolington, E. and Bossen D., d.b.a. Aichars Rabbitry, Hereford 80732.

CONNECTICUT

Beauregard, R., 525 Skokorat Road, Beacon Falls 06403.
Derosa, O., 60 Tanager Lane, Trumbull 06611.
Godfrey, D., d.b.a. Stony Hill Pet Center, Route 6, Danbury Newtown Road, Bethel 06801.
Greenberg, H., 3 St. George Place, Westport 06880.
Johnson, D. and Strout, F., d.b.a. Inter Pet, Gateway Center, Wilton 06897.
Schaefer, W. A., 33 Hayden Avenue, Windsor 06095.
Schneebeli, W., d.b.a. Valley Kennels, Sand Road, Falls Village 06031.
Theis, C. E., d.b.a. White Rock Farms, Route 82, Salem 06415.
Todd, E. W., 551 Skokorat Road, Beacon Falls 06403.
Tropical Fish Emporium, Gateway Center, Wilton 06897.
Weber, Dr. H. O., P.O. Box 484, Simsbury 06070.

DELAWARE

Bailey, R. D., d.b.a. Little Acre Animal Farm, Route 2 Box 338N, Seaford 19973.
Chisenhall, E., Road 1 Box 45D, Greenwood 19950.
Harrison, R. A. and M. I., 2614 Turnstone Drive Brookmeade II, Wilmington 19808.
Hazel Del Farms Inc., Road 1 Box 198B, Hartly 19953.
Wisseman, C. E., P.O. Box 81, Greenwood 19950.

FLORIDA

Albert, T. R., d.b.a. Safari Pet Shop, 6635 Taft Street, Hollywood 33024.
Animal Suppliers Inc., 10525 Southwest 185 Terrace, Miami 33157.
Baetjer, K. H. and B. J., d.b.a. Christian's Compound, Route 1, Box 40, Fellsmere 32948.
Baker, P., P.O. Box 15091-H, Tampa 33684.
Black, R. W., d.b.a. Hollywood B&R Pet Shop, 6991 Taft Street, Hollywood 33024.
Bomar Industries, d.b.a. Bomar Industries, Inc., 852 First Avenue South, Naples 33940.
Boone, D. R., d.b.a. Rock & Wood, 10470 Southwest 66 Street, Miami 33173.
Boring, K. K., d.b.a. English Creek Critters, Route 6, Box 263, Plant City 33566.
Bramco Inc., P.O. Box 205, Gibsonton 33534.
Byrd, L., d.b.a.Byrd's Animal Imports, P.O. Box 968, Labelle 33935.
Campbell, W. H., 740 Lakeside Drive SW., Largo 33540.
Carrier, W., Route 3, Stuart 33494.
Charles P. Chase Co., Inc., 7200 Northwest 46th Street, Miami 33166.
Chesnut, M., d.b.a. Exotic Tropicals, Route 3, Box 327, Riverview 33569.
Clothier, Mrs. C., 1310 Conover Street, Tampa 33603.
Crews, F. H., 109 East Palmetto Street, Avon Park 33825.
Cummings, M. L., d.b.a. Cummings Rabbitry, 1101A Geraci Road, Lutz 33549.
Davis, J. and C., Route 1, Box 77, Siffner 33584.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Dobson, L., d.b.a. Dobson's Petting Zoo, Route 3, Box 194F, Pensacola 32503.
Docktor Pet Center 118, 1289 Northwest W 40th Avenue, Lauderhill 33313.
Docktor Pet Center 136, 41 Pompano Fashion Square, Pompano Beach 33062.
Donaldson, D. and J., d.b.a. Jeanne & Donnie's Pet Parlour, 904 Searstown Plaza, Rockledge 32955.
Downs, M. O., d.b.a. Spring Hill Kennel, Route 5, Box 88A, Quincy 32351.
Economos, M., d.b.a. Parisian Kennels, 2525 Chaffee Road, Jacksonville 32204.
Eisenberg, E., d.b.a. Hounds Tooth Pet Center, 622 South Fed Highway, Deerfield Beach 33441.
Elder, K. W., 109 East Kendall Boulevard, Avon Park 33825.
Engler, W. L., d.b.a. Marlot Breedings Farm, Route 5, Box 130 A1, Orlando 32807.
Garvin, C., d.b.a. Florida Reptile Land, Route 1, Box 312, Lawtey 32058.
Garvin, C., d.b.a. Florida Alligator Farm, Route 6, Box 236, Bowling Green 42101.
Gators of Miami, Inc., 5500 Northwest 74th Avenue, Miami 33166.
Giller, L. A., 5365 Southwest 76th Avenue, Davie 33328.
Granberry, H. M. and R. E., d.b.a. Animal Kingdom, P.O. Box 225, Winter Park 32790.
Grodzinski, E., d.b.a. Hidden Acres Rabbitry, Route 4, Box 38C, Ocala.
Grout, F. W. and J. A., d.b.a. Grout's Pet Shop, 2900 30th Avenue North, St. Petersburg 33713.
Ham, T., d.b.a. W&T Pet Ranch, Route 1, Box 92, Lithia 33547.
Hand, L., d.b.a. Canis Lupus Ranch, 14250 Southwest 24th Street, Davis 33325.
Harris, E., d.b.a. Tails & Scales, 1035 Highland Avenue, Largo 33540.
Hatfield, K. I. and J. C., d.b.a. Exotic Feline Farm, 1991 Southwest 136th Avenue, Fort Lauderdale 33314.
Herold, W. L. and D., d.b.a. Daisy's Pet Center, 6006 Willbeth Avenue, Orlando 32809.
Horton, D., Route 1, Box 18443, Bunnell 32010.
House of Hamsters, 282 Northwest Second Street, Deerfield Beach 33441.
Hudson, K. W. and Kenny, R. A., d.b.a. The Critter Shop, 3407 Henderson Boulevard, Tampa 33609.
Hudson, K. W. and Kenny, R., d.b.a. The Critter Shop, 3407 Henderson Boulevard, Tampa 33609.
International Fins, Inc., 3040 Southwest 4th Avenue, Ft. Lauderdale 33315.
Julian, L. L., d.b.a. Stuart Pet Center, 211 Florida Street, Stuart 33494.
Kelly, K. C., d.b.a. Kel Farm, Route, 1 Box 106A, Alachua 32615.
Kindt, C. R., d.b.a. Exotic Cats & Cross Breeds, 18055 Dubois Road, Jupiter 33458.
King, L. S. and Sanchez, P., d.b.a. Los Pecesitos, 1940 West Flagler Street, Miami 33135.
Koostra, W. J., d.b.a. Kootoy Kennels, Route 7, Box 634, Tampa 33615.
L. D. Puppy Shop, 4315 Northwest 7th Street, Suite 43, Miami 33126.
Langieri, B. M., d.b.a. RBC Ranch, 9065 South Tamiami Trail, Venice 33595.

FLORIDA

Larakis, A., Ingham Road, Box 22, Route 1, New Smyrna 32069.
Layman, L., 190 Sunset Drive, Casselberry 32707.
Libby, J. R., R. R., 5600 Ogden Avenue, Orlando 32810.
Magray, D., 6710 Northwest 7th Court, Margate 33063.
Marino, G. D., and T. D., d.b.a. Pet Haven, 3321 North Fed Highway, Pompano Beach 33064.
Marsh, J. P., and D. M., d.b.a. Happyland Pet Shop, 1225 Delaware Avenue, Ft. Pierce 33450.
Martinez, L., 2670 Southwest 119 Court, Miami 33175.
Mathes, F., Route 3, Box 1738, Sebring 33870.
McAuley, R. L., d.b.a. Roger's Pet Paradise 2711 South Macdill Avenue, Tampa 33609.
Miami Rare Bird Farm Inc., 189 Caribbean Road, Naples 33940.
Nelson, R., 4800 Northwest 5 Court, Plantation 33317.
Noell, R. M. and A. M., d.b.a. Noells Ark Chimpanzee Farm and Etc., P.O. Box 396, Tarpon Springs 33589.
Parrot, J. D., and Hatfield, K. I., d.b.a. Exotic Feline Farm, 2455 Northeast 184 Terrace, Miami 33160.
Pet Farm Inc., 7330 Northwest 66 Street, Miami 33166.
Pet Ranch of America, Box 450, Route 3, Miami 33147.
Pinto, A., 1615 Northwest 30th Avenue, Miami 33125.
R&R Martin Corp., d.b.a. Exotics Unlimited, P.O. Box 3632, Hollywood 33023.
Ray Singleton and Co., P.O. Box 248, Riverview 33569.
Research Livestock Labs, Inc. P.O. Box 1643, North Miami 33161.
Reynolds, S., and Sanders, V., d.b.a. Frank's Gerbil Farm, Route 6, Box 248-Y, Plant City 33566.
Rider, Jr., V. D., Rural Route 2, Box 515, Brooksville 33512.
Roberts Fish Farm, Inc., P.O. Box 650038, Miami 33165.
Ross Socolof Farm, Inc., P.O. Box 1321, Bradenton 33506.
Searborough, J., Route 2, Box 207, Frostproof 33843.
Shank, I. W., d.b.a. Shank's Pet Land, Route 1, Box 380, Arcadia 33821.
Shirley, R. and J., d.b.a. Last Chance Kennels, Route 1, Box 513, Lithia 33547.
Simon, N. J., 5480 Southwest 118th Avenue, Miami 33165.
Slocum, I. I., B. R., and L., d.b.a. Quality Bird Co., 7050 Northwest 77th Court, Miami 33166.
Smazer, D. M., Route 8, Box 700, California Street, Brooksville 33512.
Smith, R. H., P.O. Box 156, O'Brien 32071.
South American Primates, Inc., 10525 Southwest 185th Terrace, Miami 33157.
Spinoso, P. J., 4215-53rd Avenue North, St. Petersburg 33714.
Steward, A., 5750 Southwest 100 Avenue, Davie 33314.
Stewart, B., d.b.a. Rainbow Kennels, Route 1, Box 127A, Dover 33527.
Stratton, J. and J., 1458 South 441, Okeechobee 33472.
Sweeting, B. E., d.b.a. The Pampered Pet, 3212 Flagler Avenue, Key West 33040.
Tampa Livestock Distributors, Inc., Subsidiary of the Hartz Mountain Corp., P.O. Box 22007, Tampa 33622.
Thomas, H., Route 3, Box 2890, Okeechobee 33472.
Tropical Animals Dist., Inc., 156 Northwest 37th Street, Miami 33127.
Ward, M., d.b.a. Gardenville Small Stock Farm, Route 3, Box 337, Riverview 33569.
West, Jr., C., d.b.a. Pet Circus Co., 1871 Northwest 59 Terrace, Sunrise 33313.
White, M., 5882 Southwest 81 Street, Miami 33143.

Wolf, R., d.b.a. Joy's Petland, 56 South Edison Mall Shopping Center, Fort Myers 33901.
Wonderland for Pets Inc., 16756 South Dixie, Miami 33157.

GEORGIA

Adair, K. R., d.b.a. Redbrook Farms, Route 1, Loganville 30249.
Binnion, D. and L., d.b.a. Five Points, P.O. Box 961, Monroe 30655.
Burch, R. E., R1 Rex Road, Stockbridge 30281.
Cook, W. L. 5250 Macland Road, Route 1, Powder Springs 30073.
Crawford, J. W., d.b.a. White Cliff Rabbitry, P.O. Box 212, Winder 30680.
Davies, H., P.O. Box 107, Stockbridge 30281.
Dugger, D. B., d.b.a. Dugger's Rabbitry, 4571 Scarbrough Road, College Park 30349.
Gilbreath, C. H. and H., d.b.a. The Circle (G) Rabbit Ranch, Route 1 Box 348, Route 1, Box 486.
Hurst, R. H., Route 3, Cairo 31728.
Lawton, M., P.O. Box 116, Mountain City 30562.
Lott, H. S., Route 1, Wrens 30833.
Martin, E. B., Route 3 Box 412, Flowery Branch 30542.
Patterson, J. and E., d.b.a. Pattersons Pets, P.O. Box 172, Moultrie 31768.
Peasgood, S. R., J. K., d.b.a. Goods and Sons, Box 117A, Route 1, Talmo 30575.
Phillips, G. O., Route 4 Box 1180, Sanderville 31082.
Pickelsimer, L. D., d.b.a. Ft. Mountain Gerbil Ranch, R1 Box 28, Chatsworth 30705.
Poss, R. C., 410 East Broad Street, Sparta 31087.
Rogers, R. D., Route 6 Box 417, Eastman 31023.
Stanley, K. and V., Route 1, Box 29, Chatsworth 30705.
Thomas, W. R. and B. A., d.b.a. Cherokee Lab Supply Co., P.O. Ad Box 2801, Atlantic 30328.
Wells, O. E., d.b.a. GAC Ranch, P.O. Box 631, St. Mary's 31558.
Furtado, M. E., 45-1045 Kam Highway, Kaneohe 96744.
Adams, C. and E., d.b.a. A & K Lab Animals, 2115 North 6th Street, Coeur D'Alene 83814.
Ferdinand Zoo & Animal Farm, Inc., P.O. Box 303, Nampa 83651.
Lewis-Clark Animal Shelter, Inc., P.O. Box 804, Lewiston 83501.
Marsh, D., d.b.a. Marsh Kennels, 1127 S. Powerline Road, Nampa 83651.
Meeks, F. and V., Route 2, Post Falls 83854.
Mulligan, E. and D., d.b.a. Sawtooth and Castleford Kennels, Route 2 Box 271, Jerome 83338.
Noble, C., d.b.a. Noble Kennels, Route 4, Rupert 83350.
Rowe, H. F., Route 1 Park Lane, Eagle 83616.
Vandersloot, M., d.b.a. Vander Stoot Kennels, H.C.R. 68 Box 160, Cocolalla 83813.
White, J. and G., d.b.a. White's Wabbit Wanch, Box 193, Kootenai 83840.
Wyckoff, E., d.b.a. Wyckoff Kennels, 7016 Hill Road, Boise 83703.

ILLINOIS

A Pet Inc., 2477 Devon Avenue, Elk Grove Village 60007.
Akers, J. C., d.b.a. Sailfin Pet Shop, 104 Hessel Boulevard Champaign 61820.
Allen, E. M., d.b.a. Bamboo Pet Shop, 125 W Jefferson Street, Joliet 60431.
Allen, J., Niota 62358.
Animal Kingdom, Inc., 2980 Milwaukee Avenue, Chicago.
Animal World, Inc., 7525 N Harlem Avenue, Niles 60648.
Appleby, Al Box 99 404 West Myrtle Street, Elizabeth 61028.
Archer, L. and J. 16910 Cicero Avenue, Tinley Park 60477.
Bader, Mrs. E., Scales Mound 61075.
Balgemann, D. E. and Wong, M. W. K., d.b.a. The Nature-Life Co., 954 Cookane Avenue, Elgin 60120.
Bartelheim, V. H. d.b.a. Bartelheim Rabbitry, Rural Route 1 Box 26 Murrayville 62668.
Bartlett, J. W., Rural Route 1 Box 54, Springfield 62707.
Battles, D. and M. d.b.a. White Oak Kennels, Rural Route 3, Vandalia 62471.
Bean, G. E., d.b.a. Jeri-Elen Kennels, Route 7, Mount Vernon 62864.
Becker, H. G., d.b.a. Becker Kennels, Rural Route 2 Box 15, Edwardsville 62025.
Bennett, W. R. and V. J., d.b.a. Hilltop Kennel, 12822-311 Street West, Muscatine 52761.
Bernett, D. W., Rural Route 1, Mahomet 61853.
Bloomquist, O. and B., d.b.a. Bloomquists Rabbitry, Box 8, Sherrard 61281.
Boebel, F. W., d.b.a. Sleepy Hollow Kennels & Cattery, Route 2 Box 73, Mundelein 60060.
Boehm, G., d.b.a GMB Cavies, 31 Pine Terrace, Fairview Hts 62208.
Bohlen, M., d.b.a. Mae Jean Poodle Towne, 201 West 6th North St, Mount Olive 62069.
Boner, R. S. d.b.a. Doners Kennel, Route 2 Box 66, Creal Springs 62922.
Brabender, A., d.b.a Brabender Small Stock Farm, Route 2 Box 327-B, Antiach 60002.
Brown, R. L., Route 3 Carthage 62321.
Brown, R. M., Route 2 Box 206, Norris City 62869.
Burdick, W. E., Rural Route 2, Omaha 62871.
Burnidge, B., d.b.a. Pets and Pots, Route 3 Box 33C, Randall Road, Elgin 60120.
Byers, F. and J., d.b.a. Byers Rabbitry, Route 2 Box 40, Alexis 61412.
Calanca, O. and A. Calancas Beagles, Rural Route 1 Box 175, Grayslake 60030.
Calfee, R. and I., Wanaga, T., d.b.a. Fish Etc, 1325 West Belmont, Chicago 60657.
Calloway, D., d.b.a. Pets Love People, 1851 East 87th Street, 1649 East 87th Street.
Carlson, 1332 South Central, Cicero 60650.
Castiglia, L. R., d.b.a. Northern Aire Farm, 502 North Smith Street, Palatine 60067.
Chapman, W., Box 132, Coelle 62825.
Citrona, A. J., d.b.a. He and She Pet Shop, 21 West 304 East Highland Drive, Lake Zurich 60047.
Cochran, J., 1018 East North Avenue, Olney 62450.
Cochrum, R. and Templeton, R., d.b.a. The Ark Pet Center, Inc., 5753 North Clark, Chicago 60660.
Consolidated Pet Supply, Inc., 840 West Madison, Chicago 60697.
Cooper, G., d.b.a. Cooper's Continental Caines Route 3 Box 238, Palatine 60067.
Dale, D. M., Route 1 Box 159, Macedonia 62860.
Daleys Small Animals, 475 Westmore Road, Des Plains 60016.
Daniels, E. J., d.b.a. Daniels Kennels Rural Route 2, Colchester 62326.
Day, A. and L., d.b.a. Day's Kennel, 221 North 5th Street, Greenville 62246.
Deboit, M. D., 318 North Vine, Stewardson 62463.
Detroy, E. F., Box 66 Rural Route 1, Enfield 62835.
Drendel, R. L., d.b.a. R. and P. Rabbitry, 4838 Columbia Avenue, Lisle 60532.
Echternkamp, F. W., Route 4, Quincy 62301.
Ewing, J., d.b.a. Home Pet Center, 5201 North Milwaukee, Chicago 60630.
Fewell, D. and M., d.b.a. Merry Dawn Kennel Rural Route 2, Minonk 61760.
Fraley, B., Route 1 Box 121, Carrollton 62016.
Frank, A. C. and J. J., d.b.a. Franks Kennels, Route 1, Hanna City 61536.
Gajewski, T., Rural Route 1, Woodlawn 62898.
Garlisch, A. W., 1320 East Higgin Road, Elk Grove Village 60007.
Gaul, R. A., d.b.a. Worth Animal, 5301 West 95th, Oaklawn 60453.
General Foods Corp., Rural Route 3, St. Anne 60964.
Gerhardt, G. and S., d.b.a. Happy Hill Kennel, Rural Route Box 18, Niota 62358.
Goodman, K., Goodman Kennels, Rural Route 2, Hershey Road, Pearl City 61062.
Gregory, E. J., d.b.a. Gregory Kennel, Route 1, Bluford 62814.
Hale, R., 1340 Walnut, Carthage 62321.
Hall, J., d.b.a. Jo-Lu's Pets, 6 Bonnie Lane, Jacksonville 62650.
Hanna, E., d.b.a. Tropical Treasures, 3232 W 156th Street, Markham 60426.
Hanson, M. and A., Rural Route 1, Box 86A, Springfield 62707.
Harrell, D., Rural Route 3, Carthage 62321.
Hartung, H. and B., P.O. Box H, Herrin 62948.
Hayes, J. K. and M. A., d.b.a. Hayes Kennel, Route 1, Rochelle 61068.
Heller, J., d.b.a. Mobile Pet, P.O. Box 254, Lake Villa 60046.
Henderson, T. and R., d.b.a. Hideaway Kennel, Rural Route 2, Box 234, Waterloo 62298.
Hickman, D. and B., Route 1, Box 139, Stewardson 62463.
Hochmuth, W., d.b.a. Suburban Pet City, 6343 West Cermak, Berwyn 60402.
Hodge, I. O., Bellnap 62908.
Hoffmann, L., d.b.a. Hoffmann Rabbit Farm, Route 1, Algonquin 60102.
Holmes, H. N., d.b.a. Gunsmoke Kennels, 1541 East Lake Drive, Springfield 62707.
Inland Seas Inc., 851 Dundee Road, Wheeling 60090.
International Scientific Industries, Inc., P.O. Box 9, Cary 60013.
Isaacs, B. and A., d.b.a. Isaacs Rabbitry, 202 North Welch Street, Hillsboro 62049.
Isaacs, T. E., d.b.a. Isaacs Lab Stock, 1011 North Walnut, Litchfield 62056.
Johnson, H., d.b.a. Hillcrest Kennel, Route 2, Buncombe 62912.
Johnston, O., d.b.a. Green Acre Pets, Rural Route 4, Carlinville 62626.
Jones, O. A., d.b.a. Jones Kennels, Rural Route 1, Fowler 62338.
Joyner, A. E., Ferry Street, Metropolis 62960.
Kaiser, H., Rural Route 3, Box 130, Pana 62557.
Keirn, R. J., d.b.a. Pollard Rabbitry, P.O. Box 222, Hurst 62949.
Kelly, S. A. and D., Kellys Rabbitry, Rural Route 4, Marshall 62441.
Kesler, M., d.b.a. Kels-Ru Kennels, 1007 East North Avenue, Olney 62450.
Kill, M. F., Rural Route 2, Liberty 62347.
Kosirowski, J. J., 417 North Willow Street, Itasco 60143.
Koukol, A. and S., d.b.a. Lucky Shamrock Kennel, Rural Route 3, Box 83, Elgin 60120.

Krause, R. C. and M. C., Noah's Ark Pet Centers, 2430 East Oakton Street, Elk Grove 60007.
Krumwiede, N. E., d.b.a. Robin Knoll Kennel, Route 4, Box 303, Elgin 60120.
Kruth, R. and D., 228 Walker Dr., Bolingbrook 60439.
Kuhn, L. V., 25243 Naperville Road, Wheaton 60187.
Lebeck, B., d.b.a. Lebeck Kennels, Stronghurst 61480.
Lemen, Y. and C., d.b.a. Country Kennels, 2420 W. Macon, Decatur 62522.
Lewis, C. E., 1003 First Avenue, Mendota 61342.
Lewis, S. C., d.b.a. Omis Beagle Kennels, 8438 Elevator Road, Roscoe 61073.
Lomax, G., Opdyke 62872.
Lower, M. J., Route 2, Box 36, Lanark 61046.
Macmillan Science Co., Inc., 8200 South Hoyne Avenue, Chicago 60620.
Majer, F. J., d.b.a. Majer's, Box 201, Route 1, Sugar Grove 60554.
Marguardt, D., Route 1, Prairie Rocker 62277.
Marks, D., 3311 West Dickens, Chicago 60647.
Massman, L., Box 547, Ridgway 62979.
McMurtrey, G. A., Rural Route 1, Pocahontas 62275.
McKay, M. M., Route 1, Quiney 62301.
McKinzie, R. and E., d.b.a. McKinzie Kennels, Route 7, Box 136, Centralia 62801.
McNabb, E., P.O. Box 376, Robinson 62454.
McWhorter, M., d.b.a. Wildwood Kennels, Rural Route 1, Box 173, Makanda 62958.
Meyer, W. A., d.b.a. The Pet Shop, 7974 Grand Avenue, Waukegan 60085.
Miller, G. N., Millers Lab & Pet Animals, P.O. Box 516, Herrin 62948.
Mills, P. and P., d.b.a. Mills Dog & Gun Auction, 336 Cedar, Warsaw 62379.
Morgan, J., d.b.a. Morgan's Rabbitry, Route Box 147, Cullom 60929.
Morris, A. L., 104 South Pecatonica Street, Winnebago 61088.
Motsinger, R., d.b.a. Motsinger Kennels, Rural Route 2, St. Joseph 61873.
Muntz, D. K., d.b.a. Dons Bait and Bunny Farm, Rural Route 3, Carrollton 62016.
Myers, E. A., Rural Route 2, Box 93, Carmi 62821.
Neumann, B., Route 2, Greenville 62246.
O'Hare Tropico Imports, Inc., 10915C Franklin Avenue, Franklin Park 60131.
Oakley, M. W., d.b.a. Oakleys' Kennels, Route 4, Box 169, Greenville 62246.
Oltman, R., d.b.a. Oltmans Kennel, Route 1, Minonk 61760.
Pampered Pets, 310 South Michigan Avenue, Chicago 60604.
Parrish, L., d.b.a. Sundown Kennels, Rural Route 1, Navrood 62354.
Pawley, R., d.b.a. Zoological Center, International, 15 West 506 West 63rd, Hinsdale 60521.
Pence, C., 611 East Tremont Street, Hillsboro 62049.
Pepper, M. M., d.b.a. Pepperidge Zoo Farm, Rural Route 2, Danville 61932.
Phillips, T., d.b.a. Phillips Sale Co., Rural Route 1, Good Hope 61438.
Pianpiano, C. P., d.b.a. The Major Mink Ranch, 2601 Wadsworth Road, Zion 60099.
Poos, J. E., Rural Route 1, Litchfield 62056.
Ptak, L. and M. and V., d.b.a. Thunderbird Caviary and Rabbitry, 1623 Ardmore Avenue, Glendale 60136.
Rab, W., Route Box 65, Monee 60449.
Ramsey, F., Route 1, Omaha 62871.
Rapp, C., Route 1, Bluford 62814.
Research Industries Corp., P.O. Box 128, Monee 60449.
Richards, J. A., 311 Avondale, Champaign 61820.
Ross, J. A., d.b.a. Pets of the World, 161 South McLean Boulevard, Elgin 60120.
Runguist, C., d.b.a. Bear Creek Ranch, Route 2, Box 178A, Mendon 62351.
Runte, G. P., d.b.a. Kodiakkennels, Rural Route 1, Freeport 61032.
Russell, H., Rural Free Delivery, Buncombe 62912.
Sales, E., d.b.a. Ricks Rabbits, 602 Front, Lpsle 60532.
Sanchez, B., d.b.a. Ben's Puppyland, 405 Reeder Street, Box 644, Elburn 60119.
Sanders, B. J., Route 2, Mulkeytown 62865.
Schafale, G. and M., d.b.a. Schafale Kennels, 712 East Main Street, Marion 62959.
Schafer, A. M., Schafers Kennels, 303 South Ward Street, Benton 62812.
Schlumpf, H. W., d.b.a. PET Ltd., 2232 West Winnemac, Chicago 60625.
Scientific Small Animal Lab and Farm, Inc., 401 West Golf Road, Arlington Heights 60005.
Shadowen, N., Rural Route 3, Benton 62812.
Sheridan, B. F., Rural Route 1, Mount Carmel 62863.
Sikkema, C., d.b.a. TLC Puppy Nursery, Box 183, Lyndon 61261.
Sikkema, L. and D., d.b.a. Puppy Love Acres, Route 2, Walnut 61376.
Smith, Doulgass Division, Borden Chemical, Borden, Inc., Animal Care Facilities* Rural Route 1, Elgin 60120.
Smith, C. E., Box 411, Sidney 61877.
Smith, F. K., Box 105, Alsey 62610.
Smith, V., Rural Route 2, Ramsey 62080.
Stalter, G. R., d.b.a. The Rabbit Tree Box 83, Hopedale 61747.
Steffen, D., Route 3, Effingham 62401.
Steinmetz, C. B., d.b.a. Palmyra Pug Pad Box 205 409 West Oak Street, Palmyra 62674.
Sutton, A., Lyndon 61261.
Sweet, A. L., d.b.a. Sweet's Kennel Rural Route 2, Polo 61064.
Theis, R., 4654 North Kedzie Chicage 60625.
Thomas, L. and R., Strasburg 62465
Thompson Research Foundation, P.O. Box 128, Monee 60449.
Toms, S. J., d.b.a. Toms Kennel Rural Route 2, Benton 62812.
Turner, B., d.b.a. Turner Kennels Route 9, Quincy 62301.
Valstad, A., Route 2, Carrollton 62016.
Warren L. and Feller M. d.b.a. War-Fel Labs P.O. Box 23 Assumption 62510.
Warsaw Coon Hunters Assoc. 1285 Main, Warsaw 62379.
Watson, R., Cisne 62823.
Weber, J. and K., d.b.a. Jewel-Ken Kennel Route 3 Box 210, Red Bud 62278.
Wedge's Creek Research Farm, Industrial Bio Test Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Whewell, R. and C., Rural Route 3, Carthage 62321.
White, G., Route 4 Box 460, Marion 62959.
Willie, R. W., d.b.a. Wille Laboratories 663 Arrowhead Drive, Elgin 60120.
Wolfe, M. B., Rural Route 2, Flora 62839.
Woods, E., 1607 Pickford, Robinson 62454.

INDIANA

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Bowser, T., Rural Route 1, Garrett 46738.
Brooking, M., Rural Route 17, Bedford 47421.
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Fields, A., d.b.a. Fields Kennels, Rural Route 3, 47371.
Fisher, B., Rural Route 5, Box 257, Shirley 47384.
Graue, H. C., Tri-Acre Kennel, Route 4, Greensburg 47240.
Greiner, J. and M., Route 2, Connesville 47331.
Harrell, A., Rural Route 17, Bedford 47421.
Iliff, L. E., d.b.a. Iliff Farms, Rural Route 5, Box 257, Portland 47371.
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Sears, E. R., d.b.a. High Platte Kennel, Rural Route 12, Box 337, Bedford 47421.
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Thompson, N. and N., d.b.a. Speedway Pet Shop, 3566 West 16th Street, Indianapolis 46222.
Tucker, B., 317 South Forest Avenue, Brazil 47834.
Tumilty, L. L., 505 North Carver Street, Greensburg 47240.
White, T. W., Route 2, Mitchell 47446.
Wilber, V. A., d.b.a. Shakanaw Pets, Rural Route 4, Rockville 47872.
Wilson, D. W., d.b.a. Wilson Small Animal Farm, P.O. Box 65, Vincennes 47591.
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Wood, H. B. and M. I., Rural Route 4, Box 450, Alexandria 46001.
Zentz, D., d.b.a. Silver Lawn Kennels, Rural Route 2, Nappanee 46550.
Zook, H. K., d.b.a. Maple Hill Kennel, Box 354, Morgantown 46160.

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Agans, S. D. and W. R., Rural Route 2, Creston 50801.
Allen, D. and P., Route 4, Newton 50208.
Allstot, K., R.F.D. 1, Tabor 51653.
Allsup, A. R., Route 2, Box 83C, Chelsa 52215.
Andersen, D., Route 1, Elkhorn 51531.
Andersen, M. L., Box 95, Marne 51552.
Andersen, S., Rural Route 1, Lucas 50151.
Anderson, C. A., 4017 West 31st Street, Sioux City 51103.
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Anderson, D. R., d.b.a. Lazy A. Kennels, Lewis 51544.
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Anderson, M. G., Rural Route 1, Dayton 50530.
Andeway, I., Route 1, Piano 52581.
Andreasen, J. and G., Rural Route 2, Box 140, Audubon 50025.
Archer, L. M., Box 65, Mingo 50168.
Arends, M., Rural Route 1, Dike 50624.
Arends, T., Rural Route 2, Box 188, Sac City 50583.
Arkland, D. and S., d.b.a. Arkland Kennel, Rural Route 2, Eldora 50627.
Arnold, C. W., Rural Route 1, Shannon City 50761.
Asher, N. L. and E. D., d.b.a. Asher Farm Kennels, Rural Route 2, Wapell 52653.
Atwood, B. A., Rural Route, Gilmore City 50541.
Auerbach, L. and E. R., Route 1, Lewis 51544.
Ault, W. and J., 31 Carter Lake Club, Carter Lake 68110.
Bailey, W. H. and M. K., d.b.a. Dream on Kennel, Rural Route 1, Box 242, Wever 52658.
Baird, B. A., Route 2, Morton Mills, Villisca 50864.
Baker, D., Route 2, Hartley 51346.
Balzer, H., d.b.a. Fairlane Kennel, Box 95, West Burlington 52655.
Barrett, R. F. and M. A., d.b.a. Terrab Kennels, Route 1, Conrad 50621.
Baudler, J., Fontanelle 50846.
Becker, W. and C., d.b.a. Becker Kennels, Rural Route 1, Knoxville 50138.
Bedwell, S. L., d.b.a. Bedwell's Bline Kennel, Route 3, St. Charles 50240.
Bender, J. and V., d.b.a. Benders 4 Paws Kennel, 417 Willis, Perry 50220.
Benton, D. G., Rural Route 3, Box 49, Guthrie Center 50115.
Benton, P., d.b.a. Stoneys Kennel, Rural Route 2, Adair 50002.
Berkenbosch, D. Route 2, Prairie City 50228.
Bieghler, R., d.b.a. Artic Nook Kennel, Route 4, Indianola 50125.
Binns, J. L. and D. L., d.b.a. Wag-N-Tails Kennels, Rural Route 5, Highway 69 North, Osceola 50213.
Bissen, K., Rural Route 2, Dunlap 51529.
Black, D. L. and N., d.b.a. Doggie Room and Groom, Rural Route 1, Amos 50010.
Blackford, E. and A., Rural Route 2, St. Charles 50240.
Blackford, J., Route 1, Indianola 50125.
Blackman, R. T., 310 First Street, Lewis 51544.
Blank, C. J. and S., d.b.a. Char-San Kennels, Box 306, 400 Edwards Street, Emerson 51533.
Blanshan, C. K., Rural Route 1, Box 137, Scranton 51462.
Boat, D. E. and C. M., Route 1, Otley 50214.
Bockenstedt, H. F., Route 1, Earlville 50241.
Bonnett, D. D., Route 1, Box 5, Corydon 50060.
Boock, G. L., Rural Route 1, Holstein 51025.
Boysen, M., d.b.a. Boysen Kennel, Rural Route 1, Danbury 51019.
Bradley, M. and D., d.b.a. Dusty Road Kennel, Rural Route 1, Box 224, Wever 52658.
Brand, C. D., Route 3, Newton 50208.
Brandhof, L., Route 1, Mitchellville 50169.
Brandhorst, H., 4105 McKeller Road, Waterloo 50702.
Brandt, F. E., d.b.a. Snopeke Kennel, Box 637, Walnut 51577.
Brandt, R. and A., d.b.a. Pralisle Rose Kennel, Rural Route 4, Harlan 51537.
Brant, L., Rural Route 1, Glidden 51443.
Breuer, D. M., Box 123, Sperry 52650.
Bright, M., d.b.a. Bright's Kennels, Bouton 50039.
Brinkmeyer, D. L., d.b.a. Diblandale Kennels, 416 Newland Street, New London 52645.
Britten, H., Route 1, Creston 50801.
Broich, P. G., 505 West 18th, Carroll 51401.
Broshar, F., d.b.a. H Point Kennel, Exline 52555.
Brown, A., d.b.a. Brown's Kennel, Route 1, Blakesburg 52536.
Brown, A. L., d.b.a. Timberlane Kennels, Route 1, Box 166, Oxford Junction 52323.
Brown, L. and R., d.b.a. Land R Kennel, Sharpsburg 50862.
Brown, M., d.b.a. Pine Tree Kennels, Rural Route 1, Graettinger 51342.
Brown, R. P., Dow City 51528.
Bruxvoort, P., d.b.a. Bruxvoort Kennels, Rural Route 1, Mitchellville 50169.
Bulten, J. and C., d.b.a. Ja-Clar Kennels, Rural Route 4, Cedar Falls 50613.
Bumann, L., Rural Route 1, Castana 51010.
Burg, L. J., d.b.a. Burg Kennels, Box 69, Bridgewater 50837.
Burk, E. L., Rural Route 1, Hamilton 50116
Burnett, E., Rural Route 2, Knoxville 50138.
Burress, S., Route 3, Albia 52531.
Bussey, B. and M., Bussey 50044.
Butikofer, R. and R., Box 236, Clermont 52135.
Buttler, T. L., Rural Route 1, Box 125, Guthrie Center 50115.
Buzzetti, Dr. R., Alden 50006.
Byl, A. and H., Orange City 51041.
Caldwell, V. M., d.b.a. Belle Tower Kennel, Mediapolis 52637.
Cameron, D. and J., d.b.a. Hollylane Kennels, 4425 West Street, Sioux City 51103.
Campbell, A. J., Route 2, Box 38, Monroe 50170.
Campbell, C., Mount Ayr 50854.
Campbell, S., Route 1, Irwin 51446.
Carmichael, C. and L., d.b.a. Lookcee Kennel Route 1, Emerson 51533.
Carmichael, J. and P., d.b.a. Spring Valley Kennels, Route 3, Box 120, Red Oak 51566.
Carpenter, D. G. Rural Route 2, Maxwell 50161.
Casteel, T., 1213 South 10th, Burlington 52601.
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Chaney, S., d.b.a. Sno-Haven Kennels, P.O. Box 232, Walnut 51577.
Chapman, B. and Bleil J., Kingsley 51028.
Chapman, R. and R., d.b.a. R. and R. Kennels, 601 North Second, Seymour 52590.
Chatfield, R. A., Rural Route 2, Box 258, Keokuk 52632.
Christensen, E. and K., 508 State Street, Guthrie Center 50115.
Christy, R. M., Rural Route 6, Ottumwa 52501.
Cicco, N., 902 Wayne, Seymour 52590.
Clark, A. M. and H., d.b.a. Clarks Kennel, 401 Waters Street, Alden 50006.
Clark, C., d.b.a. Clarks Kennel, Rural Route 1, Promise City 52583.
Clatterbuck, M., Route 2, Anita 50020.
Cleveland, R. W., P.O. Box 109, Lake View 51450.
Cockburn, R. W. and D., Route 1, Correctionville 51016.
Coddington, L. and A. and B. d.b.a. Balton Kennel Rural Route 1, Hastings 51540.
Condon, W., Acorn Acres Kennels, Rural Route 2, Estherville 51334.
Conger, D., Ollie 52576.
Conner, N. E., Route 5, Box 204, Mount Pleasant 52641.
Conrad, E. L. and D., d.b.a. E. L. Conrad & Son, Keota 52248.
Cooley, M., Route 2, Box 105, Anita 50020.
Cooper, C. S., d.b.a. Cooper Kennels, P.O. Box 117, Mystic 52574.
Cooper, W. D., Rural Route 2, Norwalk 50211.
Cox, M. and S., Rural Route 1, Conrad 50621.
Crawford, D. R., Grimes 50111.
Criss, F., d.b.a. Coal Haul Kennel, Rural Route 1, Otley 50214.
Crow, R. I., d.b.a. Delta Kennels, Rural, Delta 52550.
Crozier, L. P., d.b.a. Crozier Kennels, Route 1, Knoxville 50138.
Currie, J. F. and A., Rural Route 1, Schaller 51053.
Dahm, J. and S., Rural Route 2, New Sharon 50207.
Dalbey, L. G., d.b.a. Dalbey Rabbitry, Box 37, Ellsworth 50075.
Damon, D., Rural Route 4, Knoxville 50138.
Davis, C., d.b.a. 3 D Kennel, Route 4, Winterset 50273.
Davis, R. and J., Rural Route 1, Box 100A, Bronson 51007.
Davis V., 909 East Howard Street, Creston 50801.
Day, D. R., Box 72, Allerton 50008.
Day R., Rural Route 2, Nevada 50201.
De Boer, J., Primghar 51245.
De Fosse, C., Rural Route 2, Mediapolis 52637.
De Jong, G., Alton 51003.
De Jong, R. and A., Route 2, Orange City 51041.
Dean, A. L., 1810 Lincoln, Cadar Falls 50613.
Debolt, B. K., d.b.a. Lloyds Kennels, Route 1, Box 4, Neola 51559.

Debrfui, R. and J., d.b.a. Oakview Game Farms, Rural Route 1, Prairie City 50228.
Delong, L. and P., d.b.a. Rolin Hills, Route 5, Osceola 50213.
Dierenfield, R., Rural Route 3, Storm Lake 50588.
Discher, J. D., Rural Route 1, Box 51, Burt 50522.
Dixon, C. M., Rural Route 1, Nodaway 50857.
Dodd, D. and R., Route 4, Box 98, Boone 50036.
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Doornick, W., Rural Route 4, Le Mars 51031.
Doyen, T., Rural Route 1, Manson 50563.
Draper, P., Route 3, Creston 50801.
Dreeszen, F., Rural Route 1, Cushing 51018.
Dreibelbis, d.b.a. Dreibelbis Guinea Pig Ranch, 414 South 11th, Denison 51442.
Dudley, W. L., d.b.a. Dud-Lee's Kennels, Route 2, Creston 50801.
Dueling, J. E., Route 1, Allerton 50008.
Dueling, R., Route 1, Box 325, Allerton 50008.
Dugger, B., d.b.a. Dugger Fur Farm, Box 323, What Cheer 50268.
Duit, A. D., Route 1, Box 11, Monticello 52310.
Dumkrieger, F. and M., Box 33, Ute 51060.
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Eades, P. E., 615 Oneida Street, Storm Lake 50588.
Earles, B., d.b.a. Iowa Small Animal Enterprises, 1720 South 17th Street, Fort Dodge 50501.
Ebel, R., 228 South Mickley, Paullina 51046.
Eck, D. A., d.b.a. Sugar Creek Kennel, Rural Route 1, Montrose 52639.
Eckhoff, B., Rural Route 1, Sibley 51249.
Ecklor, P., d.b.a. Misty Meadow Kennels, Route 4, Marshalltown 50158.
Ehlert, D., Rural Route 1, Mondamin 51557.
Elbert, G., Rodman 50580.
Elgersma, M., d.b.a. Elgersma Puppy Farm, Sanborn 51248.
Ellenboli, R., Route 1, McGregor 52157.
Ellis, N. J., Box 265, Route 2, Ottunmwa 52501.
Ellwanger, R., Box 148, Rural Route 1, 17th Street, Grand Junction 50107.
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Emmons, M. and Schlienz, S., d.b.a. Briarcreek Kennel, Rural Route 83, Solon 52333.
Erickson, C., d.b.a. Kalyn Kennels, Route 1, Kelley 50134.
Erickson, R. and S., d.b.a. Erickson Kennels, Route 1, Emerson 51533.
Etherington, D. and J., d.b.a. D. J. Kennels, Rural Route 2, Gilmore City 50541.
Faber, K. L., Route 1, Algona 50511.
Fairchild, J. L., d.b.a. Hill Top Kennels, Route 2, Sioux Rapids 50585.
Fales, L., d.b.a. Fales Kennels, Box 278, Albert City 50510.
Farnum, N. R., Route 1, Carlisle 50047.
Ferris, W. J., d.b.a. Ferris Wild Animal Farm, Route 1, Toledo 52342.
Finch, A. and D., Rural Route 1, Kelly 50134.
Fiscus, M., Rural Route 2, Glidden 51443.
Fisher, D., Route 1, Box 116, West Point 52656.
Fitzpatrick, K., d.b.a. Hi Vu Kennels, Route 2, Denison 51442.
Flanagan, H., 102 West 1st Street, Leon 50144.
Foland, B., d.b.a. Foland Puppy Rance, Rural Route, Thayer 50245.
Fopma, E., Rural Route 1, Grinnell 50112.
Foreman, R. W., Route 1, Box 61, Indianola 50125.
Foresman, R., Rural Route 2, Audubon 50025.
Forman, D. and M., d.b.a. Amiens Dobermans, Rural Route 1, Box 227, November 30, 1977.
Fortune, J. L., Rural Route 3, Chariton 50049.
Foster, B. I., Route 1, Chariton 50049.
Fowler, D., Cincinnati 52549.
Fox, C. C., Route 2, Forest City 50436.
Fox, J., d.b.a. Fox's Forbosh Kennels, Route 3, Centerville 52544.
Fox, Jr., E., Route 5, Forest City 50436.
Fullenworth, G., d.b.a. Fullenworth Kennel, Storm Lake 50588.
Gardner, M. J., Route 2, Diagonal 50845.
Garner, D., Route 4, Osceola 50213.
Garrison, L. O. and M. L., d.b.a. Valley Pride Kennels, Rural Route 3, Fairfield 52556.
Garside L., Route 1, Box 23, Anita 50020.
Gates, R. L., 2119 Boyd Street, Des Moines 50317.
Gigler, B., d.b.a. Barb's Kennels, Titonka 50480.
Gilbert, H., Keosauqua 52565.
Gillam, M. and Bryan R., Route 1, New Sharon 50207.
Gilmore, B. L., 4090 Northeast 46th, Des Moines 50317.
Glass, J. L., Rural Route 1, Brooklyn 52211.
Glass, R. H., Rural Route 1, Marshalltown 50158.
Goodard, K. A., d.b.a. K-Annes Kennels, Box 4, Elwood 52226.
Godwin Bros., Inc., d.b.a. Godwin Bros., Inc., 209 West Salem, Indianola 50125.
Good, F. and A., Route 3, Fort Dodge 50501.
Goodell, S., Box 124, Millerton 50165.
Goodemore, B. A., Box 186, Route 1, Stanton 51573.
Goodwin, B. M., Rural Route 2, Box 122, Glidden 51443.
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Graeve, F. H., Rural Route 1, Earling 51530.
Graeve, M. A., Rural Route 1, Defiance 51527.
Gray, J. T., Rural Route 1, Dunlap 51529.
Gray, K. K. and A., Box 43, Clarinda 51632.
Green, H., Rural Route 1, Plano 52581.
Greiman, R. L., Kellerton 50133.
Griffioen, B., d.b.a. Griffioen Kennels, 407 Wyman, Sheldon 51201.
Griffith, C. E, Rural Route 2, Box 104, Audubon 50025.
Grotewold, D., Rural Route 2, Lake Mills 50450.
Gruenhagen, G., Route 2, Walcott 52773.
Gude, J., Rural Route 2B, Exira 50076.
Hainline, H. H., Route 1, Creston 50801.
Hall, H. W., Rural Route 3, Villisca 50864.
Hall, K. E., Route 1, Goodman 64864.
Hamann, E., Rural Route 2, Rock Rapids 51246.
Hamann, E., Rock Rapids 51246.
Hamar, N. J., d.b.a. Diamond H Kennel, Route 2, Box 430 Lineville 50147.
Hamrick, H. M., Route 1, Ackworth 50001.
Hanny, R., 601 Walker, Woodbine 51579.
Hansen, D. and D., d.b.a. Hansen Kennels, Rural Route 3, Exira 50076.
Hardin, R. D., Box 13, Greenfield 50849.
Harding, A., Rural Route 4, Ottumwa 52501.
Hardisty, D., Rural Route 3, Corning 50841.
Harman, J. R., Rural Route, Corydon 50060.
Harrington, E. F., Rural Route 1, Blakesburg 52536.
Harris, R., d.b.a. Y-Wyre Kennels, Grand River 50108.
Hauf, L., 508 North Division, Stuart 50250
Hauge, O., Rural Route Box 62, Huxley 50124.
Havick, M., Route 1, Shelby 51570.
Hayes, C. and Graham, C., d.b.a. Wolf Point Kennel, Rural Route 1, Ackworth 50001.
Headley, K. and D., Rural Route 1, Ellsworth 50075.
Heiman, J. and R., Rural Route 1, Manilla 51454.
Heishman, B., Rural Route 2, Tama 52339.
Henry, B. L., Rural Route 2, Lorimor 50149.
Henser, L. and C., Rural Route 1, Manson 50563.
Hensley, D. E., Route 1, Box 166, Lamone 50140.
Herbold, W. R., d.b.a. Woodbury County Livestock Auction, Lawton 51030.
Herrig, M., Rural Route 2, Denison 51442.
Hess, M. J., Route 1, Washington 50523.
Hickman, L. R., 103 Steele, Corydon 50060.
Hicks, S., Rural Route 2, Box 99 Audubon 50025.
Highland, D. E., d.b.a. Highland Kennel, Route 4, Box 217, Harlan 51537.
Hilsabeck, M. and L., d.b.a. M and M Kennels, Rural Route 1, Gliddon 51443.
Hixenbaugh, B., d.b.a. Lakeview Kennel, Plano 52581.
Hofbauer, S. L., 624 Walnut Street, Coon Rapids 50058.
Hoff, C., Route 1, Rock Rapids 51246.
Holmes, D. R., d.b.a. Holmes Animal Farm, Route 2, Box 252, Storm Lake 50588.
Holst, C., d.b.a. Char-Du-Kennels Rural Route 1, Keystone 52249.
Holst, D. H., Rural Route 4, Fairfield 52556.
Holtorf, D. R., Rural Route, Callender 50523.
Holtz, C. G., d.b.a. Botna Valley Kennels, Rural Route 2, Avoca 51521.
Homandberg, A., Inwood 51240.
Hoover, B., Milford 51351.
Hoover, F. R., Box 154 Otho 50569.
Horman, C., d.b.a. Horman's Sunny Dale Kennels, Route 3, Pella 50219.
Howard, J. M., Rural Route 4, Ottumwa 52501.
Huffer, J., Route 1, St. Charles 50240.
Huisman, D., d.b.a. Huisman Aquatics, 1404 Highway 60 South, Sheldon 51201.
Hull, M. L., Gibson 50104.
Hummel, D. Route 2, Earlham 50072.
Hurst, B. L., d.b.a. Two-Lee's Kennel, Box 267, Centerville 52544.
Hussey, R. D., d.b.a. Woodlawn Kennels, Alta 51002.
Hyde, C. and B., Rural Route 1, Box 19, Peterson 51047.
Irving, D., Rural Route 1, Chariton 50049.
Jacobson, A. and J., Rural Route 1, Lakemills 50450.
James, C. and E., Route 2, Lineville 50147.
Jansen, D., Route 1, Sioux Center 51250.
Janssen, S., Rural Route 2, Lake City 51449.
Jarvis, J. A., 719 3rd Avenue North, Mt Vernon 52314.
Jennings, P., 621 Orchard, Chariton 50049.
Jensen, A., Route 2B, Exira 50076.
Jensen, D. L., Rural Route 2, Audubon, 50025.
Jobe, J. A., d.b.a. By-Jobe Kennels & Stable, Box 281, Tabor 51653.
Johnsen, R. and C., d.b.a. Kenloy Kennels, Route 1, Box 133, Hull 51239.
Johnson, C. W., 606 South Michigan, Anita 50020.
Johnson, G., Rural Route 1, Box 49, Smithland 51056.
Johnson, H. L., d.b.a. Lee Bee Kennels, Rural Route 4, Grinnell 50112.

Johnson, J. and J., d.b.a. Jo & Jons Kennel, 206 West Des Moines Street, Eldon 52554.
Johnson, K. C., Rural Route 2, Albia 52531.
Johnson, L. R., 1623 Victoria, Harlon 51537.
Johnston, L. L., d.b.a. Pine Knoll Kennel, 506 West Stanford Street, Jefferson 50129.
Jones, N. J., Route 1, Ackworth 50001.
Judge, L., d.b.a. Judges Kennels, Moravia 52571.
Kagay, T. E. and S., d.b.a. Silverwood, Rural Route 2, Box 80, Shenandoah 51601.
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Kamrath, R. M., d.b.a. Kamrath Kat N Kanine Korner, 1015 Carriage Hill Drive, Clinton 52732.
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Kauffman, H., d.b.a. Kauffman Kennels, Wayland 52654.
Kauffman, J., Box 114, Wayland 52654.
Keller, A., Humeston 50123.
Kelley, M. M. and R. G., d.b.a. Kelley's Kennels, Kellerton 50133.
Kelly, B., Clarence 52216.
Kenkel, L. A., Rural Route 2, Box 73, Harlan 51537.
Kern, C., Route 1, Lucas 50151.
King, S., Route 2, West Point 52656.
Kinney, D. D., Rural Route 1, Denison 51442.
Kinney, L. M., Route 1, Adair 50002.
Klabunde, M. and K., d.b.a. Cedarwood Kennels, Rural Route 1, Honey Creek 51542.
Klass, B. J., d.b.a. Hi-Klass Kennels, Rural Route 4, Ft Dodge 50501.
Klein, Y., Rural Route 4, Harlan 51537.
Kling, F., Route 1, Stanton 51573.
Klobnak, V., Box 178, Hamilton 50116.
Knudson, M., Rural Route 3, Red Oak 51566.
Koele, C. K., d.b.a. Koeles Kennels, Hull 51239.
Koontz, O. L., d.b.a. Pat-O Pal Kennel, 1009 Ann Parkway, Indianola 50125.
Kordick, H., Route 1, Box 97, Bridgewater 50837.
Kott, J., 5000 East 14th Street, Sioux City 51105.
Kotz, G., Rural Route 1, Kiron 51448.
Krabill, A., Route 3, Mount Pleasant 52641.
Krage, S., d.b.a. Perry Valley Kennels, 7410 Perry Creek Road, Sioux City 51108.
Kragelund, M., Route 1, Wiota 50274.
Krause, R., d.b.a. Krause Sunrise Kennel, Massena 50853.
Krause, R., Rural Route 1, Fenton 50539.
Krnid, G., Ireton 51027.
Krogstad, P., P.O. Box 88, Elk Horn 51531.
Krosch, R. F., d.b.a. Kroschoble Kennels, Route 2, Kingsley 51028.
Krough, R. H., 928 Cedar Street, Story City 50248.
Kruid, F., Maurice 51036.
Kruse, G., Route 2, George 51237.
Kruse, G. M., Route 1, Salem 52649.
Kunze, A. M., Route 1, Lewis 51544.
Lake, D. L., Rural Route 2, Guthrie Center 50115.
Lancaster, D., d.b.a. Shady Acres Kennels, Route 4, Lemars 51031.
Lang, J. H. and J. L., 502 North Marion Avenue, Washington 52353.
Lang, R. and C., d.b.a. Lang's Kennel, 1816 East 12th Street, Des Moines 50316.
Lang, T., 5760 Southeast 68th Place, Carlise 50047.
Langel, L. V., Rural Route 1, Tempelton 51463.
Langstraat, Jr., H., Route 1, Otley 50214.
Larsen, C. and D., Rural Route 2, Audubon 50025.
Latta, F., Route 1, Monticello 52310.
Lauritsen S. and S., Rural Route 2, Exira 50076.
Laverman, W. J. D. and K., Rural Route 1, Sully 50251.
Leas, N. D., d.b.a. Lutzhaus Kennels, Reg., 5532 Ashworth Road, West Des Moines 50265.
Lee, E., d.b.a. Lees Kennel, 106 Lee Street, Seymour 52590.
Leichtman, R. J., Box 336, New Hampton 50659.
Leinen, J. A. and L. J., d.b.a. Suebob Kennels, South English 52335.
Leinen, L. J., d.b.a. Parsolish Kennels, Harper 52231.
Lewiston, T. J. and D. M., d.b.a. Sanstone Kennels, Rural Route 1, Box 128, Camanche 52730.
Lindell, J., Rural Route 1, Lenox 50851.
Link, N. J., Rural Route 1, Ackley 50601.
Linman, B., Arthur 51431.
Little, L. D., Box 186, Barnes City 50027.
Livingston, H. and S., Route 1, Milo 50166.
Livingston, M. and K., Box 87, Farragut 51639.
Lloyd, M., d.b.a. Riverside Kennel Rural Route 1, Colfax 50054.
Logan, J. H., Tabor 51653.
Loynachan, T., Route 3, Chariton 50049.
Lundquist, G., Route 1, Corning 50841.
Lundstrom, D., Box 311, Spirit Lake 51360.
Lynch, H., Rural Route 1, West Branch 52358.
Lyons, W., Route 1, Exline 52555.
Madsen, B. A., Rural Route 3, Audubon 50025.
Madsen, S., Rural Route 1, Audubon 50025.
Marlin, G., d.b.a. Marlin Wild Animal Farm, Route 1, Creston 50801.
Marshall, G., Route 8, Bloomfield 52537.
Martin, J. W., d.b.a. Shady Lane Kennel, Rural Route 2, Box 85, Rockwall 50469.
Maudlin, P., Redding 50860.
McCreary, J., Rural Route 1, Mount Ayr 50854.
McClain, A., d.b.a. McClain Kennels, Harris 51345.
McCombs, S. D., Route 1, Ackworth 50001.
McCoy, H. and S., d.b.a. McDes Kennel, Route 2, Delmar 52037.
McCullough, N., Route 2, Box 71, Moulton 52572.
McDermott, J., d.b.a. Swiss Moor Saint Bernards, Rural Route 1, Charlotte 52757.
McDermott, R., Route 2, Atlantic 50022.
McDonald, E., Route 2, Albia 52531.
McGrann, J., Route 1, Mystic 52574.
McIntosh, R. and S., Farmington 52626.
McKamey, N., Rural Route 1, Box 185, Bettendorf 52722.
McKinney, R. W., 1808 West Park Street, Harlan 51537.
McNair, D. and C., d.b.a. McNair Poodles, Box 297, North Liberty 52317.
Means, V., Box 241, Carbon 50839.
Meeves, R. E., Rural Route 1, Ida Grove 51445.
Mennenga, L., d.b.a. Sue-Lynn Kennel, Rural Route 1, Belmond 50421.
Meyer, Route 1, Brandon 52210.
Meyer, A., 70 Allview Drive, Cedar Rapids 52404.
Michael, F. D., Route 2, Elkhart 50073.
Michels, S., Rural Route 1, Royal 51357.
Miles, D., Ida Grove 51445.
Miller, D. W., Rural Route 2, Keota 52248.
Miller, J. F., Dunlap 51529.
Miller, L. M., d.b.a. Miller Bar Leo Acre, Box 284, Manson 50563.
Modler, D., d.b.a. Ruan's Kennel, Rural Route 1, Walcott 52773.
Moeller, S., Route 2, Box 32, West Point 52656.
Moffett, F. E., Route 1, Keosauqua 52565.
Moody, L., Pocahontas 50574.
Moore, M., Box 226, Route 1, Centerville 52544.
Morman, B., Box 122, Dawson 50066.
Morrison, L., Rural Route 1, Grand River 50108.
Morrison, M. C., d.b.a. Morrison Rabbitry, Rural Route 1, West Liberty 52776.
Morse, A. C., Rural Route 2, Marion 52302.
Moulds, S. E., d.b.a. West Road Kennel, Rural Route 1, Box 31, Lake City 51449.
Moyer, P. L. and R. M., Route 1, Prole 50229.
Murphy, R., d.b.a. Oak Hill Kennels, Route 3, Council Bluffs 51501.
Musel, V. and D., Box 321, Chelsea 52215.
Narigon, A. G., d.b.a. Narigon Rene Kennel's of Prescott, Box 184, Prescott 50859.
Natural Bridge Zoological Park, d.b.a. Black Shadow Kennel, 800 East Columbus, Mount Ayr 50854.
Nealey, C. M., Rural Route 2, Danville 52623.
Negaard, S., d.b.a. S. and M. Puppy Paradise, Route 1, Rock Valley 51247.
Nejdl, R. N., d.b.a. Ledjen Hills Kennel, P.O. Box 1185, Cedar Rapids 52406.
Nelson, D., Linn Grove 51033.
Nelson, L. D., 800 North Street, Walnut 51577.
Nickell, L., Route 2, Box 146, Allerton 50008.
Nikkel, L., Rural Route 1, Sully 50251.
Nordby, M. and D., Route 1, Kimballton 51543.
Norman, R. E. and C. M., d.b.a. Namron Kennels, Route 1A, Box 166, Afton 50830.
O'Brien, D. and M., Route 1, Russell 50238.
Obrien, S., 2647 Avenue D., Council Bluffs 51501.
Odland, D, Rural Route 1, Box 128, Marion 52302.
Odson, P. and M., d.b.a. Odson's Kennels, Corning 50841.
Oldenkamp, K. and M., d.b.a. Oldenkamp Kennels, Rural Route 2, Orange City 51041.
Olomon, M. M., Burr Oak Kennel, Rural Route 1, Box 107, West Point 52656.
Olsen, G. M., Rural Route 3, Audubon 50025.
Overton, P., Alberton 50008.
Oviatt, R., O., and K., d.b.a. Oviatt Kennels, Box 47, Magnolia 51550.
Oviatt, S., d.b.a. Valley Hill Kennels, Rural Route 2, Woodward 50276.
Packard, M. C., Rural Route, Cummings 50061.
Paplow, B., Rural Route 2, Melvin 51350.
Pardekooper, B., Rural Route, Linden 50146.
Patten, A. B. and E., Rural Route 1, Auburn 51433.
Pearson, A., Rural Route 1, Seymour 52590.
Pech, R., Route 2, Box 175, Fairfield 52556.
Pecoy, R., Rural Route No. 1, Rockwell City 50579.
Pelzer, L. J., Route 2, Box 140, Griswold 51535.
Pennings, C., Orange City 51041.
Pennings, M., Orange City 51041.
Petersen, C. K., Rural Route No. 2, Box 35, Audubon 50025.
Petersen, L., Route 1, Box 15, Kimballton 51543.
Petersen, S., d.b.a. Marquis Kennels, Box 318, Sutherland 51058.
Peterson, B. W., Rural Route No. 1, Glidden 51443.
Peterson, C., D., and S., Rural Route 4, Valley View Acres, Cherokee 51012.
Phillips, B. J., d.b.a. B. J. Kennels, Rural Free Delivery 1, Rose Hill 52586.

Phillips, L. L., Rural Route 2, Centerville 52544.
Phillips, M. K., d.b.a. Phillips Kennels, Airport Road, Route No. 2, Keokuk 52632.
Pilling, D. G., Mediapolis 52637.
Pilot Grove Kennel & Supply, Inc., Box 70, Houghton 52631.
Plumb, D., d.b.a. Plumb Kennels, Route 1, Harland 51537.
Poldberg, D. and M., Rural Route 2, Box 66, Harlan 51537.
Porter, A., Box 582, Dayton 50530.
Porter, E., Cumberland 50843.
Porter, F. E., Rural Route 2, Lacona 50139.
Poush, E., Route No. 3, Chariton 50049.
Presley, L. and R., d.b.a. Presleys Kennels, Route 1, Knoxville 50138.
Pulver, R., Route 1, Box 23A, Runnels 50237.
Purdum, G. and J., 6585 118th Avenue NW., Polk City 50226.
Quale, I., 1438 East Dunkerton Road, Waterloo 50701.
Rankin, M., 1454 East 21st Street, Des Moines 50317.
Red Rock Coon Hunters Association, Route 1, Lacona 50139.
Reed, L., Route 5, Albia 52531.
Reed, L. d.b.a. Le-Re Kennels, Route 5, Box 341, Chariton 50049.
Reichardt, D. and B., 804 16th Street, Corning 50841.
Reimer, H., Route 1A, Afton 50830.
Reiser, R., Arion 51520.
Remillard, D. S., Rural Route No. 3, Alta 51002.
Renaud, K. and M., Route 1, Sully 50251.
Reynolds, R. and Eaton, T., Route 1, Milo 50166.
Rhoads, L., d.b.a. Rhoads Kennel, Numa 52575.
Rhodes, D., d.b.a. Court Hill Kennel, Route 2, Ottumwa 52501.
Rice, J. C., Rural Route No. 5, Waterloo 50701.
Richardson, I., d.b.a. J&R Kennels, Route 1, Lineville 50147.
Richey, P. and E., d.b.a. Bull Criek Kennels, Box 31, Carbon 50839.
Richter, F., Rural Route 2, Newell 50568.
Robertson, G. L. and K. B., Route 1, Atlantic 50022.
Robey, L. and J., Rural Route 2, Nevada 50201.
Rockhold, M. and V., Allerton 50008.
Rodman, D. H., Breda 51436.
Roe, R. G., Box 307, Bancroft 50517.
Roeglin, L., d.b.a. Roeglin Kennels, R-2, Keokuk 52639.
Roetman, G., d.b.a. Coachlite Kennels, Hull 51239.
Rokus, G. and J., 405 Pacific, Walnut 51577.
Rosenthal, C. and J. d.b.a. Charley Horse Acres, Rural Route 1, Storm Lake 50588.
Rossmanith, H., Rural Route 1, Gowrie 50543.
Rothfus, S., Rural Route 1, Panora 50216.
Rosue, R. N., Route 3, Tipton 52772.
Rouse, W., Route 2, Albia 52531.
Royce, S., Rural Route 1, Box 112, Grand Junction 50107.
Royster, D. and P., d.b.a. Lazy R Kennel, Rural Route 1, Duncombe 50532.
Rozendaal, E. A., Route 1, Lynnville 50153.
Ruble, W. and C., Route 5, Osceola 50213.
Ruby, L. C., Rural Route 3, New Sharon 50207.
Rude, M. and B., d.b.a. B&B Bunny Barn, Rural Route 1, Ellsworth 50075.
Rupp, D. E., Route 2, Corning 50841.
Sanders, J., Houghton 52631.
Sanders, J. and G., d.b.a. Sanders Hound Kennels, 208 Mae Street, Box 1093, Storm Lake 50588.
Sanders, R. and J., Route 1, Box 53B, Council Bluffs 51501.
Savage, D., d.b.a. Cedar Croft, Salem 52749.
Scanlan, D. P., 930 North Center, Lake City 51449.
Schaitel, R. C., Rural Route 1, Box 211A, Clinton 52732.
Schenk, N., d.b.a. Puppy Villa, Rural Route 1, Sioux Center 51250.
Scherbring, E. B., B2, Box 118, Earlville 52041.
Schmidt, C. W., d.b.a. Ridge Kennels, Ida Grove 51445.
Schmillem, S., 706 Eaton Street, Dunlap 51529.
Schmith, D., 1214 Maple, Hull 51239.
Schmitz, T. and N., d.b.a. T&N Irish Setter, Box 60, Brooklyn 52211.
Schossow, D. L., Route 1, Lawrens 50554.
Schott, J. R. and T. M., d.b.a. Oakridge Acres, R.F.D. 1, Box 71, Otho 50569.
Schrader, P., d.b.a. Schrader Kennels, Rural Route No. 2, Battle Creek 51006.
Schuldt, L., Route 1, Van Wert.
Schultz, E. E. and J. V., d.b.a. Aloha Acres Kennels, Rural Route 2, Box 191, Sac City 50583.
Schultz, M., Box 65, Kiron 51448.
Sea, J., d.b.a. Sea's Prairie Jct Kennels, Route 2, Hedrick 52563.
Seibert, J. R., Route 2, Pleasantville 50225.
Seivert, E., Sanborn 51247.
Seymour, M. D., Route 2, Delmar 52037.
Shada, G., d.b.a. Shansi Kennel, Rural Route 1, Center Point 52213.
Shaffer, B., Route 5, Marshalltown 50158.
Sharp, B., d.b.a. B&B Sharp Kennels, Route 2, Chariton 50049.
Sharp, S. L., Route 1, Arim 51520.
Sheets, B., d.b.a. Sno-Drift Kennel, Rural Route 2, Kellogg 50135.
Sheets, V. M. and R. F., d.b.a. Chares Kennels, Rural Route 2, Iowa City 52240.
Shields, E. and E., d.b.a. Shields Kennel, Route 1, Box 6, Logan 51546.
Shinkle, L. and A., d.b.a. Shinkle City AC, Route 3, Corning 50841.
Shinn, B., Rural Route 2, Keokuk 52632.
Shull, R. M., Rural Route 2, Box 109, Sac City 50583.
Siefken, E., Rural Route 2, Gilmore City, 50541.
Simms, E., Rural Route 5, Oskaloosa 52577.
Simpson, L., d.b.a. Simpsons Toy Kennel, Box 9441, Spirit Lake 51360.
Skow, L., d.b.a. Yang Tien Kennel, Montrose 52639.
Smith, D. C. and M. M., 2010 Southeast 61st Avenue, Des Moines 50320.
Smith, G. K., d.b.a. Wolf Haven Kennels, Box 116, Rowan 50470.
Smith, G. V., 509 North 3d Street, Seymour 52590.
Smith, K. and M., Washta 51061.
Smith, R., 604 West Main Street, Seymour 52590.
Solomon, L. D. and C., Rural Route 3, Columbus Junction 52738.
Sondag, G., Box 147, Brandon 52210.
Sonksen, D., Rural Route 1, Larrabee 51029.
Sorensen, E. K. M., 1212 4th Street, Harlan.
Spencer, D. D., Route 1, Pleasantville 50225.
Spilman, B., Box 214, Lone Tree 52755.
Spina, B. A., d.b.a. Tu Show Pekingese and Shih Tzu, 1822 Hamilton Street, S.W., Cedar Rapids 52404.
Spitler, D., d.b.a. Spitler's Screaming Redbones, Box 95, Blairsburg 50034.
Stauffer, M. L. d.b.a. Majasta Kennel, Rural Route 1, Box 122, Fonda 50540.
Steffen, M. and M., d.b.a. Steffen's Doberman, 3005 4th Street, Emmettsberg 50536.
Steffens, J., Box 3, Macedonia 51549.
Still, J. J., d.b.a. Still Kennels, Rural Route 2, P.O. Box 240, Scranton 51462.
Stimson, F., d.b.a. Friendly Acre Poms, Blanchard 51630.
Stoltzfus Jr., J., Rural Route 3, Iowa City 52240.
Straight, P., Kellerton 50133.
Strickland, D., Route 1, Box 174, Anita 50020.
Striegels, E., d.b.a. Striegels Toy Dogs, Rural Route 1, Box 129, Early 50535.
Struik, K., Route 1, Sully 50251.
Strunk, G. and P., Rural Route 1, Somers 50586.
Struve, D., Van Horne 52346.
Stuekerjuergen, C., Route 1, Box 155A, Donnellson 52625.
Stuekerjuergen, E., Route 1, Box 155A, Donnellson 52625.
Stuekerjuergen, J. J. and J. V., d.b.a. Corner View Kennels, Rural Route No. 1, Box 155A, Donnellson 52625.
Stufflebean, R. and J., d.b.a. River View Kennel, Rural Route 2, Duncombe 50532.
Sunken, R., d.b.a. Sunkens Greenbelt Kennels, Rural Route 2, Iowa Falls 50126.
Surber, C. and H., Rural Route 1, Box 41, Mystic 52574.
Swanson, R. J., Route 5, Mount Pleasant 52641.
Tasler, M., Rural Route 2, Box 18, Jefferson 50129.
Tayloe, M. M., d.b.a. Clover Kennel, Rural Route 1, Cambridge 50046.
Taylor, D. J., Pleasant and Main, Elk Horn 51531.
Taylor, J., d.b.a. Yeager Creek Yorkies, 5010 Southwest 8th Street, Des Moines 50315.
Testroet, P. and L., d.b.a. Country Kennels, Box 89, Audubon 50025.
Testroete, G., d.b.a. Arlo Farms, Sioux Center 51250.
Thacker, J., d.b.a. Bravo Country Kennels, Rural Route 1, Douds 52551.
Thompson, C. and E., d.b.a. Charesta's Kennel, Rural Route No. 1, Randolph 51649.
Thompson, D., Rural Route 1, Afton 50830.
Thompson, D. A., Rural Route 1, Rippey 50235.
Thomsen, D., Route 4, Harlan 51537.
Thomsen, R., Rural Route 4, Harlan 51537.
Tiller, W. W., d.b.a. Tiller Enterprise, 5801 Mark Street, Papillion 68406.
Tipton, B. H., Box 125, West Branch 52358.
Titus, R. E. and K., d.b.a. Four-T's Kennel, Rural Route 1, Box 172, Colfax 50054.
Tjaden, G., Rural Route, Floyd 50435.
Travis, B. L., Lewis 51544.
Triebswetter, R. and H., P.O. Box 15, Centerville 52544.
Trinkle, W. C., d.b.a. Trinkle Springdale Kennels, Route 5, Albia 52531.
Trower, L., Route 1, Box 74, Grand River 50108.
Turner, B., Route 2, Anita 50020.
Ulmer, M. and S., Box 136, Arion 51520.
Van Der Sluis, M. E., Route 1, Knoxville 50138.
Van Dorland, W., Route 1, Eddyville 52553.
Van Gorp, Sr., L., Route 1, Reasher 50232.
Van Houwelingen, R. J., Rural Route 3, Pella 50219.
Van Kooten, G. and H., Route 3, Oskaloosa 52577.
Van Wyk, W. and C., Route 4, Pella 50219.
Van Zomeren, J., Rural Route 3, Oskaloosa 52577.
Vance, M. A., d.b.a. Summitville Kennels, Rural Route No. 2, Box 163, Keokuk 52632.
Vandenberg, G., Route 5, Albia 52531.
Vanderschaaf, R. W., 1217 6th Street, Hull 51239.

Vandervliet, B., Rural Route 1, Sioux Center 51250.
Vandewater, L. J., Rural Route 2, Greenfield 50849.
Varner, H. E., Rural Route 2, Box 314, Keokuk 52632.
Vaughn, A. M., Rural Route 2, Davenport 52804.
Venteicher, K. L., Rural Route 4, Box 37, Jefferson 50129.
Verhey, B. and J., Route 1, Sully 50251.
Vermeer, H. D., Route 2, Hull 51239.
Verschuure, D. M., d.b.a. Verschuure Kennel, Route 1, Leighton 50143.
Vinchattle, D., Rural Route 4, Box 218, Boone 50036.
Voege, D., Rural Route 1, Manilla 51456.
Waddle, H., Box 94, Clio 50052
Waldron, K. M., d.b.a. Brookview Kennels, Box 75, Ayrshire 50515.
Waller, C. D., Kellerton 50133.
Walrad, L., d.b.a. Ladowa Kennels, Route 1, Box 78, Leon 50144.
Waltering, O., d.b.a. Sunnybrook Kennels, 305 East Howard Street, Colfax 50054.
Watkins, D., d.b.a. Watkins Kennels, Rural Route 3, Spirit Lake 51351.
Watnem, d.b.a. Shawnee Kennels, Route 4, Box 29, West Burlington 52655.
Wear, E. and J., d.b.a. Happy Valley Sales, 1434 Spruce Street, Iowa City 52240.
Webb, P., Van Wert 50262.
Weber, K. and D., 3545 North Canfield, Dunkerton 50626.
Wehrspan, K., d.b.a. Kay's Kennel, 515 Nickellane, Eagle Grove 50533.
Weisshaar, Jr., Route 2, Creston 50801.
Weldon, B. and B., d.b.a. Weldon Enterprises, Lovilla 50150.
Wells, B. and B., Box E, Dallas 50062.
Welsch, J. M., Rural Route 1, Box 49, Greenfield 50849.
Welsh, O. O., Rural Route 1, Blakesburg 52536.
Welsh, R. and V., d.b.a. Welsh Kennels, Mystic 52574.
West, E. and D., d.b.a. Westland Kennel, Route 1, Box 31, Baxter 50028.
Westphal, M. H., Route 1, Box 84, Manson 50563.
Wharton, A., Wever 52658.
Wheelock, P. F., d.b.a. Vali-Vu Kennels, Route 4, Box 216, Boone 50036.
Wielenga, N. L. and B. L., d.b.a. Old Dutch Kennels, Rural Route 2, Box 48, Hawarden 51023.
Wiese, L. and N., R.F.D. 1, Holstein 51025.
Wildin, D., d.b.a. Wildin's Riverview Dachshunds. Rural Route 1, Box 113, Irvington 50550.
Willetts, D. and M., d.b.a. Willetts & Son Kennel, Route 3, Knoxville 50138.
Williams, L., Larchwood 51241.
Wilson, A. C., d.b.a. Willow Springs Kennel, Rural Route 2, Mount Vernon 52314.
Wilson, G. S., Route 2, Allerton 50008.
Winey, C., Route 1, Deloit 51441.
Wittkamp, L., Box 944, Cherokee 51012.
Wolter, K., Box 52, Woodward 50276.
Wood, F., Exline 52555.
Wood, L. F., Rural Route 2, Castana 51010.
Wood, M. J., Rural Route 1, Cincinnati 52549.
Wood, M. L., d.b.a. Yorkwood Kennels, 838 Oak Street, Ainsworth 52201.
Woods, D. and P., 201 North Temple Street, Afton 50830.
Woods, R. M., Route 1, Carlisle 50047.
Wright, J., Route 2, Russell 50238.
Wynja, C., Sioux Center 51250.
Wynn, J. E., d.b.a. Wynn Kennels, Box 295, Rural Route 4, West Burlington 52655.
Yarrington, B., Rural Route No. 2, Corning 50841.
Young, A. F. and L. A., 1813 G Street, Iowa City 52240.
Young, J. M., d.b.a. Windy Acres Kennels, Box 384, Mediapolis 52637.
Zee, R. V., d.b.a. Valley View Kennels, Route 2, Box 18, Rock Valley 51247.
Zenor, L., Route 1, Ogden 50212.
Zoet, J. and P., Rural Route 1, Hull 51239.
Zomermaand, J., d.b.a. Royal Dutch Kennels, Box 1, Steuble 51057.
Zwiefel, K., d.b.a. Mavken Kennels, Fenton 50539.
Zylstra, K., Rural Route 2, Rock Valley 51247.

KANSAS

Abendroth, L., d.b.a. Abendroth Kennels, Route 3, Burlington 66839.
Aberle, J. R., Rural Route 2, Sabetha 66534.
Adam, J., Box 119, Hope 67451.
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Adamson, B. L. and N., d.b.a. Adamson Acres, Route 5, Box 32, Hutchinson 67501.
Adee, E., Rural Route 1, Box 31, Oakhill 67472.
Adkins, N., Route 1, Clifton 66937.
Alber, G., Route 1, Sterling 67579.
Alexander, J. D., R.F.D. 4, Box 173D, Junction City 66441.
Alexander, M., Box 145, Garfield 67529.
Allen, E., d.b.a. Allken Kennels, Route 1, Soldier 66540.
Allen, H. M., d.b.a. Harvey Allen Kennels, Route 1, St. George 66535.
Allen, O. E., Rural Route 1, Box 64, Denison 66419.
Allen, R. H., Route 3, Box 121, Holton 66436.
Allen, W. J. and G., Centralia 66415.
Amon, J., Netawaka 66516.
Amos and Dewey, Route 1, Oswego 67356.
Anderson, A. M., Box 55, Elk City 67344.
Anderson, G. and D., Route 1, Pomona 66076.
Anderson, V. and E., Route 2, Meriden 66512.
Apel, P. E., Route 2, Box 46, Sedan 67361.
Appelhanz, J., d.b.a. Carefree Kennels, 137 Northwest 58th, Topeka 66617.
Area, R. M., Havensville 66432.
Ashley, L. L., d.b.a. Leonards Barking Palace, Route 2, Box 4G, Larned 67550.
Askins, D. M., Route 5, Winfield 67156.
Aspinwall, P. A., d.b.a. Aspinwall's Dog Kennel, Rural Route 2, Box 202, Valley Falls 66088.
Aufdemberge, R. and L. V., Route 1, Box 197, Leavenworth 66048.
Aurand, M., d.b.a. Aurand's Kennel, Rural Route 1, Box 111A, Belleville 66935.
Autry, C. and J., d.b.a. C & J Kennels, Rural Route 1, Valley Falls, 66088.
Avis, B. and J. M., d.b.a. South Wind Kennels, Route 1, Box 44, Belleville 66935.
Ayers, F., Route 2, Box 61, Wellsville 66092.
Ayers, F. G., Box 175, Centralia 66415.
Badders, L. C., d.b.a. Greenlawn Kennels, 614 Myrtle, Pratt 67126.
Bailey, B., Route 1, Girard 66743.
Bainter, T., Route 1, Dresden 67635.
Baird, O., Route 2, Dodge City 67801.
Baker, L. and G., d.b.a. Leo's Kennels, Route 1, Goff 66428.
Baker, A. Y., Route 1, Iola 66749.
Baker, L. E., Route 1, Box 7, Partridge 67566.
Ballard, C. L., Route 1, Box 95, Havana 67347.
Bamberger, D. A., d.b.a. Prairie Pekes, Route 2, Box 280, Jetmore 67854.
Banks, C. L., Whiting 66552.
Banninger, J., 105 East 1st, Solomon 67480.
Bantz, R. A., Rural Route 1, Howard 67349.
Barker, N., d.b.a. Busy B Kennel, Route 1, Larned 67550.
Barnes, L., d.b.a. Delta Kennels, Route 2, Valley Falls 66088.
Barnes, L. and Patton, D., Route 1, Wetmore 66550.
Barnes, M., Box 31, Rural Route 2, Vermillion 66544.
Barnes, R. L. and C. E., d.b.a. Barnes Yap Yard, Route 1, Sodler 66540.
Barnett, M., Route 3, Box 66, Colby 67701.
Barnett, R. L., Box 225, Altamont 67330.
Barricklow, M. G., d.b.a. Barricklow Kennels, Route 1, Raymond 67573.
Barta, R. A., Rural Route 2, Box 185, Independence 67301.
Bates, G. R., d.b.a. K-9 Kennels Finney Co., S Star Route, Garden City 67846.
Bates, S. and M., 422 East 7th Street, Concordia 66901.
Baughn, O., Route 4, Box 21, Chanute 66720.
Beagle, G., d.b.a. Research Rabbitry, Route 1, Box 20, Galena 66739.
Beagle, J., Route 2, Valley Falls 66088.
Beal, R. and R., d.b.a. R. and R. Kennels, Route 2, Effingham 66023.
Beam, B. E., Route 3, Holton 66436.
Beaman, C. L., Route 1, Whiting 66552.
Beaver, N. and Day, S. L., P.O. Box 16, La Harpe 66751.
Beck, G., Corning 66417.
Beck, N. E., d.b.a. Sunnyside Kennels, Box 335, Attica 67009.
Beckmon, E. and R., Box 114, Colony 66015.
Behrens, G., Route 3, Marysville 66508.
Bell, M. S., d.b.a. Bell, P.O. Box 123, Beverley 67423.
Bender, N., Wetmore 66550.
Benedict, C. and E., Route 3, Elkhart 67950.
Bennett, P., Route 2, Box 129, Valley Center 67147.
Berg, G. T., Rural Route 1, Blaine 66410.
Berg, H., Wheaton 66551.
Berg, L., Onaga 66521.
Berg, M., d.b.a. Milton Berg Kennels, Blaine 66410.
Berg, W., Blaine 66410.
Berger, E. I., Route 2, Walnut 66780.
Berges, D., Box 81, Onaga 66521.
Bergman, A., Route 1, Baileyville 66404.
Bergman, M., Rural Route, Baileyville 66404.
Bergman, R. B., Route 1, Box 73, Seneca 66538.
Bernritter, B., Rural Route, Havensville 66432.
Berntsen, M., Route 1, La Harpe 66751.
Berry, E. W., Rural Route 2, Russell 67665.
Berry, J., Box 99, Vermillion 66544.
Best, D. and T., Route 1, Sedan 67361.
Best, K. and A., 423 North Pomeroy, Hill City 67642.
Besta, L., Route 1, Delia 66418.
Bevitt, R., Barnes 66933.
Bickel, R. R., d.b.a. Bickel Kennels, Route 1, Dodge City 67801.
Biesenthal, L., Wheaton 66551.
Billings, G. L., Route 2, Downs 67437.
Billings, W. and V., d.b.a. Sabaki Severa Kennel, Box 35, Lancaster 66041.
Bircher, L. W., Route 3, Chanute 66720.
Bishop, D. and I., Route 1, Box 123, Havensville 66432.
Bishop, S., Route 1, Delia 66418.
Bishop, C., Box 32, Belvue 66407.
Black, M. and H., R.F.D. 1, Frankfort 66427.
Blackburn, M. L., d.b.a. Blackburn's Hound Hollow, Route 1, Box 162, Sedan 67361.
Blair, M. and G., d.b.a. G. and M. Kennels, Route 1, Box 235, Sedan 67361.
Bland, R., Lucas 67648.

Blandkinship, C. A., Rural Route 2, Sedan 67301.
Blanton, L. J., Rural Route 1, Troy 66087.
Blanton, W. M., Robinson 66532.
Blenn, L., Westmoreland 66549.
Bloom, D. E., d.b.a. Sundance Setters, 7940 Northwest Topeka, Topeka 66617.
Bloomer, J. C., Lebanon 66952.
Bluthardt, A., Rural Delivery 1, St. George 66535.
Boden, N., Havensville 66432.
Boeken, T., Box 1, Lorraine 67459.
Boettcher, R. and W., d.b.a. Bluestem Kennel, Rural Route 5, Box 165H, Emporia 66801.
Bolan, B., P.O. Box 214, Lyndon 66451.
Boland, E., Alton 67623.
Boldt, W., d.b.a. Boldt Kennels, Chase 67524.
Bolen, F., Mound City 66056.
Boling, D., Route 1, Hoyt 66440.
Bontrager, D., Rural Route 1, Whiting 66552.
Bontrager, P., Rural Route 1, Wetmore 66550.
Borclay, B. and K., 102 South Plummer, Chanute 66720.
Boss, Jan, Rural Route 3, Marysville 66508.
Bosse, N., Rural Route 2, Onaga 66521.
Bottom, G., d.b.a. Shagland Kennels, Route 4, Hutchinson 67501.
Bowen, M. L. and C. W., Rural Route 1, Sylvia 67581.
Bowers, J. and L., Munden 66959.
Box, V. L., Columbus 66725.
Boyd, R. K., d.b.a. Boyds Kennels, Rural Route 1, Beattie 66406.
Boyer, M. M., d.b.a. Houseboys Kennels, 507 Southwest 4th, Abilene 67410.
Bozone, G. J., 9201 South Broadway, Wichita 67233.
Branche, N., d.b.a. Branche Kennel, 1209 West 21st, Junction City 66441.
Brazzle, W. and B., d.b.a. Meadow Winds Kennels, 1203 14th Street, Wamego 66547.
Breaker, K., d.b.a. Break-R-Da Kennels, Route 1, Box 46, Douglass 67039.
Brecht, E., Box 78, Elk City 67344.
Brees, B., 420 East 16th, Concordia 66901.
Brees, D. G., Route 1, Emmett 66422.
Brees, W. L., Rural Route 1, Emmett 66422.
Brink, C., Route 2, Box 13, Paola 66071.
Briskey, G., 5707 South Seneca, Wichita 67217.
Britton, H. E. and V., d.b.a. Vedalane Kennels, Route 1, Box 2-B, Jewell 66949.
Bronson, M., Route 4, Osage City 66523.
Brown, H. and P., d.b.a. Yankee Hill Kennels, 3221 Stubbs, Tecumseh 66542.
Brown, M., Route 4, Beloit 67420.
Brown, R. E. and B. J., Route 4, Box 58, Chanute 66720.
Brown, W. and E., Box 21, Peru 67360.
Bruington, L. R., Route 2, Box 255A, Independence 67301.
Bruna, A., d.b.a. Bruna's Dog Kennel, Hanover 66945.
Brunell, L., Route 1, Box 39, Aurora 67417.
Brungardt, F. B., Route 5, Abilene 67410.
Brunkow, C. and J., Route 2, Wamego 66547.
Bryant, H. and G., d.b.a. Bryant's Shetland Sheep Dogs, Rural Route 5, Box 70, Hutchinson 67501.
Buckley, H., Route 2, Box 128, Belleville 66936.
Buckner, S., 201 West Mill, Columbus 66725.
Bulgarelli, V. and V., d.b.a. Vinlee Kennel, Route 1, Box 240, Pittsburg 66762.
Bullock, P. and H., 113 West 10th Street, Frankfort 66427.
Burch, R., Box 54, Roxbury 67476.
Burdick, G. and C. S., Rural Route 2, Box 123, Burlingame 66413.
Burdick, R. and W., 109 East 20th Street, Pittsburg 66762.
Burris, E. and S., 3311 West 4th Street, Hutchinson 67501.
Burrus, T. and J., d.b.a. T. J. Kennels, 801 South Madison, Plainview 67663.
Burton, W. W., d.b.a. Burton's Kennels, Route 2, West Park Street, Dodge City 67801.
Buterbaugh, M. and G., Aurora 67417.
Butschle, Jr., W. A. and F. L., d.b.a. Will-Lou Kennels, Route 2, Box 42, Salina 67401.
Butterfield, E. M., Rural Route 1, Box 98, Sabetha 66534.
Buzard, J. C., Rural Route 1, Box 78, McCune 76753.
Buzard, R., Route 1, Weir 66781.
Byrum, T., d.b.a. T. & C. Kennels, Box 5, Garfield 67529.
C & R Kennels, Inc., Box 128, Barnes 66933.

Callaway, J. R. and F., 312 Campbell Street, Iola 66749.
Camaratta, E. and Blackburn E., d.b.a. E. & E., Box 123, Bronson 66716.
Campbell, A., Rural Route 3, Box 302A, Stanley 66084.
Campbell, I. M., d.b.a. Renegade Frontier Kennels, 4403 West Pawnee, Wichita 67209.
Canfield, W., d.b.a. Canfield Kennels, Route 3, Clifton 66937.
Capps, A. C., 405½ South Cain, Liberal 67901.
Carlburg, L., Route 2, Fredonia 66736.
Carpenter, C. and S., d.b.a. Cor-Shi Kennels, Route 1, Corcordia 66901.
Carpenter, M. A., 2425 Brookside Drive, Independence 67301.
Carrick, R., 522 Southwest 39th Street, Topeka 66609.
Carson, R. F., Route 2, Box 55, Berryton 66409.
Carter, K. & D., Route 2, Humboldt 66748.
Carter, R. and J., d.b.a. Carter's Kennels, Route 2, Beloit 67420.
Channel, A. L., d.b.a. Chann Kennels, Chann Kennels, Centralia 66415.
Chapin, M. and P., Route 1, Washington 66968.
Chapman, C. M., 3538 Seward Avenue, Topeka 66616.
Chapman, L., Route 1, Box 322, Osawatomie 66064.
Chase, V. M., 6308 South Seneca, Wichita 67217.
Chegwidden, D., Route 2, Russell 67665.
Chester, C., S. & E., d.b.a. Parkview Kennels, Route 5, Hiawatha 66434.
Choitz, S., d.b.a. Sandy Land Kennels, Rural Route 2, Ellinwood 67526.
Christie, J. H., d.b.a. Seven Sees Kennels, Route 1, Beloit 67420.
Cibolski, D., Rural Route 1, Agenda 66930.
Clanton, M., Route 2, Box 138C, Neodesha 66757.
Clark, E., Box 105, Mildred 66055.
Clark, L., Route 1, Box 115, Glasco 67445.
Clark, L. L. and T., d.b.a. L. & T. Kennel, Box 111, Greenleaf 66943.
Clark, M. A., Route 1, Troy 66087.
Clark, R. B. and C., d.b.a. Craigs Kennel, Route 1, Box 161, Mulvane 67110.
Clark, R. L. 418 North 3rd, Stockton 67669.
Claus, M. and H., Rural Route 4, Box 168, Fredonia 66736.
Claussen, D. and G., 312½ West Fremont, Medicine Lodge 67104.
Clay, C., Onaga 66521.
Clay, J., Route 1, Onaga 66521.
Clay, L. S. and F. M., Route 1, Parsons 67357.
Claycamp, E., Rural Route 1, Goff 66428.
Claycamp, E. R., Route 3, Box 43A, Seneca 66538.
Clemence, R., Route 4, Abilene 67410.
Clements, H. K., Rural Route 1, Soldier 66540.
Clothier, H., Plevna 67568.
Clouston, V., d.b.a. Clouston Kennels, Route 1, Ness City 67560.
Clowe, E, Wetmore 66550.
Coberly, A. and M., Route 1, Dighton 67839.
Coffman, M. E. and L. E., d.b.a. Coffmans Kennels, Rural Route 1, Havensville 66432.
Cole, B., d.b.a. Coles Kennels, Beverly 67423.
Coleman, D. M. and L. L., Rural Route 1, Valley Falls 66088.
Colle, C. and D., d.b.a. De Ca Kennels, Route 1, Box 146, Medicine Lodge 67104.
Combs, M. and C., d.b.a. Combs Kennel, Route 1, Centralia 66415.
Compton, S. C. and M. L., Route 5, Hiawatha 66434.
Conard, C., d.b.a. Timken Kennels, Timken 67582.
Connell, M. and B., d.b.a. Mikes Place, Route 1, Claflin 67525.
Conser, W. R., Rural Route 2, Box 220, Valley Falls 66088.
Cook, M. and P., Route 3, Box 56, Fort Scott 66701.
Cook, N., Route 1, Russell 67665.
Cook, R. M., 801 South 3rd, Arkansas City 67005.
Cooper, C. C. and B. S., d.b.a. Gateway Kennel, Route 1, Jamestown 66948.
Cooper, K., Rural Route 2, Chapman 67431.
Coopman, R., Rural Route 3, Waverly 66871.
Coover, P. I., d.b.a. Coover's Kennel, Route 1, Box 83, Erie 66733.
Corns, G. M., d.b.a. Shangrila Kennels, Route 1, Winfield 67156.
Cote, J. N. and S. S., Route 1, Meriden 66512.
Cottrell, A., Corning 66417.
Couchman, H. and G., d.b.a. Tegala Kennel's, Route 1, Clay Center 67432.
Countryman, D. and B., d.b.a. Da-Be-Li Kennels, Route 1, Box 75, Esbon 66941.
Coverdale, G. V., Rural Route 2, Soldier 66540.
Cox, B., 1201 Kansas Avenue, Topeka 66612.
Cox, H. D. and S. D., 321 West 3rd, Garnett 66032.
Cox, R. M., Route 1, Alta Vista 66834.
Craft, C. C., Route 1, Edson 67733.
Crane, R. E., North Star Route, Dodge City 67801.
Crome, G., Herkimer 66433.
Crome, K., Route 1, Bremen 66412.
Crone, A., d.b.a. Alberta Crone Kennels, Route 1, Great Bend, 67530.
Crone, R., Rural Route 1, Great Bend, 67530.
Cross, B., Route 2, Centralia 66415.
Cross, R., Rural Route 1, Box 137, Seneca 66538.
Crowley, B. and J., Box 93, Redfield 66769.
Culbertson, J., R.F.D. 4, Box 169, Fredonia 66736.
Cunningham, D. L., Route 1, Princeton, 66078.
Curless, J. and L., d.b.a. Curless Kennel, Box 308, Willis 66435.
Dalinghaus, D. F., Route 3, Box 37, Seneca 66538.
Dalinghaus, M. F., Rural Route 1, Baileyville 66404.
Daniels, V., Powhattan 66527.
Dar-Mar, Inc., P.O. Box 383, Marysville 66508.

Davenport, J., Route 1, Coffeysville 67337.
Davidson, A., Route 1, Burlingame 66413.
Davis, D., Lucas 67648.
Davis, J. R. and N., Route 3, Box 450, Independence 67301.
Davis, L. P. and M. S., Route 2, Box 111, Liberal 67901.
Davis, T. and E., 901 E. 58th Street, South, Wichita 67216.
Davis, W. and N., Route 1, Box 163, Augusta 67010.
Dean, J. M., Emporia 66801.
Debey, J. and J., d.b.a. Jim-Jen Kennels, Route 1, Kerwin 67644.
Debey, L., d.b.a. Mel-Lena Kennel, 816 West Beale St., Downs 67437.
Deeter, C. K., 1520 Northeast 54, Route 5, Topeka 66617.
Deinlein, K., Route 2, Box 188E, Neodesha 66757.
Dekat, M., Route 1, St. George 66535.
Delker, M. L., Rural Route 2, Jetmore 67854.
DeRusseau, d.b.a. Sonidee Cattery, Box 215, Clyde 66938.
Deters, G. and L., Randy, T. and R., Box 2, Baileyville 66404.
Deters, L., Rural Route 1, Box 126, Baileyville 66404.
Deters, L., Box 127, Baileyville 66404.
Detherage, D., Route 1, Lawrence 66044.
Dettke, D. and M., Route 4, Marysville 66508.
Devader, R. and M., Route 1, Holton 66436.
Dick, L. R. and Co., 7401 Parkview, Kansas City 66109.
Dickson, B. D., Route 2, Box 111, Independence 67301.
Ditmars, L., d.b.a. Ditmar Kennels, Route 1, Box 132, Washington 66968.
Doepke, G. L., Route 2, Humboldt 66748.
Dolezal, R. M. and R., d.b.a. R. and R. Kennels, Route 1, Box 76, Kanopolis 67454.
Donals, B. and P., d.b.a. Donals Kennels Route 4, Winfield 67156.
Dorr, D., Rural Route 2, Burlingame 66413.
Dorsey, D. L. and W. d.b.a. Dorseys Persians, 750 South Santa Fe, Salina 67401.
Doty, R. L., d.b.a Ardee Kennels, Route 2, Box 156, Salina 67401.
Doupnik, B., d.b.a. Elk Creek Kennels, Agenda 66930.
Drenik, J. and D., Route 3, Box 73, Pittsburg 66762.
Dreyer, M., 4124 Northeast Seward Route 4, Topeka 66616.
Duensing, E., Box 116, Bremen 66412.
Duerksen, R. and F., Route 1, Box 33, Lehigh 67073.
Duft, W. C., Route 1, Sterling 67579.
Dula, B. J., 4231 Southeast Highway 10, Topeka 66605.
Duling, O., Route 1, Walnut 66780.
Duncan, D. E., Route 2, Wamego 66547.
Dunlap, W. G. and H. P., Route 2, Effingham 66023.
Dunn, N. L., Route 2, Effingham 66023.
Durrant, E., Route 5, Paola 66071.
Dusek, Jr., A., 223 South Bethany, Kansas City 66102.
Dusty Acres Kennel, Box 42, Centralia 66415.
Dye, R. W., Route 3, Wilroads Gardens, Dodge City 67601.
Eakins, A. L., Route 1, Clyde 66938.
Eakins, J. A. and J. and J. and C. and D., Route 1, Box 62, Clyde 66938.
Eaton, L. and M. and M., Route 1, Box 146, Scammon 66773.
Eddleman, A., Route 2, Goodland 67655.
Eifert, A. B. and Scheurman, L. H., d.b.a. Annarosa Kennel, Box 32, Preston 67569.
Eiseman, D., Munden 66959.
Eitel, A. A., Box 565, Dighton 67839.
Elder, G. and S. and V., d.b.a. Jerrys Kennels, Box 87, Humboldt 66748.
Elder, J. and L., d.b.a. L. and J. Kennel, Route 1, Box 101, Washington 66968.
Eldridge, V., d.b.a. Sandy Ridge Kennel, Route 5, Box 152, Hutchinson 67501.
Elliott, L., 400 West 2d, Washington 66968.
Ellison, D. and P., d.b.a. Silver Creek Kennel, Box 82, Preston 67569.
Elmore, W. and J., d.b.a. Flagg Kennels, Route 2, Box 84, Elk City 67344.
Elniff, R. and R., d.b.a. Triple Creek Kennels, Route 1, Jamestown 66948.
Elstrom, T. R. and B. M., d.b.a. El Cloud Kennel, Route 1, Concordia 66901.
Emerson, H. R., d.b.a. Saints and Bulls Kennels, P.O. Box 60, Dearing 67340.
Engelken, B. H. and B. and M. and J. and T., Route 2, Goff 66428.
Engelken, L., Route 1, Frankfort 66427.
Engelken, V., Rural Route 2, Seneca 66538.
Engler, L., Route 9, 7147 Southwest 53d Street, Topeka 66604.
Enneking, L., 910 Main, Seneca 66538.
Enneking, M. J., Route 1, Centralia 66415.
Enright, N., Route 1, Solomon 67480.
Ensley, J. H., 808 North Maple, Frankfort 66427.
Evens, E. M. and R. L., Route 1, Marysville 66508.
Evarts, V. D., 318 Main, Walton 67151.
Ewing, D., Route 1, Atlanta 67008.
Fairbanks, R. and N., 1034 North 11th, Neddesha 66757.
Falder, I. A., Beverly 67423.
Falk, D. I., Wheaton 66551.
Fankhauser, I. J. and M. M., Route 2, Madison 66860.
Fann, M. J., 2004 Hayes Dr., Manhattan 66502.
Farley, J. and J., d.b.a. Je-Mi-Jac Kennels, Route 1, Tiscott 67484.
Farmer, M. and J. Nelson, K., Route 1, Box 51B, Altoona 66710.
Farrell, G. R., Route 2, Frankfort 66427.
Farrell, P., Rural Route 1, St George 66535.
Fee, B., 423 North Kansas, Columbus 66725.
Felbush, L. and L., Route 1, Box 85, Alma 66401.
Feldhausen, F. L., Bremen 66412.
Fewins, L. S., Rural Route 2, Box 35, Moran 66755.
Fiedler, V., Rural Route 3, Holton 66436.
Finger, D. and K., R.F.D., Netawaka 66516.
Finger, E., Route 1, Powhattan 66527.
Finger, R. and H., Route 1, Box 190, Horton 66439.
Finley, I., Route 2, Herington 67449.
Finley, V. and L., Box 165, Walnut 66780.
Finney, J. C., Rural Route 3, Beloit 67420.
Finney, J. L. and M. K., d.b.a. Hillside Kennels, Box 185, Elk City 67344.
Fischer, A., Wheaton 66551.
Fitzmaurice, A. Route 2, Humboldt 66748.
Flentie, E., Route 2, Centralia 66415.
Fletcher, J. and P., d.b.a. Kan-Do Kennel, Box 856, Syracuse 67878.
Flickinger, J., Rural Route 1, Harveyville 66431.
Fogelberg, L. and R., d.b.a. L. and R. Kennels, Route 1, Scandia 66966.
Ford, W. A., 323 South Oak, Medicine Lodge 67104.
Forrester, G. and M., Route 4, Fort Scott 66701.
Foust, D., d.b.a. D. and G. Kennels, Route 2, Box 176, Erie 66733.
Fowler, D., Box 1508, Liberal 67901.
Fowler, P., 758 South Cain, Liberal 67901.
Frame, P., 618 Boxelder, Mulvane 67110.
Franklin, G. and W., Route 4, Box 197, Girard 66743.
Fraser, B., d.b.a. Barb Fraser Kennel, Box 28, Ames 66931.
Frauenfelder, R. G., Rural Route 1, Wakefield 67487.
Freeman, J. and S., 1212 North 8th, Independence 67301.
Freeman, S., Route 1, Box 1, Fredonia 66736.
Freidenberger, A. and A., d.b.a. Friedenberger Kennels, Box 52, Bison 67520.
French, W., Route 2, Hiawatha 66434.
Friesen, R. and J., Box 606 Barton and Avenue C., Syracuse 67878.
Fultz, M. D., R.F.D. 1 Box 79, Berryton 66409.
Fund, J., Route 1, Netewaka 66516.
Funke Jr. E., Rural Route 2, Washington 66968.
Fyffe, C. E., and R. M., d.b.a. Mae's Kennel, P.O. Box 281, Anthony 67003.
Garrison, R. K. and C. and K., Box 218, Lincoln 67455.
Gates, M., d.b.a. Gates Kennel's, Box 65, Hazelton 67061.
Gay, R. G. and R. E., Route 1, Box 385A, Gardner 66030.
Geer, M., Route 1, Clay Center 67432.
Gehlen, A. and S., d.b.a. Little G Kennels, Route 1, Box 3, Medicine Lodge, 67104.
Geier, C., Route 4, Girard 66743.
Geier, M. L., Route 2, Box 86, Girard 6643.
Gericke, V. E., 1729 South Katy, Chanute 66720.
Gibbs E. and Kirk J., Route 1, Columbus 66725.
Gibbs, L., P.O. Box 414, Neodsha 66757.
Giefer, C. and L., 210 South 32d Street, Parsons 67357.
Giefer, M., Rural Route 1, Kingman 67068.
Gilbert, K., Box 163, Rexford 67753.
Gilmore, G., Route 2, Larned 67550.
Gleason, B. A. and M., d.b.a. Be Ge Kennels, 615 North 4th Street, Carbondale 66414.
Glenn, G. J., Route 2, Meriden 66512.
Glenn, V., d.b.a. Glenneden Kennels, Route 1, Mayfield 67103.
Gnilfoyl, R., Route 1, Eskridge 66423.
Goehring, D., Rural Route 2, Westmoreland 66549.
Goertzen, C. K. and V., d.b.a. Cottonwood Kennels, Route 2, Box 12, Inman 67546.
Goertzen, V., Rural Route 1, Inman 67546.
Golden, T. L., Route 3, Box 29AA, Lawrence 66044.
Good, T. J., Box 45, Lake City 67071.
Goodin, R. D., Route 2, Derby 67037.
Goodwin, M., Box 113, Summerfield 66541.
Gosnell, J., Route 2, Independence 67301.
Graham, I., Route 1, Stark 66775.
Grannell, G., Route 3, Holton 66436.
Grannemann, B., Route 1, Hepler 66746.
Grannemann, R., Route 2, Walnut 66780.
Grant, E. L., 402 North Logan, P.O. Box 331, Attica 67009.
Graven, R. and J., d.b.a. Graven Kennels, Rural Route 4, West River Road, Prah 67124.
Gray, M. E., Box 32, Beverly 67423.
Grecian, N. V., Palco 67657.
Green, Mrs. W., 4936 North East Indian Creek Road, Topeka 66617.
Green, W., d.b.a. Green's, Route 1, Box 45, Greensburg 67054.
Greenwood, A., Lewis Addition, Route 1, Dodge City 67801.
Grieshaber, R., d.b.a. Pat's Pekes, Route 1, Box 142, St. Marys 66536.
Griffith, J. L., d.b.a. Griffith's Kennels, Route 1, Box 17, Wakeeney 67672.
Griffith, R., Box 417, Welda 66091.
Griffiths, R. and L., d.b.a. Griff's Kennels, Centralia 66415.
Grossnickle, R., Route 1, Corning 66417.

Guhr, H. and D., d.b.a. Fox Wood Kennels, Route 1, Box 67, Lehigh 67073.
Guilfoyle, M. D., d.b.a. Emerald Valley Kennels, Rural Route 3, Box 77, Garnett 66032.
Guion, L., d.b.a. Dana Kennels, Route 1, Mayetta 66509.
Gulley, M. and C., d.b.a. Gulleys Kennel, 504 Mechanic, Lawrence 66044.
Gulley, M. and Dickinson, W. N., d.b.a. Rocky Hill Farm, Box 467, Desoto 66018.
Gunnells, M., d.b.a. Rocky Top Kennels, Route 1, Box 114, Carbondale 48BB39.
Gurtner, H., Route 2, Kingman 67068.
Hall, J. and J., 2111 Ida, Wichita 67211.
Hall, T. and B., Route 1, Box 807, Mulvane 67110.
Hallam, J., 214 Thunder Bird Estate, Emporia 66801.
Hammn, C. V. and B. E., 10925 South West 77th Street, Topeka 66604.
Hammerly, A. J., Route 2, Meriden 66512.
Hammon, L., d.b.a. Country Kennels, Route 1, Concordia 66901.
Haney, E. and V., Box 1, Conway Springs 67031.
Hann, I. and M., Route 1, Peru 67360.
Hanshew, D. J., d.b.a. Calico Kennels, 908 Constitution, Emporia 66801.
Hardesty, A., Route 2, Garnett 66032.
Harmon, J., Route 1, Altamont 67330.
Harris, B. L., Box 165, Clifton 66937.
Harris, S. R., d.b.a. White Rock Kennels, Burr Oak 66936.
Harrison, H., 1225 North Madison Street, Topeka 66608.
Harry, M., 1140 Dayton, Wichita 67213.
Hartenstein, M., Solomon 67480.
Harter, J. E., d.b.a. Swiss Eire Kennel, Route 2, Bern 66408.
Hartman, K. C. and M. L., d.b.a. Hartman Kennels, Shields 67874.
Hartman, C. L., 620 West New York Street, Smith Center 66968.
Hartman, K. and G., d.b.a. K. and G. Kennels, Shields 67874.
Hartsel, M., Route 2, Jewell 66949.
Hatch, M. K., d.b.a. Hatches Kennel, 206 North Grove, Yates Center 66783.
Hattesohl, H., Route 1, Box 140A, Linn 66953.
Haug, G., d.b.a. Fall View Kennel, Box 41, Cottonwood Falls 66845.
Haug, L, d.b.a. Haug Kennels, 210 Northwest 10th, Abilene 67410.
Haug, W. L., 5831 Northwerst Brickyard Road, Topeka 66608.
Haughenberry, H., Route 2, Holton 66436.
Haverkamp, A., Route 3, Box 73, Seneca 66538.
Haverkamp. C. Rural Route 3, Seneca 66538.
Haverkamp, E. W., Route 1, Corning 66417.
Haverkamp, R., Box 337, Centralia 66415.
Hay, F. E., Rural Route, Onaga 66521.
Heid, L. and E., d.b.a. Hyalite Farm, Route 1, Box 4B, St. George 66535.
Heideman, D., 508 Walnut, Seneca 66538.
Heiman, T., Rural Route 3, Box 139, Seneca 66538.
Heimerman, J., Route 2, Pretty Prairie 67570.
Heinen, L, Route 1, Corning 66417.
Heininger, S. and L., Route 3, Box 73, Sabetha 66534.
Heinz, B., Route 3, Clyde 66938.
Helmbrecht, D. and M., d.b.a. Den-Mar Kennels, Box 386 West 8th Street, Beloit 67420.
Henderson, R. J. and S., Box 2, Solomon 67480.
Henry, J. A., 105 South 4th Street, Seneca 66538.
Henry, K. J., Route 1, Centralia 66434.
Herder, G. and R., Rural Route 1, Humboldt 66748.
Herlocker, R., Route 1, Farlington 66734.
Herod, M., Route 1, Farlington 66734.
Harrman, H. and W., 4th and Western, Onaga 66521.
Hess, R. and L., d.b.a. Le-Rob Kennels, Route 3, McPherson 67460.
Hester, K., Route 1, Plevna 67568.
Hewitt, M., 404 South Mass, Erie 66733.
Hiatt, R. D., Rural Route 1, Viola 67149.
Hibbard, L., Route 1, Box 51, Toronto 66777.
Hickman, D., Barnard 67418.
Hiebert, J., 9221 South Broadway, Wichita 67233.
Higginbothan, D., 206 South 3rd, Iola 66749.
Hill, F., Route 1, Jetmore 67854.
Hill, F. D. and A. M., R.F.D. 2, Downs 67437.
Hiltgen, K., Box 79, Vliets 66545.
Hime, M., Route 1, Centerville 66041.
Hinde, C. E., Box 94, Cassoday 66842.
Hinde, M. C., 222 West 7th, Florence 66851.
Hinderer, V. M., Route 1, Box 144, Wakarusa 66546.
Hink, W. T., Box 126, Williamsburg 66095.
Hisle, W. C., Rural Route 2, Atchison 66002.
Hittle, B. F., Sr., Rural Route 2, Box 108, Mayetta 66509.
Hobbs F., Route 2, Yates Center 66783.
Hodge, L. and C. A., Route 1, Box 165A, Emporia 66801.
Hodgkinson, R., Rural Route 2, Pratt 67124.
Hoepker, L. and J., 707-12th Street, Humboldt 66748.
Holliday, R. A., Soldier 66540.
Holliman, L. L., Route 1, Box 239, Waterville 66548.
Holroyd, H., Route 1, Sedan 67361.
Holthaus, A., Route 1, Seneca 66538.
Holthaus, C., Rural Route 3, Box 135, Seneca 66538.
Holthaus, F. G., Route 2, Centralia 66415.
Holthaus, J. L., Route 3, Seneca 66538.
Holthaus, J. M., Route 1, Seneca 66538.
Holthaus, K. J., Rural Route 1, Seneca 66538.
Hoobler, A., Route 2, Oswego 67356.
Housh, C. H., d.b.a. Housh's K-9's, Box 85, Glen Elder 67446.
Howard, E., Jr., Route 2, Onaga 66521.
Howard, J., d.b.a. Ann Kennels, Route 2, Box 32, Edna 67342.
Howard, R. and G., d.b.a. Misty Morn Kennels, Route 1, Box 81C, Neosho Rapids 66864.
Howe, E., d.b.a. Howe's Kennel, Webber 66970.
Howie, J. F. and R., d.b.a. J and R Pets, Route 3, Abilene 67410.
Hubbard, M. D., 131 West Railroad, Waterville 66548.
Hughes, K., d.b.a. Kabo Kennels, 8723 Southwest 53rd Street, Topeka 66604.
Hughes, R. L., Route 2, Soldier 66540.
Hugunin, L. L., Route 1, Leonardville 66449.
Hull, K. W., d.b.a. Hull's Kennels, Box 115, Simpson 67478.
Hulsey, J., d.b.a. Lazy H Kennels, Route 3, McPherson 67430.
Humble, C., Route 2, Girard 66743.
Humbolt, L., Box 121, Elk City 67344.
Hund, M. A., 307 Iowa, Holton 66436.
Huston, M. E., Route 1, Milford 66514.
Hutton, D., 307 West Bradley, Sedan 67361.
Illingworth, D. E., d.b.a. Domino Cattery, 627 Park Place, Salina 67401.
Irwin, M. D., d.b.a. Haven Hill Kennel, Route 1, Box 98, Tecumseh 66542.
Jackson, D. J., d.b.a. Ju Jas Kennel, Route 1, Box 18, Sedan 67361.
Jackson, K. J., Rural Route 3, Burlington 66839.
Jackson, L. D. and S. K., d.b.a. Shar Low Chattery, Enterprise 67441.
Jacobs, O. and A., Murdock 67111.
Jacobs, V. S., Route 1, Pawnee Rock 67567.
Jacques, Z. W., 320 Adrian, P.O. Box 144, Rossville 66533.
Jacquinot, R., Route 1, La Harpe 66751.
Jagels, A., Rural Route 1, Girard 66743.
Jahay, J. and M., Route 1, Hazelton 67061.
Jandera, R. F., Rural Route 1, Box 57, Hanover 66945.
Jensen-Salsberry Laboratories, 2000 South 11th Street, Kansas City 66103.
Jesseph, S. and L., 208 9th Street, Geneseo 67444.
Johansen, E., 2222 Ball Lane, Kansas City 66103.
Johnson, H. E., Jr., d.b.a. Shannondale Kennels, Route 2, Box 403, Belleville 66935.
Johnson, A. E., Route 1, Randolph 66554.
Johnson, C., d.b.a. Lazy-J Kennels, Lebanon 69036.
Johnson, F. W. and M., Minneapolis 67467.
Johnson, I. S., Rural Route 1, Box 63, Olsburg 66520.
Johnson, L. M., 423 South Chestnut, Iola 66749.
Johnson, N., Route 1, Formoso 66942.
Johnson, P., 6333 Northwest Topeka, Topeka 66617.
Johnston, M. and T., Route 2, Box 31, Coffeyville 67337.
Johnston, W. J. and S. J., Route 2, Parsons 67357.
Jones, H. H., Jr., Route 1, Wetmore 66550.
Jones Kennels Inc., Netawaka 66516.
Jones, C. J., d.b.a. Ken-Lyn Kennels, Rural Route 1, Box 24, Beattie 66406.
Jones, D. and R., d.b.a. Di-Bo's, 2945 Meriden Road, Topeka 66608.
Jones, E., Box 234, McCune 66753.
Jones, J., Route 2, Box 57, Beattie 66406.
Jones, L., 509 South Exchange, St. John 67576.
Jones, N. D., d.b.a. Lakeview Kennels, Route 2, Box 24, Coffeyville 67337.
Jones, W. and M., Rural Route 2, Douglass 67039.
Josserand Kennel Inc., 2220 Vail, Topeka 66608.
Josserand, J. and L., d.b.a. Lou Jac Pets, 7550 South Broadway, Wichita 67233.
Jost, V. L., Route 2, Hillsboro 67063.
Kadel, B., d.b.a. Kadel Kennels, Route 2, Jamestown 66948.
Kahrs, L. A., Route 3, Clifton 66937.
Keating, N., 3515 Northwest 66th, Topeka 66618.
Kebert, C. D., Rural Route 4, Fredonia 66736.
Keiswetter, D. and H., R.F.D. 2, Norton 67654.
Kellenberger, G., Route 3, Sabetha 66534.
Keller, J. W., d.b.a. Kenny's Kennels, Route 2, St. John 67576.
Kelleys Aquatic Pet Supply Inc., 601 East 5th Street, Topeka 66601.
Kelly, G. L., d.b.a. Country Kennels, Route 1, Holton, 66436.
Kelly, W. P., d.b.a. Khil Kennels, Route 2, Clifton 66937.
Kemp, D. and E., Route 1, Dexter 67038.
Kennedy, M. L., d.b.a. L & M Kennel, 316 South Douglas, Lyons 67554.
Kerns, G. L., Rural Route 4, Box 159A, Osage City 66523.
Kerns, R., Route 1, Herington 67449.
Kerr, M. L., Route 1, Humboldt 66748.
Kersting, M. H., Offerle 67563.
Kieffer, J., d.b.a. Waconda Kennels, Box 102, Glen Elder 67446.
Kilgore, T., Route 1, Mullinville 67109.
Killman, L. A., Route 1, Clay Center 67432.

Killoren, E. and G., d.b.a. Killoren Kennels, Powhattan 66526.
Kincheloe, M. and K., Route 2, Downs 67437.
King, J. L., Route 1, Box 71, Scott City 67871.
King, O. C., Route 4, Box 248, Chanute 66720.
Kingery, N. E., d.b.a. Green Lawn Kennels, Box 321, Pratt 67124.
Kinney, A. R., P.O. Box K, Meriden 66512.
Kinzie, R., Route 1, Box 56, Sawyer 67134.
Kirk, E., Box 216, Scandia 66966.
Kirkpatrick, C., Box 54, Melvern 66510.
Kissinger, D., Rural Route 1, Box 275, Mulvane 67110.
Klingenberg, K. and E., d.b.a. Betken Kennels, Route 4, Box 215, Lawrence 66044.
Knapp, H. W., d.b.a. Shady Oaks Kennel, Route 3, Chanute 66720.
Knopp, V. J., Route 1, Box 190A, Hays 67601.
Knox, B. and Barnes, D. and Meenen, D., d.b.a. KBM Kennels, Route 1, Clifton 66937.
Knox, B. D., P.O. Box 147, Valley Falls 66088.
Knox, B. L., d.b.a. Knox Kountry Kennels, Route 1, Agenda 66930.
Koch, B. J., Blaine 66410.
Koch, D. M., Baileyville 66404.
Koch, I., Route 2, Axtell 66403.
Koch, J. C., Baileyville 66404.
Koehn, E. D., Rural Route 1, Inman 67546.
Koehn, M. and M. J., d.b.a. Koehn Kennel, Route 2, Box 68, Moundridge 67107.
Koehn, R. A. and C. E., Route 2, Box 80B, Independence 67301.
Konecny, V., Lincolnville 66858.
Kornfield, A. S., d.b.a. Highlander Collies, Elm Street, Everest 66424.
Kraft, P. L., Rural Route No. 1, Jetmore 67854.
Kramer, A., Route 2, Seneca 66538.
Kramer, N., Baileyville 66404.
Krebs, C. E., Route 1, Powhattan 66527.
Krehbiel, D. and D., d.b.a. Krehbiel's Kennels, Route 2, Kingman 67068.
Krehbiel, E. O., Route 2, Pretty Prarie 67570.
Krehbiel, J. W., d.b.a. Krehbiel Kennels, Route 1, Box 55, Moundridge 67107.
Krier, G., Star Route, Ashland 67831.
Krier, L. M. and A. L., Box 323, 1217 Birch, Ashland 67831.
Krog, R. E., Route 1, Box 40, Girard 66743.
Krogman, L., d.b.a. Krogman's Kennels, Axtell 66403.
Kruckenberg, S. M., 285 Oregon, Manhattan 66502.
Kruse, L. P., Rural Route 1, Morrill 66515.
Kuehl, E. and C., d.b.a. Kuehl and Kuehl, Onaga 66521.
Kuehl, L., Onaga 66521.
Kufahl, L. L., Rural Route 1, Wheaton 66551.
Kunzler, J. E. and McKinley B. S., d.b.a. K&M Rabbitry, Route 1, Box 143, Gardner 66030.
Kurtz, L., Route 2, Box 37B, Eudora 66025.
Kurtz, R., Rural Route 2, Box 38, Eudora 66025.
Kyle, D. R., Route 1, Box 77, Sabetha 66534.
Lambert, R. E., d.b.a. Lameriar Kennels, General Delivery, Mahaska 66955.
Lamkins, R. G. and K. S., d.b.a. The Dachs Inn, Rural Route 1, Lebanon 66952.
Lanoue, J., Rural Route 3, Concordia 66901.
Lantis, R. W., d.b.a. 4-L Kennels, Box 624, Route 3, Ottawa 66067.
Larsen, D. A., Route 2, Holton 66436.
Larsh, S., Box 97, Longton 67352.
Larson, J., d.b.a. Larson Kennels, Route 3, Box 44, Lawrence 66044.
Larson, L. D. and E. E., Rural Route 1, Waterville 66548.
Lattimore, H. H., Route 1, Box 75, Argonia 67004.
Lawellin, W. and H., Route 3, Columbus 66725.
Lawrence, E., d.b.a. Silver Star Kennels, Box 244, Sedan 67361.
Lawrence, J., Route 2, Winfield 67156.
Leaming, E., Pleasanton 66075.
Lee, H. E., Route 2, Box 46, Mayetta 66509.
Lee, M. and M. E., No. 1 Park Place, Medicine Lodge 67104.
Leidig, W., Route 3, Clay Center 67432.
Leis, J. A., Rural Route 1, Garden Plain 67050.
Lendo, E. R. and P. A., Route 1, Americus 66835.
Lewis, C., Box 381, 329 West 9th Lyndon 66451.
Lewis, J. R. and W. J., d.b.a. Sunshine Kennel, Route 1, Box 96, Moline 67353.
Lewis, W. M., Rural Route 2, Girard 66743.
Lierz, J., Route 1, Box 145, Frankfort 66427.
Lierz, L. A., Box 162, Wetmore 66550.
Lindbloom E.,, Route 4, Osage City 66523.
Lindbloom, G. and O., Route 1, Osage City 66523.
Lindgren, R. M., Route 1, Box 186, Thayer 66776.
Linkugel, D., Route 2, Marysville 66508.
Linneman, F., 103 North Monroe, Smith Center 66967.
Linneman, H., d.b.a. Hill Top Kennels, Route 2, Ottawa 66067.
Lockenour, W., d.b.a. Loc Kennels, Box 43, Netawaka 66516.
Lockhart, H. and P., Box 116, Norcatur 67653.
Loehr, A., d.b.a. Loehr Kennels, 801 North Grove, Yates Center 66783.
Logue, D. and R., d.b.a. Logue's Kennel, Route 2, Hollywood Add., Dodge City 67801.
Long, C., Route 1, Box 100, Westmoreland 66549.
Long, E., Circleville 66416.
Long, J.R. & C. R., 1326 East Glenn Drive, Lawrence 66044.
Long, M. and C., d.b.a. Thunderbird Estates, Route 1, Americus 66835.
Long, M. and F., Route 1, Severance 66081.
Long, P. and R., d.b.a. Pine Valley Kennels, Route 1, Peck 67120.
Loose, F. F., 1714 North Sedgwich, Wichita 67203.
Louk, A. W. and N., d.b.a. Al-Nor Kennels, Route 1, Wamego 66547.
Lowe, C. R., Rural Route 2, Box 92A, Chanute 66720.
Lowe, M., d.b.a. Mels Kennels, Route 4, Box 12, Girard 66743.
Lucke, E., Route 2, Girard 66743.
Lucke, L., Route 1, Girard 66743.
Luff, C. L. and Blair, N. M., d.b.a. Country Kennel, Box 7, Corning 66417.
Lumbert, D., Route 1, Winfield 67156.
Lumley, I. and N., Route 1, Box 78, Peru 67360.
Lusk, R. L., Route 2, Olpe 66865.
Luthi, H. and S., Rural Route 2, Madison 66860.
Lynn, C. A. and J., d.b.a. C. and J. Kennels, Rural Route 1, Plains 67869.
Lyons, V. and B., d.b.a. Happy Valley Kennels, Route 1, Box 199, Osawatomie 66064.
Lytle, J. J. and E., Route 2, Holton 66436.
Madl, C., Route 1, Walnut 66780.
Magee, J., Route 1, Lorraine 67459.
Mahieu, R., Ashland 67831.
Maike Enterprises Inc., d.b.a. Sandy's Kennels, Route 2, Box 91, Alma 66401.
Maike, A., Box 108, Alma 66401.
Malm, G. A., Route 2, Valley Falls 66088.
Manz, C., Route 1, Eskridge 66423.
Marcotte, V., Route 1, Allen 66833.
Marler, E., d.b.a. Turkey Creek Kennel, Route 2, Burden 67019.
Marple, L. B., Box 207, Wakarusa 66546.
Marsh, J. and D., Rural Route 2, Box 135, Emporia 66801.
Marshall, E., d.b.a. Noah's Ark Pet Store, 1323 East Santa Fe, Olathe 66061.
Marshall, L. L., Rural Route 1, Emmett 66422.
Marshall, P., 11810 Hollingsworth Road, Piper 66109.
Marten, R. C., Route 2, Onaga 66521.
Martin, C., Route 1, Silver Lake 66539.
May, B. L., Rural Route 1, Mankato 66956.
Mayfield, A., d.b.a. Chows Chows Ltd., 5635 South Vandale, Wichita 67217.
McAdam, E. E., Route 3, Holton 66436.
McAdoo, A. J. and M. M., d.b.a. Winters Roost Kennels, Box 1067, Emporia 66801.
McAlexander, E. and S., Rural Route 2, Box 121A, Tonganoxie 66086.
McBurney, T. M., 5345 Northwest Topeka Avenue, Topeka 66617.
McCall, F. M. and P. M., Route 1, Cedar Vale 67024.
McCarter, H. S., d.b.a. Country Home Kennel, Route 1, Box 55, Great Bend 67530.
McClintock, T. A., Rural Route 1, Holton 66436.
McClure, K. and B., Route 1, Box 30, Thayer 66776.
McClure, T., d.b.a. Sing Sandy Ranch, Route 1, Kingman 67068.
McCormick, R. D., d.b.a. Mi-De-Pa Kennels, Route 2, Box 91C, Louisburg 66053.
McCormick, V. T. and C. E., Route 1, Yates Center 66783.
McDaniel, D. L., Edson 67733.
McDaniel, M. F., 842 South 122 Street, Omaha 68154.
McDonald, G. D. and M. C., P.O. Box 598, Arma 66712.
McDonald, W., Route 5, Abilene 67410.
McGreeney, A. J., Route 2, Summerfield 66541.
McGinty, F. and E., d.b.a. Six Mile Kennel, Rural Route 2, Great Bend 67530.
McGinty, M. and J., Rural Route 1, Seward 67577.
McGarth, J. and J., Emmett 66422.
McGuire, M. and Hillyard G., d.b.a. G. & M. Puppy Love District, 1529 West Laurel, Lot 31, Independence 67301.
McGuire, J., Box 340, Maple Hill 66507.
McKibben, M. J., Route 2, Garnett 66032.
McLaughlin, S. and R., Route 3, Holton 66436.
McLean, P. B., d.b.a. McLeans Mini Kennels, Route 1, Anthony 67003.
McNally, D. T., Havensville 66432.
McPeak, L. and S., Glen Elder 67446.
McPhail, E., Box 725, Ashland 67831.
McVey, R., d.b.a. McVey Kennels, Rural Route 2, Wathena 66090.
Melia, P. M., d.b.a. Point Rock Kennels, Box 836, Elkhard 67950.
Melton, C. and J., d.b.a. C. & J. Kennels, 19117 Johnson Drive, Shawnee 66218.
Melvin, N. K., Rural Route 1, Soldier 66540.
Metzen, L., Goddard 67052.
Meyer, L. A., 704 Iowa, Holton 66436.
Michaud, M. and L., 1427 Washington, Emporia 66801.
Mid-Continent Research Animals, Inc., Box 3184, Shawnee 66203.
Miles, C. and M., Route 2, Box 289, Belleville 66935.
Miller, D., 2408 Lynn Rae, Wichita 67210.
Miller, J. J., Route 2, Wamego 66547.

Miller, K. J., Route 2, Box 86, Girard 66743.
Miller, L., d.b.a. Millers Kennels, Rural Route 2, Abilene 67410.
Miller, P. L., d.b.a. Millrock Kennels, Route 1, Hutchinson 67501.
Miller, R. and C., Box 5, Scranton 66537.
Mills, B. and P., d.b.a. Mills Kennels, Route 4, 1700 West Oak, Independence 67301.
Mills, E. M., Centralia 66415.
Milne, C. G., P.O. Box 8, 101 North Street, Seneca 66538.
Mitchell, C. and S., d.b.a. Kingdom Kennels, Route 1, Valley Falls 66088.
Mizer, A. M., Jennings 67643.
Moffitt, L. P., 1302 Spruce, Concordia 66901.
Moffitt, R. G. and B., Route 1, Box 96, Washington 66968.
Montgomery, E. M., Rural Route 3, Ottawa 66067.
Monty, R. A., 500 West 2nd, Washington 66968.
Moody, G. K., Route 1, Holton 66436.
Moore, C. R., Route 2, Wamego 66547.
Moore, J. E., 409 West Vermont, Osborne 67473.
Moore, L. K., Box 214, Highland 66035.
Moore, P. L., Route 2, Westmoreland 66549.
Moore, M. F., Route 1, Uniontown 66779.
Moots, B. and S., d.b.a. Lazy M. Kennel, Route 5, Box 141, Hutchinson 67501.
Morland, L. J., 207 East Southern Boulevard, Girard 66743.
Morrell, V., Box 179, Blue Mound 66010.
Morris Kennels, d.b.a. Morris Kennels, Route 1, Holcomb 67851.
Morris, E., Route 2, Fredonia 66736.
Morrison, K. J., 1770 West 6th, Colby 67701.
Mosen, D. and B., Route 1, Box 135, Washington 66968.
Mosher, H. D. and M., d.b.a. Moshers Kennels, Route 1, Meriden 66512.
Mosteller, O., Bern 66408.
Muller, C., d.b.a. Izzy's Poodle Parlor and Kennel, Route 1, Solomon 67480.
Murdie, L. E., d.b.a. Sir Lil Lin Kennel, Box 153, Garfield 67529.
Murphy, S., 400 West 12th Street, Junction City 66441.
Myers, G. R. and V., 123 Williams, Derby 67037.
Myers, J. and G., d.b.a. Myers Puppy Ranch, Route 1, Elsmore 66732.
Myers, T. and E., Route 1, Galesburg 66740.
Myrick, R. E., Rural Route 2, pleasanton 66075.
Nelson, R. and D., Route 2, Concordia 66901.
Nelson, R. and D., d.b.a. Nelson Pets, 321 South Main, McPherson 67460.
Nelson, R. A., d.b.a. Nelson Kennel, 824 Central, P.O. Box 156, Humboldt 66748.
Nelson, S., d.b.a. Shanels Kennels, Delavan 66847.
Newell, C. and M., d.b.a. Carl's Dog Parlor, 517 North 8th Street, Lawrence 66044.
Newell, L., Clifton 66937.
Newhall, S., d.b.a. New Halls Kennels, Rural Route 1, Great Bend 67530.
Newman, D. H., d.b.a. Lake View Kennels, Route 1, Holton 66436.
Newman, R., P.O. Box 173, Valley Falls 66088.
Newton, E. and W., 1315 North Polk, Topeka 66608.
Niblack, T. and E., d.b.a. Nikhan hillside Kennels, Route 2, Box 17, 302 East Bradley, Sedan 67361.
Niehues, M., Wetmore 66550.
Nightingale, R., Box 82, Corning 66417.
Noble, Pa., 809 Cherokee Street, Box 536, Oskaloosa 66066.
Nolte, C., Rural Route 1, Corning 66417.
Nondorf, J. and M., d.b.a. Tamra Kennels, Route 1, Scandia 66966.
Noonan, S. A., Rural Route 1, Burlingame 66413.
Norris, L. G., Rural Route 1, Rossville 66533.
Norris, L. K., Rural Route 1, Box 38, Winchester 66097.
Noyes, C. and L., Box 147, Jamestown 66948.
Nurez, C. and Murphy, C., Route 1, Box 119, Chanute 66720.
Obermueller, L. and G., d.b.a. L. and G. Kennels, Route 2, Box 123, Lincoln 67455.
Odgers, J. and R., d.b.a. Jenbe Kennels, Route 1, Clyde 66938.
Ogle, D. and J., 306 East 6th, Cherryvale 67335.
Ohlde, M., Route 1, Box 59, Palmer 66962.
Olberding, R. A., Whiting 66552.
Oller, M. and M., d.b.a. Shady Nook Kennel, Box 214, Cunningham 67035.
Olson, D., Randolph 66554.
Olson, G. and E., Route 1, Axtell, 66403.
Oshea, N., Mayetta 66509.
Osner, M., d.b.a. Osner Kennels, Rural Route 2, Cunningham 67035.
Osterhaus, M. A., Box 72, Wetmore 66550.
Oswald, R., 315 North Second, Conway Springs 67031.
Otte, G. and J., d.b.a. Walnut Valley Kennels, Rural Route 1, Great Bend 67530.
Oullette, A., 807 South C, Washington 66968.
Oyler, R. and S., Box 323, Havana 67347.
Ozburn, W., Route 2, Box 220, Douglass 67039.
Palecek, M., Route 1, Munden 66959.
Palenske, R. and G., Route 3, Scott City 66547.
Palmer, E. L. and K., Palmer, K., Coffeyville 67337.
Palmer G., Route 4, Abilene 67410.
Palmquist, L., Rural Route 2, Concordia 66901.
Pape, E., 107 East 4th, Frankfort 66427.
Paradies, A., Box 144, Mayetta 66509.
Patterson, B. and Jesseph R., Box 267, Kansas 67524.
Patterson, D., Route 2, Anthony 67003.
Patterson, J., Parallel Road, Netawaka 66516.
Peden, R., d.b.a. Peden Kennels, Route 2, Troy 66087.
Peters, A. and C., Rural Route 1, Little River 67457.
Peters, D. and J., Route 1, Box 30, Olsburg 66520.
Peters, W., Box 52, Little River 67457.
Peterson, H., Box 23, Garfield 67529.
Peterson, L., Route 1, Box 59, Sylvan Grove 67481.
Petron, D. L., d.b.a. D. and L. Hidden Valley, Rural Route 5, Box 331, Hutchinson 67501.
Pfeffer, R. F., d.b.a. Leebobs Kennel, Rural Route 1, Hoyt 66440.
Phillips, C. and E., d.b.a. Happy Hollow Kennel, 3355 North 115th, Kansas City 66109.
Phipps, B., 7233 Ida, Wichita 67233.
Piland, D. R., Rural Route 1, Box 55A, Macksville 67557.
Piserchia, C., P.O. Box 63, Kincaid 66039.
Pitsch, L., Box 368, Alma 66401.
Pitzer, W. J., d.b.a. Pitzers Kennels, Route 1, Concordia 66901.
Plattner, D., 1530 West Main, Sabetha 66534.
Polley, R. A., P.O. Box 113, Kincaid 66039.
Pollock, E., Soldier 66540.
Portenier, H. L., d.b.a. Fort Bissell Kennels, Route 3, Box 12A, Phillipsburg 67661.
Porter, L. and A., Route 1, Goff 66428.
Porter, V., d.b.a. Porter Equipment Co., Rural Route 1, Clay Center 67432.
Pouch, R. A., Route 1, Box 15, Chase 67524.
Prell, A. A., Oketa 66518.
Price, B. A., 3206 Wilder Road, Topeka 66617.
Price, M. R., Route 2, Iola 66749.
Prieb, M. E., Buhler 67522.
Prince, A. and M., 1233 West 18th, Junction City 66441.
Ptacek, F. R., Route 3, Russell 67665.
Ptomey, J. and J., Route 1, Havensville 66432.
Pugh, M., Route 2, Box 183, Mayetta 66509.
Pulliam, L. L., 7524 Ida, Wichita 67233.
Pywell, C. W., d.b.a. Pywells Kennels, 402 South Meridan, Plainville 67663.
Quirk, B. and S., d.b.a. Quirks Kennels, Rural Route 2, Reading 66868.
Raile, C. and I., d.b.a. I-C Royal Puppy Kennels, Route 1, Box 372, St. Francis 66756.
Rainbolt, M. W. and S., Route 1, Ellinwood 67526.
Rains, W. and L., Route 1, Box 178, Coffeyville 67337.
Ratzlaff, R., Route 1, Box 108, McCune 66753.
Ray, R. L., Valley Falls, Valley Falls 66038.
Redenbaugh, I., 306 East Division, Dodge City 67801.
Reed, L. S., Box 514, Rural Route 1, Tonganoxie 66086.
Reed, N. M., Box 63, Soldier 66540.
Reiman, J. K., 1330 Johnson Drive, Junction City 66441.
Reimler, W. and W., Rural Route 4, Box 53, Junction City 66441.
Renfro, J. J., 1131 North Kansas Avenue, Topeka 66608.
Renfro, G. S., 1135 North Kansas Avenue, Topeka 66608.
Renn, J. C. and T., Route 2, Box 270-D, Pittsburg 66762.
Renner, D. L., Devees Kennels, Route 1, Wallace 67761.
Reynolds, B. and S., Rural Route 1, Cuba 66940.
Reynolds, F. and V., Vis Pom House, Box 86, Longton 67352.
Reynolds, P., Box 111, Cuba 66940.
Rhine, D. and D., Tri Oaks Kennels, Rural Route 1, Narka 66960.
Rhine, R. and D., Route 1, Haddam 66944.
Ricard, W., Washington 66968.
Rice, B. K., Little Triangle Kennel, 700 West 5th, Valley Center 67147.
Rice, D. C. and J. A., Rural Route 1, Glasco 67445.
Rice, N., Route 1, Meriden 66512.
Rich, J., 4401 North Halstead, Hutchinson 67501.
Richeson, D. C. and D. K., Route 5, Box 39, Lawrence 66044.
Richter, E., Richters Kennel, Box 83, Green 67447.
Ricker, F., Kanapolis 67454.
Ricketts, E. and K., Ge-Ka Kennels, Route 1, Box 19, Little River 67457.
Riescheck, E. L., Soldier 66540.
Rising, B. and H., Burden 67017.
Rising, B. L. and H., Route 2, Burden 67019.
Rittel, J., Rittel's Kennel, Rural Route 1, Box 75, Chapman 67431.
Ritz, G. L., Route 2, Box 15, Erie 66733.
Roberts, C. D., Oakhill Kennels, P.O. Box 7, Oak Hill 67472.
Robertson, C. and B. L., Box Stables and Kennels, Route 1, Kinsley 67547.
Robey, G. J. and J., P.O. Box 282, Garden Plan 67050.
Robinson, M. E. and J. K., Mar Ka Kennel, 601 North Boyd, Caldwell 67022.
Rodgers, J. E., Jer May Kennels, Route 1, Concordia 66901.

Roever, A., Odell 68415.
Rollenhagen, H. E., Westmoreland 66549.
Ronnebaum, G. H., 6133 Northwest Brickyard Road, Topeka 66618.
Ronnebaum, L., Corning 66417.
Ronsse, E., Rural Route 1, St. Mary's 66536.
Rose, L., Washington 66968.
Ross, F., Box 6, Pawnee Rock, 67567.
Rottinghaus, G., Route 3, Seneca 66538.
Rottinghaus, G. F., Rural Route 1, Box 28, Bern 66408.
Rouse, G., 220 North Poplar, Beloit 67420.
Routh, V., Route 1, Sedan 67361.
Rowland, S., Rural Route 1, Marysville 66508.
Rudolph, D., Rudolphs Kennels, Route 1, Lincolnville 66858.
Ruetti, R. L., 306 East 8th, Frankfort 66427.
Rule, A., Rules Kennels, Rural Route 2, Norton 67654.
Runnebaum, B. A., Shady Rest Kennel, Rural Route 1, Box 126, Beattie 66406.
Rush, J., Route 1, Bendena 66008.
Russell, J., Centralia 66415.
Russell, O. V., Route 3, Box 164, Fredonia 66736.
Russell, S. M., Home 66438.
Saling, M., 313 North Pine, Moline 67353.
Sallman, E., Sallman Kennels, Box 64, Auroa 67417.
Salyer, S. L., Happy Hills Kennels, Rural Free Delivery 1, Box 157F, Lawrence 66044.
Sand, L., d.b.a. Oleo Acres Kennels, Rural Route 3, McPherson 67460.
Sanders, J. E., d.b.a. Potter View Kennel, Route 3, Box 79, Atchison 66002.
Sandy, L., d.b.a. Sandy's Scottie Kennels, Rural Route 2, Box 134, Great Bend 67530.
Sanford, C. R. and J. M., Route 2, Box 158, Belleville 66935.
Sartin, M. and L., Route 1, McCune 66753.
Satterthwaite, P., d.b.a. Satterthwaite Kennels, Route 2, Udall 67146.
Saucier, R., Route 3, Abilene 67410.
Saurage, H. and M., Havensville 66432.
Savage, L., Rural Route 2, Soldier 66540.
Sawin, De, Route 1, Washington 66968.
Schaffter, J. M. and S. A., Rural Route 1, Arlington 67514.
Schiff, D., Sharon 67138.
Schiff, K., Sharon 67138.
Schmelzle, G. J., Rural Route 1, Box 36, Corning 66417.
Schmidt, J. L., d.b.a. Schmidts Kennels, Route 2, Dodge City 67801.
Schmitz, L., Route 1, Baileyville 66404.
Schmitz, R., Baileyville 66404.
Schultejans, C., Route 2, Goff 66428.
Schultz, J. and M., d.b.a. Fin & Feather Pet Shop, 1221 Spencer, Newton 67114.
Schwinn, M., d.b.a. S. & S. Kennels, Route 1, Box 166C, St. George 66535.
Scott, H. D., Route 1, Box 43, Mankato 66956.
Scott, H. D. and J. E., d.b.a. Jarl's Kennels, Route 2, Box 43, Mankato 66956.
Scott, R. E., 220 South Lorraine, Hutchinson 67501.
Sears, J. L., Route 1, Box 20, Erie 66733.
Sedlacek, E., Route 1, Frankfort 66437.
See, W. L. and T., Route 1, Scott City 67871.
Seever, H, Box 71, Highland 66035.
Selfridge, K. and J., Box 215, Dighton 67839.
Selm, E. N., d.b.a. Shady Corner Puppy Farm, Route 2, Box 102, Attica 67009.
Sharp, M. J., d.b.a. S. & P. Fish House, P.O. Box 8, Elk Falls 67345.
Sheahan, E., Route 1, 528 G Street, Kingman 67068.
Sheets, D. and C., d.b.a. Char D Kennels, Rural Route 1, Box 221, Assaria 67416.
Shell, H., Route 2, Valley Falls 66088.
Shell, R. M., Route 2, Box 132, Valley Falls 66088.
Shelton, J., d.b.a. Hilltop Kennels, Box 275, Spring Hill 66083.
Sheppard, G., 3308 Skyline Drive, Topeka 66614.
Sherwood, K. and G., Rural Route 2, Concord 66901.
Shields, F., d.b.a. Shields Kennel, Glade 67639.
Shields, W. E., Route 2, Parsons 67357.
Shipman, T. G., Nortonville 66060.
Shively, B., Route 1, Walnut 66780.
Shroyer, D., d.b.a. North Gate Kennels, Rural Route 2, Miltonvale 67466.
Shughart, D., d.b.a. Deltaire Kennels, Route 1, Box 207, Perry 66073.
Shull, C. and M., Route 1, Dennis 67431.
Shute, E., d.b.a. Jeris Kennels, Route 1, Red Cloud 68970.
Siemsen, R. L. and M., Rural Route, Holyrood 67450.
Sigg & Close, 405 North Elm, Iola 66749.
Silver, L. V., Morganville 67468.
Sinclair, F. or K., Route 2, Iola 66749.
Sinclair, H. L., 311 South Vermont, Iola 66749.
Sipes, M, Route 1, St. Marys 66536.
Sis, B., d.b.a. Sis Kennels, Route 3, Box 273, Concordia 66901.
Sleichter, Jr., K., Box 4, Carbondale 66414.
Slemp, R. N., d.b.a. Saints Haven Dog Kennel, Rural Route 1, Moscow 67952.
Smart, L. E., Route 1, Burlington 66839.
Smethers, G. M. and L. W., Rural Route 2, Garnett 66032.
Smiley, G., d.b.a. Smiley's Kennels, Route 1, Larned 67550.
Smiley, G. L., Box 158, Pawnee Rock 67567.
Smith, C. S., Route 1, Arkansas City 67005.
Smith, D. A., Scottsville 67477.
Smith, E., Route 2, Erie 66733.
Smith, F., Route 2, Goff 66428.
Smith, H., d.b.a. Yockey Creek Kennel, Route 1, Box 149, Delphos 67436.
Smith, J., Box 123, Glenelder 67446.
Smith, J. and B., d.b.a. Windy Hollow Kennels, R.F.D. 1, Box 76, Fairview 66425.
Smith, L. and C., Route 3, Clyde 66938.
Smith, L. and T., Box 148, Jamestown 66948.
Smith, L. P., Rural Route 4, Junction City 66441.
Smith, M., Route 3, Box 702, Lyons 67554.
Smith, M., 605 North Prairie, St. John 67576.
Smith, Z. M., 705 North Sycamore, Iola 66749.
Smith's Enterprises, Inc., Rural Route 1, Box 80BB, Garden Plain 67050.
Smythe, D. R., Rural Route 2, Box 137, Holton 66436.
Snodgrass, V. and G., 923 King, Atchison 66002.
Sobba, D. J., Rural Route 1, Richmond 66080.
Solze, R. and J., Utica 67584.
Southerland, Jr., R., d.b.a. Valley View Kennels, P.O. Drawer B, Sedan 67361.
Sparks, B., d.b.a. Sparks Kennels, Route 4, Salina 67401.
Spear, A. and D., d.b.a. Lazy S Kennel, Route 1, Concordia 66901.
Spire, A. W., Route 1, Independence 67301.
Spittles, L. M., d.b.a. Spittles Kennels, Route 1, Alta Vista 66884.
Spore, A. K., Route 1, Box 140, Newton 67114.
Spresser, A. and N., d.b.a. Spresser Kennels, 5th and Minnesotta Street, Selden 67757.
Stackley, E., d.b.a. Hosta's Kennel, Route 4, El Dorado 67042.
Stallbaumer, J., Rural Route 2, Box 16, Seneca 66538.
Stallbaumer, P., Route 1, Centralia 66415.
Stallbaumer, R., Route 1, Seneca 66538.
Standish, S., 9015 Kansas Avenue, Kansas City 66111.
Stange J. L. and D., Route 1, Elsmore 66732.
Stange, L. and H., Route 1, Elsmore 66732.
Steele, D. A., Box 65, Corning 66417.
Steele, J. K., 418 Apollo Street, Silver Lake 66539.
Steele, M. L., Goff 66428.
Steele, R. and S., Route 3, Paola 66071.
Steffens, D. G., 20600 West 55th, Shawnee 66218.
Steffens, R., Box 1016, Frontenac 66762.
Steffey, J. and P., d.b.a. Deleware Valley Kennels, Route 2, Box 106, Oskalolosa 66066.
Steinfort, H. A., Box 155, Blue Rapids 66411.
Steinlage, F., Route 1, Corning 66417.
Steinlage, M., 313 North 6th, Seneca 66538.
Stephens, H., d.b.a. Stephens Kennels, Route 1, Box 130A, Independence 67301.
Stevens, A. T. and G. R., d.b.a. Stevens Kennels, Route 1, Valley Falls 66088.
Stevens, R. J., Box 867, Route 2, Manhattan 66502.
Stevenson, T., Route 2, Oswego 67356.
Stock, V., Route 1, Box 62, Beattie 66406.
Stolte, E., Route 1, Box 140, Linn 66953.
Stone, L. K., Leonardville 66449.
Strahm, J. D., d.b.a. G. & J. Kennels, Route 5, Hiawatha 66434.
Streich, S., Route 1, Mayetta 66509.
Stucky, A., Route 1, Box 81, McPherson 67460.
Stuhlsatz, J. P., Route 1, Garden Plain 67050.
Subera, A., Route 1, Box 58, Caldwell 67022.
Surface, B. L., Box 127, Marquette 67464.
Sutton, C., d.b.a. Skyview Kennel, Route 1, Marysville 66508.
Sutton, L. L. and W. M., Rural Route 5, Paola 66071.
Swartz, H. and N., Box 115, Alexander 67513.
Swearingin, D. G., Route 3, Independence 67301.
Sweet, M. Y., Route 2, Box 43, Formoso 66942.
Swihart, R., Box P-73, Quinter 67752.
Swinton, W. L., Box 162, 905 West Blaine, Pratt 67124.
Swisher, G., Rural Route 1, Box 86B, Delia 66418.
Synoground, R. and C. and Long, J. D., d.b.a. Muncie Boarding Kennel, 99 North 61st Street, Kansas City 66102.
Tamerius, C. and D., Cuba 66940.
Tangeman, V., d.b.a. Tangemans Kennels, Corning 66417.
Tate, L., d.b.a. Tate's Kennels, Box 125, Scandia 66966.
Tate, L., Box 43, Corning 66417.
Taylor, H. S., Box 248, Douglass 67039.
Taylor, I. L., Route 1, Solomon 67480
Teetzen, W. F., Route 1, Box 23, Junction City 66441.
Terflinger, M. and K., Route 1, Box 40, McCune 66753.
Tessendorf, L., Rural Route 1, Box 74, Circleville 66416.
Teter, R. and D., Route 1, Maize 67101.
Tharel, L., Route 1, Box 166, Mulvane 67110.
Theracon Inc., Box 1493, Topeka 66601.
Thieme, M., Wetmore 66550, Wilmore 67155.
Thieme, L., Bern 66408.
Thiry, R. M., Route 1, Box 104, McLouth 66054.
Thomas, J., Route 1, Box 70, Peru 67360.
Thomas, J. E. and V. M., 304 South 15th, Independence 67301.

Thompson, A., Route 2, Box 55, Independence 67301.
Thompson, A., 612 Iowa, Holton 66436.
Thompson, O. M., d.b.a. Hillside Kennel, Route 2, Concordia 66901.
Thompson, P., d.b.a. Toy Acres Kennels, Route 2, Harper 67058.
Thompson, R. E., Route 2, Sterling 67579.
Thonen, R., Circleville 66416.
Tincknell, A. E., 1210 North 7th Street, Neodesha 66757.
Tinklin Dog Kennel Inc., Route 2, Goff 66428.
Todd, J., Route 2, Formoso 66942.
Toews, G. W. and D., Route 2, Canton 67428.
Tompkins, A. and V., d.b.a. TNT Kennels, Box 115, Athol 66932.
Tonne, R. A., 1009 Eisenhower, Norton 67654.
Tosland, W. R. and L., Sunflower Motel, Russell 67665.
Tower, M. F., d.b.a. T 3 Kennels, Route 1, Anthony 67003.
Traflane Kennels Inc., Route 1, Soldier 66540.
Trimble, G., Clyde 66938.
Troyer, R., Route 1, Leonardville 66449.
Truhlicka, T. L., d.b.a. TSC Kennels, Route 1, Box 90, Barnes 66933.
Tucker, L., Box 55, Welda 66091.
Tucker, U., d.b.a. Tucker St. Bernard Farm, Route 1, Box 5, Welda 66091.
Turk, D. J., Route 1, Barnes 66933.
Tuttle, D. A., Route 1, Lucas 67648.
Tyler, T. P., 7945 West Sherman Road, Meriden 66512.
Ubel, B., Route 2, Westmoreland 66549.
Uhrlaub, E. K., d.b.a. Twin Pines Kennel, Route 1, Meriden 66512.
Ullery, L., Rural Route 2, Scranton 66537.
Ullery, S., Rural Route 2, Scranton 66537.
Usher, C. B., 110 Hora Avenue, Sedan 67361.
Uttinger, J. R., d.b.a. Dick's Animal World, 16144 East Kellogg, Wichita 67230.
Van Epps, J., Route 1, Robinson 66532.
Van Gosen, B., R.F.D. 2, Box 52, McLouth 66054.
Van Loenen, G. O., Box 153, Bogue 67625.
Vaughn, L., Rural Route 2, Iola 66749.
Verbonitz, I., d.b.a. Hidden Valley Farm, Rural Route 2, Box 4, Junction City 66441.
Vest, L., Route 3, Iola 66749.
Vest, S. P., 702 South Kentucky, Marion 66861.
Vinduska, W. F., Route 3, Box 163, Marion 66861.
Vining, C. B., Rural Route 1, Box 643, Mulvane 67110.
Vinson, S., 700 Northeast 3rd, Abilene 67410.
Vinsonhaler, B., 509 North A Street, Smith Center 66967.
Visonhaler, J., Rural Route 3, Smith Center 66967.
Vlk, W., d.b.a. Vlkhamstery, 704 North Cedar, Marion 66861.
Voit, C., Box 111, Navarre 67649.
Wacker, L. and R., d.b.a. Smoky River Kennels, Box 73, Kanopolis 67454.
Wagner, D., 305 Utah Street, Hiawatha 66434.
Waite, O., Route 2, Kingman 67068.
Walbridge, R., Route 2, McLouth 66054.
Walker, C. L., 414 West 83rd Street, Wichita 67233.
Walker, D. C. and J. S., d.b.a. Highland Creek Kennel, Box 472, Macksville 67557.
Walker, R. and P., d.b.a. Silverdale Kennels, Route 1, Box 62, Macksville 67557.
Walters, R. G. and W., d.b.a. Prairie View Kennels, Route 1, Cassoday 66842.
Ward, C. and E., Elk City 67344.
Ward, L. H., Colony 66015.
Ward, M. and H., Route 3, Iola 66749.
Ware, K., Route 1, Mound Valley 67354.
Warnica, R. E., Route 1, Box 51, Marion 66861.
Warren, L., Route 2, Iola 66749.
Wassenberg, L. R., 901 Hillcrest, Marysville 66508.
Wassenberg, W. A. and A., d.b.a. Blacktop Kennels, Route 1, Balleyville 66404.
Waterman, E. and N., Rural Route 1, Box 135, Glasco 67445.
Watkins, C. and P. and C., 740 Northeast 43rd, Topeka 66617.
Watkins, C. and P. and C., Route 2, Box 86, Gerard 66749.
Watkins, G., Holton 66436.
Watkins, L., Goff 66428.
Watts, G., Route 3, Sabetha 66534.
Weatherhead, D., Route 2, Concordia 66901.
Webb, H., d.b.a. Echo Hill Kennels, Route 2, Box 64, Atchison 66002.
Webb, W. L., d.b.a. W. J. Kennels, 2421 North 6th, Dodge City 67801.
Weber, W. and J., 115 North Chesnut, Beloit 67420.
Webster, A. W., Route 1, Box 59E, Fort Scott 66701.
Webster, M. and W., Route 2, Box 102, Chanute 66720.
Wedell, R., 213 North Cherokee, Girard 66743.
Weixelman, R. D., 5943 Northwest Leedy Road, Topeka 66618.
Welsh, P. R. and P., 300 East 6th, Solomon 67480.
Wenger, L. V., Route No. 1, Powhatten 66527.
Wenger, V. C., Route 1, Powhattan 66527.
Wertzberger, D. and S., Rural Route 2, Box 52, Alma 66401.
West, R. R., d.b.a. West Kennels, Route 2, Colony 66015.
Westoff, N., Route 1, Box 95, Erie 66733.
White, W. L., d.b.a. Cedar Point Kennel, 312 East Bowers, Sedan 67361.
Whited, P. D., d.b.a. Pat's Canine Boutique, 603 North Jackson, Pratt 67124.
Whitwam, D., 1528 East 22d Street, Topeka 66605.
Widmar, G., d.b.a. The Widmar's, Route 3, Box 48, Girard 66743.
Wiechman, L. and S., d.b.a. L. & S. Kennels, Rural Route 3, Winfield 67156.
Wiens, R. H., Rural Route 3, Box 134, McPherson 67460.
Wiesner, D. J., 359 West Third, Hoisington 67544.
Wietharn, C., Rural Route 1, Clay Center 67432.
Wigton, B., d.b.a. Wigton's Chihuahuas, Route 2, Box 106, Columbus 66725.
Wilkins, P., Miltonvale 67466.
Willhaus, M., Route 2, Sterling 67579.
Williams, E., 315 West Buffalo, Girard 66743.
Williams, L., Route 4, Hiawatha 66434.
Willis, M. V., Rural Route 2, Oswego 67356.
Wilson, F., d.b.a. Lazy Acres Kennels, Box 109D, Route 2, Louisburg 66053.
Wilson, J. and W., 1402 East 19th, Hays 67601.
Wilson, L., Rural Route 1, Scranton 66537.
Wilson, S., 403 West 1st, Coffeyville 67337.
Winans, D. R., 3130 Wyandott Circle, Kansas City 66106.
Windmeyer, F., R.F.D. 5, Hiawatha 66434.
Winslow, L. M., Blue Rapids 66411.
Wint, V. J., Route 4, Independence 67501.
Wiseman, D., 200 Cheyenne, Hiawatha 66434.
Wisemiller, W. and R., d.b.a. Rumax Kennels, Route 3, Box 50A, Sabetha 66534.
Witt, Jr. N. T., Box 124, Hudson 67545.
Witt, E. J., Route 2, Wamego 66547.
Witten, T. and C., Route 4, Box 155, Chanute 66720.
Wittmer, J., Rural Route 1, P.O. Box 49, Bern 66408.
Wittum, R. F., 1515 North 10th, Independence 67301.
Woerner, R., Route 1, Linn 66953.
Wolf, P., Box 46, Morganville 67468.
Wolfe, A. L. and L., 126 South 9th, Rural Route 2, Box 11C, Osborne 67473.
Womelsdorf, R., d.b.a. Womelsdorf Kennels, Route 1, Box 89, La Harpe 66751.
Wood, W. V. and J. J., d.b.a. Kennelwood Kennels, Route 1, Box 265, Fort Scott 66701.
Woodhead, G., 1339 Haskell, Lawrence 66044.
Woods, D. and E., D. and L. Kennels, Box 421, Elkhart 67950.
Worcester, B. and J., Route 2, Hill City 67642.
Worm, L., Webber 67770.
Worthy, D., d.b.a. Worthy's Kennels, Box 106, Parsons 67357.
Wortman, L., Route 1, Box 111, Medicine Lodge 67104.
Wray, J. A., Wray Kennel, Route 2, Norton 67654.
Wray, W. and J., 315 Oklahoma, Lawrence 66044.
Wright, J. G., d.b.a. Wright-Way Kennels, Route 1, Box 90, Home 66438.
Wrisley, L. K., d.b.a. Lynnett Prairie Kennels, Route 2, Pretty Prairie 67570.
Wrosch, G. and V., Route 1, Box 164, Perry 66073.
Wullschleger, P., Route 1, Box 103, Frankfort 66427.
Wyatt, P. A., P.O. Box 692, Douglass 67039.
Wylie, K. and J., Box 22, Hamilton 66853.
Yacko, L., 302 Oak Street, Cawker City 67430.
Yarnell, V., Route 1, Box 196, Erie 66733.
Yeubanks, G., d.b.a. Yeubanks Kennel, Route 3, Cherryvale 67335.
Yonning, B. J., Route 2, Westmoreland 66549.
Young, F. A., Route 1, Altoona 66710.
Zeiner, E., 1000 Rice Road, Topeka 66607.
Zerger, C. D., 500 Avenue A West, Kingman 67068.

Breathitt Rabbit Producers, Inc., Altro.
Hill, M. D., Rural 2, Box 204, Cecilia 42724.
Hoffman, J., d.b.a. A-1 Tropical Fish & Pet Center, Box 501, Corbin 40701.
Lucas, P., Route 2, Beattyville 41311.
Northcutt, M. E., d.b.a. Good Will Kennel, Route 5, Cynthiana 41031.
Roberts, W. C., d.b.a. Best pets & Laboratory Animals, 9224 Pagoda, Louisville 40229.
Smith, L. E., d.b.a. S&S Res Animals, Hilltop Kennels, P.O. Box 151, Lagrange 40032.
Vogelsberg, D. A., d.b.a. Vogelsberg's Cavery, 3819 Hillcreek Road, Louisville 40220.
Whitehead, D., d.b.a. Whitehead Kennels, 900 Riverside Drive, Wurtland 41144.
Williams, J. U., d.b.a. Williams KY Cavies, 7811 Dobson Road, Fern Creek.
Wood, J. K., Route 1, Bagdad 40003.

Benedetto, F., d.b.a. Rose Garden Center, 4005 Westbank Expressway, Marrero 70072.
Bistineau Tropical Fish, Inc., P.O. Box 5897, Bossier City 71010.
Brown, J., Route 2, Box 700A, Cookson 74427.
Carroll, L., Route 1, Box 231, Zachary 70791.
Gulf South Research Institute, P.O. Box 1177, New Iberia 70560.

Hartness, L., 903 North Center Street, Ruston 71270.
Irwin, L. G., d.b.a. Live Oaks Kennels, P.O. Box 906, Iowa 70647.
Ozone Pet Supply, P.O. Box 145, Lacombe 70445.
Summer, C. and E., d.b.a. Alpha Kennels, Route 1, Box 29, Ida 71044.
Waubun Laboratories, Drawer C, Schriever 70395.

MAINE

Anderson, G. and J., d.b.a. Maple Grove Rabbit Farm, Leighton Road, Pownal 04069.
Bangor Pet Inc., RFD 3, Box 22, Bangor 04401.
Big Moose Corp., d.b.a. Down East Pet Center, Promenade Mall, Lewiston 04240.
Boucher, A. F., d.b.a. Hide-A-Way Rabbitry, 23 Speirs Street, Westbrook 04092.
Bradeen, A. E., d.b.a. Bradeen's Rabbitry, Sebago Lake 04075.
Cathedral Pines Nature Center, Inc., 145 Birch Street, Lewiston 04240.
Cool, T., Freedom 04941.
Cottontails Inc., 130 Falvey Street, Bangor 04401.
Dolan, R. W., P.O. Box 326, Farmington 04938.
Heikkinen, D. A., Route 1, Box 157, Turner 04282.
Kelly, F. C., 52 Westminster Street, Portland 04103.
King, L. W., 18 Hortin Street, Lewiston 04240.
Koehling, G. A., Bragdon Road, Freeport 04032.
Labelle, L. and M., d.b.a. Acadia Farm, RFD 3, Box 372, Ellsworth 04605.
Mains, Jr., E. A., d.b.a. Line Road Auction House, RFD 1, Gorham 04038.
McLaren, G. and R., Thumper Farm, Harrison 04040.
Perley, H. D., d.b.a. White Animal Farm, Landing Road, RFD 4, Scarboro 04074.
Skibicki, J., 5 Sayward Street, Kennebunk 04043.
Smith, E. and M., d.b.a. Northland Wolf Colony, Box 258, Wells 04090.
Smith, M., Chute Road, Rural Delivery 2, South Windham 04082.
Smith, W. and L., Old Buxton Road, Saco 04072.
Telaco, d.b.a. BIO Research Consultants, RFD 1, Box 101-8, Bar Harbor 04609.
The Jackson Laboratory, Bar Harbor 04609.
Waycott, Sr., N. E., Buxton Road, Saco 04072.
Williams, E. E., RFD 5, Old Brunswick Road, Gardiner 04345.
World of Pets, 528 Main Street, South Portland 04106.
Wright, B., Heath Road, Kennebunk 04043.

MARYLAND

Albright, W. K., d.b.a. Albrights Feed, 12140 Jerusalem Road, Kingsville 21087.
Chauvenet, D. S., Box 454, Chestertown 21620.
Coral Hill Pets Unlimited, 4429 Southern Avenue SE., Washington 20019.
Eastern Pet and Hobby Shop, Inc., 423 Eastern Boulevard, Baltimore 21221.
Eckert, W. L., Harney Road, Taneytown 21787.
Fauna Inc., 3696 Old Silver Hill Road, Silver Hill 20023.
Frye, W. E., d.b.a. B&H Rabbitry, 13700 Travilah Road, Rockville 20850.
Georges Pet Shop, Inc., 5397 Annapolis Road, Bladensburg 20710.
Hahn, R. A., d.b.a. Little Things Unlimited, Route 3, Box 126, Thurmont 21788.
Harris, J. H., d.b.a. J. L. K. Hamsters, 12241 Dalewood Drive, Wheaton 20902.
J. E. M. Research, Inc., 3930 Knowles Avenue, Kensington 20795.
Kennedy, L., 308 North Locust Street, Hagerstown 21740.
L&M Pets Inc., Route 6, Box 384, Frederick 21701.
Latta, F. D. and B. R., d.b.a. B&F Farms, 7859 Clark Station Road, Severn 21144.
Litton Bionetics Inc., 5516 Nicholson Lane, Kensington 20795.
Reinhardt, R. E., d.b.a. Silver Hill Live Stock, 4700 Newman Road, Temple Hills 20031.
Savage, F., d.b.a. Waters Aquarium, 6 North Frederick Avenue, Gaithersburg 20760.
Smith, G. W., Rural Delivery 1, Box 117B, Henderson 21640.
Tropical Fish City Inc., 13312 Laurel Bowie Road, Laurel 20811.
Vieira, N. R., d.b.a. Seven Seas Tropical Fish, 7750 Old Marlboro Pike, Forestville 20028.
Walls, Sr., E., Route 1, Box 57B, Centerville 21617.
Yoder, E., Grantsville 21536.

MASSACHUSETTS

Allison, H. E., d.b.a. Allison Acres, 305 Flat Hill Road, Lunenburg 01462.
Animal Research Center of Massachusetts, Charles Lane Road, New Braintree 01531.
Archambault, F. E., d.b.a. Terre Haute Rabbitry, 167 Brigham Hill Road, North Grafton 01536.
Arsenauht, L., d.b.a. Lee's Livestock, 163 Warwick Street, Lawrence 01840.
Bachand, R., 22 Laura Keene Avenue, Acushnet 02743.
Berry, R. A., d.b.a. Bob's Bunny Barn, 161 Matfield Street, West Bridgewater 02379.
Bio-Research Institute, Inc., 9 Commercial Avenue, Cambridge 02141.
Boston Pet Supply, 200 First Street, Cambridge 02142.
Bows, R. C. and Olson Jr., F. A., d.b.a. Associated Rabbit Industries, P.O. Box 14, 92 Robbins Street, Avon 02322.
Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington 01887.
Connecticut Valley Biological Supply Co., Inc., Valley Road, Southampton 01073.
Czepiel, J. S., 26 Paderewski Avenue, Chicopee 01013.
Drowne, L., 68 Saddle Hill Road, Hopkinton 01748.
Exotic Fish and Pet World, Inc., 49 Russell Street, Hadley 01035.
Fay Jr., A. L., 11 Raymond Road, Burlington 01803.
Ferris, P. G., 180 North Main Street, Middleton 01949.
Finch, A. C., d.b.a. Pineland Farm Kennels, 93 Leonard Street, Raynham 02767.
Gardner's Turkey Farm, Inc., 1765 Bay Street, Taunton 02780.
Gaulitz, D. E., 154 Pine Street, Franklin 02038.
George C. Thorsen, Inc., 110 Turnpike Road, Fayville 01745.
Gingras, A. W., 47 Barton Avenue, 600 Wheeler Road.
Greene Jr., K. E. and P. A., d.b.a. Cranberry Highway Pet Village, 115 East Grove Street, Middleboro 02346.
Greenough, C. L., 282 Betty Spring Road, Gardner 01440.
Hartfinger, P. L., d.b.a. Hartfinger Farm & Rabbitry, Route 58 and Cresent Street, Plymptom 02367.
Jenks, F. H., 21 James Street, Feeding Hills 01030.
Johnson, W., 117 Spring Street, Foxboro 02035.
Katz, S., 9 Strawberryhill Lane, Danvers 01923.
Kydd, R. L., d.b.a. Elm Hill Breeding Lab, 71 Elm Street, Chelmsford 01824.
Landress, M., d.b.a. Margaret's Home Farm, Barton Heights, Greenfield 01301.
Legare, E., Greenwich Place Road, Ware 01082.
Mahan, B. L., d.b.a. Circle M Rabbitry, 4 Robinson Place, Westboro 01581.
Malone, V., Keyes Road, Warren 01585.
Masson, P. P., d.b.a. Masson's Small Animal Farm, 75 Goodhue Avenue, Dracut 01826.
New England Farms, P.O. Box 300, Sharon 02067.
Paradise Gardens Inc., 14 May Street, Whitman 02382.
Patnaude, H. N., d.b.a. Patnaudes Aquarium, 1193 Ashley Boulevard, New Bedford 02745.
Peck, A. S., Indian Road, Dudley 01570.
Peloquin Jr., P. R., d.b.a. Fig Tree Rabbitry, 200 North Street, 12-A, Danvers 01923.
Perry, T. D., 84 Winter Street, Marlboro 01752.
Platt, A. R., d.b.a. Pine Acre Rabbitry, 299 East Main Street, Norton 02766.
Ploof, D. H., 330 Gilbert Street, Mansfield 02048.
Research Resources and Services Foundation, Inc., 1 Pine Hill Drive, Southborough 01772.
Robinson, K. J., 91 School Street, Chelmsford 01824.
Serwecki, J. S., d.b.a. Serweckis Rabbitry, North Spencer Road, Spencer 01562.
Southwick Birds & Animals, Inc., Rural Free Delivery, Blackstone 01504.
Stephens, J. N., d.b.a. Farm 44 Rabbitry, Box 118, Carmel Street, Middleboro 02346.
Stevens, E. C., d.b.a. Stevens Rabbitry, 378 Reservoir Street, Holden 01520.
Swift, L. F., d.b.a. Swift & Sons White Oak Rabbitry, 93 Goudale Street, Peabody 01960.
Tucker F. and Woodford, E. J., d.b.a. Research Donor Service, 908 Hancock Street, Abington, 02351.
Tumblebrook Farm, Inc., RFD 1, Box 9, West Brookfield 01585.
Whip-O-Wil Farm Inc., RFD 1, South Bridge 01550.

MICHIGAN

Alber, H., Rural Route 5, Ann Arbor 48104.
Ann Arbor Biological Center, Inc., 6780 Jackson Road, Ann Arbor 48103.
Beekman, A., 3865 North Pilon, Muskegon 49445.
Black Lagoon Inc., 504 North Main Street, Royal Oak 48067.
Brown, D. E., 17911 Kenowa Avenue, Conklin 49403.
Ciszewski, H., d.b.a. Bettys Pet & Garden Center, Route 79, Box 239C, Houghton Lake 48629.
Cooper, E. J., 12595 Budd Road, Burt 48417.
Cooper, J. E., 79 Wainwright Street, Kent City 49330.
Day, L. A., d.b.a. Days Rabbit Farm, 7688 North Sheriden Road, Edmore 48829.
Deshone, J. and M., d.b.a. M&M Pet Supply, 5750 NM-13, P.O. Box 566, Pinconning 48650.
Dettmer, D. J., d.b.a. Dettmers Bunny Patch, Box 109 Garfield Road, Carson City 48811.
Ewert, M., d.b.a., Ewert Enterprises, 2059 South 3rd Street, Niles 49120.

Foster, S. D. and G. B., d.b.a. Ship A Hoy & Hobby Shop, P.O. Box 508, Standish 48658.
Freeman, C. F., d.b.a. Win Shur's, 9375 Big Lake Road, Clarkston 48016.
Griffor, L. and J., 4655 South Telegraph, Dearborn 48125.
Hodgins, G., d.b.a. Hodgins Kennel, 6110 Lange Road, Howell 48843.
Huff, P., Shady Oak Kennel, Route 2, Box 640, Gladsone 49837.
Hunt, D. J., 6237 Vinton Avenue, Comstock Park 49321.
International Animal Exchange, Inc., 1489 East Nine Mile Road, Ferndale 48220.
International Research and Development Corp., 500 North Main Street, Mattawan 49071.
Kauffman, A. H., 1048 Sunnydale, Burton 48509.
Klingenberg, R. G., 4504 137th Avenue, Hamilton 49419.
Laboratory Animals Inc., Countyline Road, Pentwater 49449.
Laborabory Research Enterprises, Inc., 6321 South 6th Street, Kalamazoo 49009.
Langshaw, N., d.b.a. Langshaw Farms, Route 1, Box 256, Augusta 49012.
Malmstead, I., d.b.a. Bow Wow Kennel, Route 1, Bark River 49807.
Merritt, E. J., d.b.a. Sky Sea Land Pet Shop, 531 South Court, Lapeer 48446.
Monson, J., Route 2, Barren 49120.
Radzilowski, E., d.b.a. Meadowbrook Farms & Co., 10533 Gratiot Road, Richmond 48062.
Richards, B. L., 2056 Hoover Road, Flint 48504.
Shankin, E., Shankins Rabbitry, 8412 Westminister, Warren 48089.
Stevens, L., R. & L. Pet Shop, P.O. Box 169, Atlanta 49709.
Taft, M. T., A&M Kennels, Route 7, Box 467, Escanaba 49829.
Ulrich, M. E., Route 2, Polk Road, Stanwood 49346.
Vitek, R. L., d.b.a. Vitek's Rabbitry, Route 2, 1670 South Airport Road, St. Johns 48879.
Wait, L. E., 10070 West B Avenue, Otsego 49078.
Wallace, K. D., d.b.a. Oakhill Rabbit Ranch, 1753 106 Avenue, Otsego 49078.
Woudenberg, R. J. and R. I., Rural Route 2, 19256 West Kendaville Road, Howard City 49329.

MINNESOTA

Anderson, R., 305 West Main, Clarks Grove 56016.
Baker, G., d.b.a. Gen Animal Farms, Box 212, Hutchinson 55350.
Banke, H. W., d.b.a. Harold's Rabbitry, 206 South Hickory Street, Lester Prairie 55354.
Beise, M., d.b.a. Beise Kennels, Jordan 55352.
Benigni, K. S., d.b.a. The Skunk Works, Cotton 55724.
Berg, L. L., d.b.a. Berg's Pomeranian Ranch, Route 1, Osakis 56360.
Bergland, K., Rural Route 1, Ellendale 56026.
Bernu, A., Route 1, Box 55, Bovey 55709.
Bio Lab Corp., 5228 Centerville Road, St. Paul 55110.
Blaine Midway All Pets, Inc., 10909 Radisson Road, Blaine 55434.
Boeve, J., Rural Route 1, Box 92, Beaver Creek 56116.
Braun, O., Route 2, Box 198, Worthington 56187.
Broadwater, W. J., d.b.a. Miss-Ayr Kennels, Preston 55965.
Brust, P. S., d.b.a. Oak Crest Kennels, 4770 South Robert Terrace, Inver Grove Heights 55075.
Bulau, P. and H., Rural Route 2, Glenco 55336.
Butler, D. P., Route 1, Box 51, Brainerd 56401.
Capranos, T. and T., d.b.a. T&T Hamster Hut, 1920 4th Avenue NW., Austin 55912.
Carlson, D. M., d.b.a. Tonka Pets, 4330 Shady Oak Road, Hopkins 55343.
Chance, W., Route 3, St. Joseph 56374.
Davidson, H. and C., d.b.a. Davidson's Fur Farm, Route 2, Box 128, Annandale 55302.
Deakins, H., d.b.a. Newfoundland Kennel & Farm, Route 1, Park Rapids 56470.
Diepold, B., Rural Route 1, Stewart 55385.
Dooley, E., d.b.a. Mel-Mae Kennel, Rural Route 2, Box 25, Ellendale 56026.
Doubler, B. B., d.b.a. Sunny Acres, Rural Route 2, Walnut Grove 56180.
Dowd, S. K., d.b.a. Dee Dee's Guinea Pig Farm, West Highway 52, Cotton 55724.
Eggestein, A. and J., d.b.a. C. C. Farm & Kennel, Route 2, Annandale 55302.
Erickson, K., d.b.a. Kay Jo's Cockers, 15647 Territorial Road, Maple Grove 55369.
Ferguson, B., d.b.a. Midwest Kennels, Rural Route 1, Canby 56220.
Ferguson, R., Route 1, Clearwater 55320.
Finne, L. and K., West Concord 55985.
Gleame, D., d.b.a. Evansland Kennels, Sunburg 56289.
Glime, R., d.b.a. City of St. James, 1002 7th Avenue North, St. James 56081.
Glover, F., Pine River 56474.
Griener, C. J., 5410 177th Lane NW., Anaka 55303.
Hamlett, L. and Myers, C., d.b.a. Oak Crest Rabbitry, 5725 Blake Road, Apartment 206, Edina 55436.
Harrington, D., Rural Route 2, Caledonia 55921.
Harrington, H. and C., d.b.a. Harrington Kennels, Route 1, Box 306, Brainerd 56401.
Herness, G., d.b.a. George Herness Sewell Lake Kennels, Box 34, Dalton 56324.
Hewitt Jr., C. V., d.b.a. Shamrock Kennels, Box 133, Crosslake 56442.
Hintgen, J., d.b.a. Sherry Ann Kennels, Route 3, Worthington 56187.
Hippert, D., Kasson 55944.
Hippert, M. E., 2526 South Bridge Street, New Ulm 56073.
Hoehne, K. F., Pine Island 55963.
Horak, E., Route 1, Box 53, Medford 55049.
Hubner, B., Route 4, Box 125, Pipeston 56164.
Hunter, R. and W., d.b.a. Maple Lane Kennel., Route 1, Waverly 55390.
International Biologics, Inc., 531 9th Street NW., New Brighton 55112.
Jester, P. M., Rural Route 5, Box 63, Austin 55912.
Johannes, J., d.b.a. R&J Rabbit Ranch., Route 1, Box 127, Little Falls 56345.
Johnson, E. M., Route 2, Box 33, Sauk Centre 56378.
Karger, B. and R., d.b.a. Sunshine Kennel, P.O. Box 113, Pengilly 55775.
Klar, R., Route 1, North Branch 55056.
Knutson, D. and J., d.b.a. D-J Doberman, Route 2, Lakefield 56150.
Konze, W. and V., d.b.a. Riverside Kennel, Star Route, Onamia 56359.
Kraft, K. G., d.b.a. Krafts Game Farm, Rural Route 1, Racine 55967.
Krohnberg, L. E., Rural Route 2, Blooming Prairie 55917.
Kubazewski, Jr., 426 East 13th Street, Duluth 55811.
Kuyava, G. C., 560 West Wabosha, Duluth 55803.
Lacy, R. L., d.b.a. 3-K Gerbil Ranch, 2498 Cohansey Street, St. Paul 55113.
Lambertson, V., Box 173, Rural Route 2, Stewart 55385.
Larson, N. L., d.b.a. Wayside Kennels, Route No. 2, Box 449, Longlake 55356.
Lucht, W., Route 3, Osseo 55369.
Madsen, D. K., d.b.a. Madsen Shooter Supp, 921 East 8th, Spencer 50301.
Mald, R., Rural Route 1, Sherburn 56171.
Malzahn, J. W., 850 Great Plains Boulevard, Chaska 55318.
Marshall, R. and P., d.b.a. Mashall's Touche Kennel, Route 2, Box 76, Shevlin 56676.
Mathes, Jr., H. L., d.b.a. Shadywalk Kennels, Route 4, Box 94, Mora 55051.
Maty, A. L., 345 Michigan Street, St. Paul 55102.
Matz, H., d.b.a. Fur Farm, Walters 56092.
McAllister, R. and J., 3669 140th Street NW., Prior Lake 55372.
McConkey, G. W., d.b.a. C. & J. Kennels, Rural Route 2, Brewster 56119.
Menning, R., Box 353, Edgerton 56128.
Miller, T. and J. and Champlin, F., d.b.a. Mill-Champ Kennels, Route 3, Austin 55912.
Mills, J., Route 1, Box 112, Brainerd 56401.
Minnesota Pet Breeders, Inc., d.b.a. Crume Kennels, Route 2, Box 102, Glyndon 56547.
Moen, S. and V., d.b.a. Moen's Bunny Bungalow, Verdi 56179.
Municipal and Private Service Inc., 506 11th Avenue North, Minneapolis 55411.
Nelson, J. F. and C. L., Route 1, Box 439, Little Falls 56345.
Neville, V. E., d.b.a. Snow Chalet Kennel, P.O. Box 384, Bemidji 56601.
Newcomb, D. E. and K., 16913 Highway No. 7, Hopkins 55343.
Niewohner, J., d.b.a. JLJ Ranch, Route 3, Box 79D, Little Falls 56345.
Nurmi, W. W., 519-7th Avenue, Two Harbors 55616.
Olson, R. S., Route 1, Box 1, Willmar 56201.
Pankratz, H. H., Mountain Lake 56159.
Perry, L. and M., Route 1, Box 164, Morn 55051.
Peterson, A. R., Rural Route 1, Box 212, Plainsview 55964.
Pine Crest Kennels, Rural Route 1, Byron 55920.
Radke, D., Route 1, Brownton 55312.
Ratzloff, W. B. and J., d.b.a. Ratzloff's Kennel, Route 1, Mountain Lake 56159.
Reek, O. G., d.b.a. Reeks Tropical Fish and Supply, 530 Magara Lane North, Wayzata 55391.
Rieff, G. W., d.b.a. Gopher State Caviary, 862 Atlantic Street, St. Paul 55106.
Rockman, M., Route 1, Box 168, Jordan 55352.
Rook, W., d.b.a. Big Stone Kennels, Beardsley 52611.
Rother, L., d.b.a. Vermillion River Kennel, 20649 Chippendale Avenue West, Farmington 55024.
Rovelstad, H., d.b.a. Koyukuk Kennels, Route 1, Pequot Lakes 56472.
Rutledge, R., d.b.a. Chuchi Kennels, Island View Route, International Falls 56649.
Schade, E. and L., d.b.a. Aquarius Pets, Rural Route 1, Ruthton 56170.
Scheiller, S. M., d.b.a. Rodent Ranch, Robbinsdale 55422, Minneapolis 55422.
Schemper, R. J. and M. J., Rural Route 3, Box 230, Worthington 56187.
Schmidgall, J., d.b.a. Evergreen Kennel's, Route 1, Box 139, Morris 56267.
Schmidt, A. M., Star Route, Sandstone 55072.
Schoonover, D. F., d.b.a. Oaklane Kennels, Hollandale 56045.
Schrock, W. W., Box 272, Loman 56654.

Schroeder, A., Route 1, Box 154, Kiester 56051.
Schultz, A., d.b.a. Boxie's Bulldog Kennel, Ceylon 56121.
Serger, M. L., Watkins 55389.
Sifers, D., d.b.a. Cimaroc Kennels, Box 251, Route 2, Morris 56267.
Staloch, R., d.b.a. R Supply Co., 5134 18th Avenue Northwest, Rochester 55901.
Strom, H., Route 1, Randall 56475.
Stromberg, L., d.b.a. Stromberg Pets Unlimited, 50 Lakes Route, Pine River 56474.
Style Pets Unlimited of Minnesota, 455 Northeast Taylor Street, Minneapolis 55413.
Swanson, W. E., d.b.a. Oak Ridge Kennels, Route 5, Box 882, Mound 55364.
Taylor, R. R., d.b.a. Taylor's Pets Unusual, Route 1, Box 365, Perham 56573.
Thompson, R., d.b.a. Thompson's Game Farm, Rural Route 1, Windom 56101.
Tilbury, J., Route 1, Grasston 55030.
Toenges, C. H., Rural Route 1, Alden 56009.
Trom, B. L., d.b.a. Stockbury Kennels, Rural Free Delivery 1, Box 176, Blooming Prairie 55917.
Urbach, L. and P., Route 3, Box 77, Frazee 56544.
Utoft, D. L., Utoft Kennels, Tyler 56178.
Vinar, Sr., D. J. and A. B., d.b.a. D. & A. Kennel, Route 2, Watkins 55389.
Weinkauf, D., d.b.a. Deb's Kennel, Rural Route 1, Box 85, Eagle Lake 56024.
Wensmann, G. and A., d.b.a. Highland Hills Kennel, Box 200, Route 1, Melrose 56352.
Wiehr, A. W., Rural Route 1, Buffalo Lake 55314.
Wright, N. S., Rural Route 1, Grand Meadow 55936.
Zelinsky, A. H., d.b.a. Cedar Ridge Kennel, Route 1, Box 237, Mankato 56001.

MISSISSIPPI

Associated Producers Inc., Ltd., P.O. Box 466, Lumberton 39455.
Bickham, R. D., d.b.a. Yellow Bird Farm, Route 2, Box 186G, Pyrris 39475.
Garrison, N., Route 4, Box 111-C, Holly Springs 38635.
Harper, E. L. and R. L., d.b.a. Harpers Kennels, Route 4, Box 164, Collins 39428.
Johnston, J. C., d.b.a. Johnston's Chows, 640 Pickett Street, Greenville 38701.
Lampley, J., 2729 Airedale Street, Greenville 38701.
Lewis, D. E., d.b.a. Triple-A Kennel, Route 2, Box 109, Columbia 39429.
Martin, J. G., 125 Martin Street, Ripley 38663.
Mayo, J., d.b.a. Jerry's Rabbitry, Route 1, Box 230, Crenshaw 38621.
Newell, M., d.b.a. Gulf Hamstery, 326 Adelle Street, Jackson 39202.
Parker, T. P., Route 1, Box 169, Lawrence 39336.
Reyer, H., d.b.a. Dogwood Kennels, Route 2, Box 305, Columbia 39429.
Vanlandingham, H. L., d.b.a. V&B Animal Shelter, P.O. Box 133, Vardaman 38878.

MISSOURI

Ackmann, A. and M., d.b.a. Norm-Al Acres, Route 1, Box 3A, Rosebud 63091.
Acton, F., Route 1, Ashland 65010.
Aholt, J. and A., d.b.a. Aholt's Kennel, Rural Route 1, Glasgow 65254.
Allen, R. and R., Rural Route 2, Laplata 63549.
Allen, W., Lucerne 64655.
Allen, W. L., d.b.a. Missouri Valley Kennels, R.F.D., Alexandria 63420.
Allison, S. F., Route 1, Armstrong 65230.
Ames, W. A., Route 1, Box 232, Carl Junction 64834.
Anderson, H. A., Route 2, Box 177, Elkland 65644.
Anesi, J. L., Rural Route 3, Kirksville 63501.
Animals and Poultry, Inc., P.O. Box 423, Rural Route 2, Gray Summit 63039.
Arb, M. and Kitch, S. E., Route 1, Granby 64844.
Armstrong, C., d.b.a. Armstrong Kennel, Route 4, Rockport 64482.
Around the World Pets, 12676 Dorsett, Maryland Heights 63043.
Athon, K. and C., R.F.D. 1, Novinger 63559.
Aye, F., Route 1, Box 23, Willow Springs 65793.
Aye, M. M., Route 3, Box 10, Willow Springs 65793.
Banker, J., d.b.a. Banker Kennels, Banker Kennels, Clark 65243.
Banner, G. E., d.b.a. Rattle Snake Hill Kennel, Route 1, Smithton 65350.
Barnett, R. T., Lowry City 64763.
Barnfield, W., d.b.a. Bar Wan Kennels, Box 158, Crocker 65452.
Barrer, E., Route 2, Box 200, Lexington 64067.
Barth, C., Route 3, Box 261, Princeton 64673.
Baum, F., Route 2, Aurora 65605.
Baxter, C., Rural Route 2, Downing 63536.
Beach, M., Route 1, Unionville 63565.
Bearden, M., Rural Route 3, Salisbury 65281.
Bechtold, M. L., Route 1, Kidder 64649.
Beckett, M. W., d.b.a. Soo Big Kennel, Route 7, Box 354, Joplin 64801.
Behrends, R., Route 2, Box 165-9, Ozark 65721.
Bernard, L., Route 1, Fair Grove 65648.
Berry, D., Route 2, Huntsville 65259.
Berryhill, R. and J., d.b.a. R.&J. Kennel, Route 4, Box 261, Lamar 64759.
Berwick, P., Hobson Star Route, Box 62, Rolla 65401.
Bias, K. F., 1615 Edmonds, Jefferson City 65101.
Billups, G., R.F.D. 1, Cantril 52542.
Bixenman, E. S., Rural Route 2, Box 76, Hurdland 63547.
Bixeman, J., Route 1, New Cambria 63558.
Blacketer, E., Route 4, Box 144, Bolivar 65613.
Blaine, P. L., Box 188, R.F.D. 3, Memphis 63555.
Blaine, R. and M., Rural Route 1, Greentop 63546.
Blakeley, B. W., 6701 Northeast 48th Street, Kansas City 64119.
Blankenship, L., d.b.a. Blank's Kennel, Route 1, Smithton 65350.
Bogenreif, G. and L., 413 Rainbow Drive, Rock Port 64482.
Borghardt, R. D., Route 1, Iantha 64753.
Bowers, W. and M., Route 2, Princeton 64673.
Bowles, R. and A., Route 1, Box 371A, West Plaines 65775.
Bradley, L., Route 2, Box 52, Higbee 65257.
Bradley, R. and J., Rural Route 2, Box 112, Brookfield 64628.
Bradshaw, M. E., Route 1, Birchtree 65438.
Bragg, C., R.F.D. 1, Novinger 63559.
Bramhall, P. L., Route 3, Kirksville 63501.
Branson, Sr., R. H. and J., Route 2, Box 117-24, Willard 65781.
Brauer, E. and R., d.b.a. Brauerville Kennel, Route 3, Cole Camp 65325.
Braun, S., d.b.a. Braun's Aqua Barn, 3, Box 388, Festus 63028.
Brawner, L., Rural Route 2, Greentop 63546.
Brazeal, B. N. and L., Route 2, Wright County, Mansfield 65704.
Brewington, W. I., Route 3, Box 212, Warrensburg 64093.
Briley, H., d.b.a. Bluebird Hill Kennel, Route 2, Box 187, Seneca 64865.
Brock, S., d.b.a. Brocks Kennels, P.O. Box 35, Mokane 65059.
Broderson, M., Otterville 65348.
Brooks, R. and M., d.b.a. Brooks Kennels, Route 3, Bolivar 65613.
Brown, C. D., R.F.D. 1, Williamstown 63473.
Brown, C. G., Dunnegan 65640.
Brown, E., Route 1, Box 92, Holden 64040.
Brown, J. T., d.b.a. Sycamore Acres Kennel, 3741 IV Grant, Springfield 65803.
Brown, M., Route 1, Box 91, Reeds Spring 65737.
Broz, B., d.b.a. VMK Kennel, Route 1, Box 126A, Hawk Point 63349.
Bruce, G. L., Rural Route 6, Unionville 63565.
Bryant, T., Baring 63531.
Buckner, M., Rural Route 1, Box 50, Humphreys 64646.
Buehler, B. J., Box 20, Aurora 65605.
Burd, L., Meta 65058.
Burkhardt, F., Route 4, Macon 63552.
Burks, G. A., d.b.a. A.&B. Kennel, Route 7, Box 225-D.
Burks, M. E., d.b.a. Lee Marelle Kennel, Route 1, Box 245, Seligman 65745.
Burns, B. J. and Knowles, J. H., d.b.a. Burns and Knowles Kennel, Route 1, Anabel 63431.
Burns, J. and Wendleton, D., Route 1, Butler 64730.
Burns, M., Rural Route 1, Anabel 63431.
Burris, E. E., d.b.a. Lover's Kennel, Route 1, Marceline 64658.
Bushnell, Jr. L., Rural Route 1, Queen City 63561.
Butler, M., Route 6, Box 34, Carthage 64836.
Byers, S., d.b.a. Sue Bee's Dog Kennel, Route 1, Box 85, Moscow Mills 63362.
Caddell, K. M., d.b.a. Kim-Ka Kennels, Box 3463, Kimberling City 65686.
Camden, R. M., R.F.D. 2, Glenwood, 63541.
Campbell, E., Route 2, Box 226, Willard 65781.
Campbell, W. L., Route 3, Vandalia 63382.
Carender, H. and C., d.b.a. Mart-N-Dale Acres, Route 1, Russellville 65074.
Carter, H., d.b.a. Rock Hill Kennel, Vienna 65582.
Carter, M., Rural Route 1, Elmer 63538.
Cates Sr., M. E., Route 10, Box 823, Springfield 65803.
Chapman, J., d.b.a. Prairie View Kennel, Box 180, Route 1, Cross Timbers 65634.
Chiolerio, L. and S., d.b.a. Chiolerio's Kennel, Route 1, Marceline 64658.
Christensen, W., Route 1, Keytesville 65261.
Christman, M., R.F.D. 1, Bethel 63434.
Christy, E., Route No. 2, Box 133, Eldorado Springs 64744.
Clair, J. P., R.F.D. 1, Hurdland 63547.
Clapp, L., Route 2, Butler 64730.
Clark, E. J., Route 2, Mercer 64661.
Clark, V. P., R.F.D. 3, Monroe City 63456.
Clarke, C., Rural Route 1, Box 82, Anabel 63431.
Clary, P., R.F.D. 1, Edina 63537.
Claxton, R., Route 3, Box 45, Richmond 64085.
Clay, E. and L., Route 4, Kirksville, 63501.
Clickner, C., Rural Route 2, Moberly 65270.
Clubine, B. M., Box 126, Green Top 63546.
Clutter, J., d.b.a. Riverside Wholesale Pets, 2514 Vivion Road, Kansas City 64151.
Colclazier, d.b.a. L., Edgewood Kennels, Route 2, Rogersville 65742.
Cole, D., d.b.a. Scottdee Kennel, Rural Route 3, Lebanon 65536.
Collis, G. and R., d.b.a. White Oak Kennel, Rural Route, Queen City 63561.

Comstock, M. J., Rural Route 4, Laplata 63549.
Constant, R. and J., d.b.a. Constant Kennel, Route 5, Chillicothe 64601.
Cook, A., Route 3, Kirksville 63501.
Cook, C. and S., d.b.a. Shady Dell Kennel, Route 2, Box 272, Ash Grove 65604.
Cook, D. A., Route 1, Lancaster 63548.
Cooksey, R. and L., Route 5, Box 61, Trenton 64683.
Couch, M., Route 2, Louisiana 63353.
Courtney, D., d.b.a. TLC Kennel, Route 2, Box 175, Tipton 65081.
Cox, J. and B., Route 1, Mercer 64661.
Cozart, A. L., Route 1, Box 51, West Plains 65775.
Creech, C. C., Route 2, Box 316, Troy 63379.
Cronk. H. M., d.b.a. Helens Happy Hollow Kennel, Rural Route 2, Maryville 64468.
Crump, A., Box 5, Lancaster 63548.
Crump, A., P.O. Box 5, Lancaster 63548.
Culler, R., Route 2, Bethel 63434.
Cullum, J., Route 1, Unionville 63565.
Cunningham, J. and Massey, M., Route 6, Box 462, Springfield 65803.
Dabrowski, E., d.b.a. Catadamar Kennel, Route 2, Granby 64844.
Daggs, B. C., Rural Free Delivery 1, Ewing 63440.
Dalton, J., d.b.a. Dandy Jack's Acres, Goodson Star Route, Bolivar 65613.
Dalton, S., Edina 63537.
Daniels, R. E., d.b.a. Country Kennels, Rural Route 2, Box 231, Neosho 64850.
Danneman, C. J., Rural Route 4, Salisbury 65281.
Davenport, L. K., Route 1, Granby 64840.
Davis, L. H., Route 2, Box 125, Miller 65707.
Davis, P. and K., d.b.a. Pakahe Kennel, Fillmore 64449.
Daw, I., Rural Free Delivery 3, Kahoka 63445.
Dawson, R. D. and C. H., Rural Route 1, Bevier 63532.
Decker, R. and P., Route 1, Bonne Terre 63628.
Deirling, I. S., Box 1B, Queen City 63561.
Delaney, P., Route 2, Green Top 63546.
Denison, E. J. Route 1, Box 140-A, Neosho 64850.
Denler, R. and G., d.b.a. Riverview Rabbitry, Route 2, New London 64459.
Depee, I., d.b.a. Dogs and Stuff, Route 2, Waynesville 65583.
Depreste, P. T., Route 2, Miller 65707.
Devries, J. and A., Loose Creek 65054.
Ditton, J. E., 8200 East 67th Street, Kansas City 64133.
Doss, G., Friestatt 65654.
Douglas, L., Rural Free Delivery 3, Edina 63537.
Douglas, V. B., Route 2, Lincoln 65338.
Dowell, O., Route 2, Brookfield 64628.
Dozier, J., d.b.a. Hilly Haven Kennel, Route 3, Columbia 65201.
Drebes, H. L., Rural Free Delivery 3, Palmyra 63461.
Dueschle, M. L., Route 1, Centertown 65023.
Duley, S. M., 1501 Adams, St. Joseph 64503.
Duncan, L., Rural Route 1, Box 16, Bolckow 64427.
Dunlap, M. E., 6942 East 58th Street, Kansas City 64129.
Dye, A., Edina 63537.
Dykema, M. and H. A., Route 2, Marshall 65340.
Easter, R. G., d.b.a. Easter Animal Farms, P.O. Box 297, Liberal 64762.
Eaton, A. M., d.b.a. Eaton Kennels, Route 2, Box 214, St. Peters 63376.
Edlen, L., R.F.D. 1, Alexandria 63430.
Edwards, L. and E. V., Route 1, Box 95, Aurora 65605.
Eisberg, C., Route 2, Keytesville 65261.
Eitel, P., Route 4, La Plata 63549.
Elder, C., Route 2, Box 27, Gilman City 64642.
Eldridge, R. E., d.b.a. Eldridge Laboratory Animals, Box 398, Route 1, Barnhart 63012.
Elkins, G. L., Route 1, Madison 65263.
Ellis, A., Box XX, Pineville 64856.
Ellis, C. C., P.O. Box 76, Duenweg 64841.
Ellis, E. E., Route 3, Anderson 64831.
Ellis, J., d.b.a. J. & J. Kennel, Route 1, Box 81D, Joplin 64801.
Ellis, R. B., Box 85, Duenweg 64841.
Emmert, W. and E., Route 2, Aurora 65605.
England, H., d.b.a. H. & L. Kennel, Route 2, Centralia 65240.
England, J. W., d.b.a. Ju-Les-Rans Kennels, Route 2, Centralia 65240.
Epperly, M. L., d.b.a. Poverty Hill Kennel, Rural Route 1, Box 140, Bucklin 64631.
Erwin, L., Route 1, Brashear 63533.
Essick, B. and D., d.b.a. Boondocks Puppy Farm, Box 129, Highlandville 65669.
Essick, M., Route 1, Box 170, Highlandville 65669.
Euritt, O., d.b.a. Oak Grove Kennel, Route 1, Kirksville 63501.
Evergreen Hills Homes, Inc., P.O. Box 38, Eime Road, Dittmer 63023.
Everman, F. W., Route 2, Gallatin 64640.
Fairbanks, L. and B., Route 1, King City 64463.
Farrell, W. F., Rural Route 3, Lancaster 63548.
Fehling, R. J., d.b.a. R. J.'s Kennel, Route 1, Armstrong 65230.
Felin, C., d.b.a. Hillcrest Kennel, Rural Route 2, Elkland 65644.
Fenimore, J. M., Rural Route 4, La Plata 63549.
Field, M., Rural Route 2, Box 77, Mound City 64470.
Flaxdeard, V., Rocky Comfort 64861.
Ford, L., R.F.D. 2, Glenwood 63541.
Forner, M., 1665 Catalina, Springfield 65804.
Forrester, B., R.F.D. 1, Berring 63531.
Fortman, J., d.b.a. J. & J. Dog Kennels, Pilot Groves 65276.
Foster, D. D., d.b.a. White Gate Kennels, Route 1, Macon 63552.
Foster, H. M., Route 4, Centralia 65240.
Foster, J., d.b.a. Foster's Canine Kennel, Route 4, Centralia 65240.
Foster, Z., d.b.a. Valley High Kennels, Rural Route 4, Box 151, Unionville 63565.
Francis, R., Rural Route 2, Pierce City 65723.
Francka, C. C. and J. J., R.F.D. 1, Box 36, Brighton 65617.
Frieden, V. J., R.F.D. 3, Box 55, Kalioka 63445.
Friel, John T., d.b.a. Friel's Kennel, Route 3, Nevada 64772.
Friend, P., d.b.a. Pa Paw's Kennel, Route 1, Box 765, Bois D Arc 65612.
Frost, E., 1625 Morley, Moberly 65270.
Fry, J., Route 3, Eldon 65026.
Fugate, J., Rural Route 2, Callao 63534.
Furnish, I., Rural Route 2, Unionville 63565.
Gallet, D. M., Collin 64738.
Galloway, C. V., Rural Route 1, Purdy 65734.
Gerke, T., Route 1, Bruceton 65237.
Gibbs, A. and P., d.b.a. Gibbs Small Dog Kennel, Route 2, Frankford 63441.
Gibbs, K. M., 86 Valley Drive, Valley Park 63088.
Gibson, S., Route 1, Lamoni 50140.
Gooch, M. and P., Rural Route 2, Purdinmo 64674.
Goodwin, G. N., Route 2, Box 137, Lancaster 63548.
Goodwin, T., Baring 63531.
Gossett, L. and J., Route 1, Calhoun 65323.
Grabeel, T., d.b.a. Catawissa Farms, Route 1, Box 515A, Catawissa 63015.
Greer, R. and L., Route 2, Knob Noster 65336.
Gremmels, P., Route 2, Box 210, Mount Vernon 65712.
Gruenefeld, W., Route 1, Box 140, Jonesburg 63351.
Guerin, M. M., d.b.a. Neige Du Nord Kennels, Box 22, Cairo 65239.
Halley, I., Rural Route 1, Unionville 63565.
Hamilton, L. B., Route 1, Box 162, Goodman 64843.
Hamm, V. and D., d.b.a. Gin-Dale Kennel, Route 3, Box 260, Bolivar 65613.
Hammond, D. E., P.O. Box 64, Rutledge 63563.
Hampleman, R. and C., d.b.a. Shenadoah Kennels, Route 1, Box 187, Ellsinore 63937.
Hargus, J. F. and R. and R., d.b.a. Bellacre Kennel, Route 1, Box 262, Miller 65707.
Harmon, A. M., d.b.a. Dun-Rovin Kennels, Route 1, Syracuse 65354.
Harris, D. L., Route 2, Box 203, Jamesport 64648.
Harris, S., Route 1, Stark City 64866.
Harris, W. K. and P. A., Route 4, Milan 63556.
Harrison, J., Route 2, Marciline 64658.
Harrison, K., 328 East Chicago, Marciline 64658.
Hawkins, M. B., Route 1, Fulton 65251.
Heitmen, L., d.b.a. Ten Little Acre Kennels, Box 181A, Troy 63379.
Helms, L., Route 1, Mooresville 64664.
Henderson, J., d.b.a. Clear Lake Kennel, Route 1, Jamesport 64642.
Henderson, R., Route 2, Jamesport 64648.
Henderson, S., Route 1, Box 130, Ewing 63440.
Henry, B. K., Rural Route 1, Bevier 63532.
Herring, J., Route 1, Box 134, Everton 65646.
Herring, J., d.b.a. Jamey's Kennel Rural Route 2, Stewartsville 64490.
Hettinger, E. K., R.F.D. 2, Rutledge 63563.
Hettinger, R., Rural Route 1, Brashear 63533.
Hewitt, I., Rural Route 1, Rosendale 64483.
Higgins, G. W., Rural Route 1, Greentop 63546.
Hill, R., Rural Route 1, Amoret 64772.
Hillerman, J. and W., d.b.a. Hillerman Kennels, 706 Indiana, Montrose 64770.
Hochstetler, A. and D., d.b.a. Hochstetler Kennels, Rural Route 1, Box 58, Anabel 63431.
Hoefener, D., d.b.a. Sandys Kennel, 1308 5th East, Latham 65050.
Hoffer, B. J. and A. D., R.F.D. 1, Box 34, Ewing 63440.
Hoffer, M. J., Route 2, Greenfield 65661.
Hollingsworth, S., d.b.a. Hollingsworth Kennels, Route 1, Hartsburg 65039.
Hood, C., Route 1, Diamond 64840.
Howerton, D., Hurdland 63457.
Howerton, M. Y., Route 1, Box 98, Nixa 65714.
Hudnut, M. R., R.F.D. 1, Williamstown 63473.
Hueffmeier, B. and C., Rural Route 1, Box 51, Linneus 64653.
Huffstutler, W. W., d.b.a. Ozark Research Supplier, Rural Route 3, Vienna 65582.
Hughes, J. and S., d.b.a. Do Bo Tri Kennels, Route 1, Sibley 51249.
Hughes, L. C., Route 5, Trenton 64683.
Hughes, L. L., d.b.a. Alumbauch, D., Rural Route 1, Box 5, Brimson 64626.
Hulen, F. W., R.F.D. 1, Lancaster 63548.

Humphrey, T., Box 26, Monticello 63457.
Hunolt, J., Box 167, Brashear 63533.
Hunolt, L., R.F.D. 3, Edina 63537.
Hunolt, L., Baring 63531.
Hunt, J. S. and G. B., d.b.a. Firetower Kennels, Route 1, Box 65, Noel 64854.
Hunt, R. M., Route 2, Stringtown Road, Greenwood 64034.
Huntsman, W. B., 798 Taylor, Moberly 65270.
Hurley, L., Rural Route 1, Livonia 63551.
Hutchison, K., Route 1, Versailles 65084.
Hyle, D. and P., d.b.a. Hyle Kennel, Route 4, Unionville 63565.
Jackson, E., Route 1, Harwood 64750.
Jackson, J. D., Lancaster 63548.
Jackson, O. M., R.F.D. 2, Lancaster 63548.
James. E., Route 2, Box 150, Meadville 64659.
Jamison, L. and S., 9730 Winslow Place, Kansas City 64131
Jarman, M., Route 1, Monroe City 63456.
Jeffries, E., Route 1, Greentop 53546.
Johnson, M. M., Route 1, Meadville 64659.
Johnston, N., Powersville 64672.
Johnston, W., Elkland 65644.
Jones, A. M., Humphreys 64646.
Jones, C. J., d.b.a. Stormi's Kennels, Route 2, Box 171B, Versailles 65084.
Jones, D. A., Route 2, Paris 65275.
Jones, E., Bethel 63434.
Jones, M. E., R.F.D. 1, Lancaster 63548.
Jones, W., Box 268, Eldon 65026.
Joyce, S. A., Rural Route 2, Green Ridge 65332.
Justice, E., Route 4, Box 130, Edina 63537.
Keller, D. M., Route 2, Osceola 64776.
Kelly, J. D., Route 1, Kidder 64649.
Kelsey, D. B., Star Route Box 185, Mindenmines 64759.
Kennedy, B and L., Route 1, Box 125, Jerico Springs 64756.
Kerby, E., Rural Route 2, Glenwood 63541.
Keune, C. L. and E., Laclede 64651.
Kiddoo, M. M., Route 2. Memphis 63555.
Kidwell, M., Leonard 63451.
Kimmel, J. and L., Rural Route 6, Unionville 63565.
King, M. M., Rural Route 1, Macon 63552.
Kinzer, T., Route 2, Box 131, Shelbina 63468.
Kirby, K., Rural Route 4, Pittsburg 66762.
Kliethermes, R., d.b.a. Kliethermes Kennel, Route 1, Eugene 65032.
Klinetobe, B., d.b.a. Kennel of Love, Route 1, Williamsburg 63388.
Koch, J., d.b.a. Julis Kennels, Route 1, Hamburg 51640.
Koch, P. J., Route 5, Box 199, Trenton 64683.
Kowieski, E. L., d.b.a. Hound Haven Kennel, Box 119A, Hayden Route, Dixon 65459.
Kramer, J., d.b.a. Kramer Kennels, Route 1, Appleton City 64724.
Kreisler, M., d.b.a. Lazy Acres Kennel, Route 2, Box 167B, Waynesville 65583.
Kroll, E. and D., d.b.a. Half-A-Hill Kennel, Route 2, Box 255, Conway 65632.
Lafevers, G., SS Route Box 73, West Plains 65775.
Laird, G. L., Route 2, Hurdland 63547.
Langerud, F., Route 2, Box 95, Paris 65275.
Lansaw, S., 1201 Orr, Joplin 64801.
Latimer, N. S., d.b.a. Cedarwood Kennels, P.O. Box 854, Kirksville 63501.
Latimer, R. C., R.F.D. 4, P.O. Box 54, Edina 63537.
Latta, J. D., Paris 65275.
Laytham, E., Route 1, Box 189, Moberly 65270.
Lee-Don Kennel, Inc., d.b.a. Lee-Don Kennels, Inc., 116 Country Club Drive, Trenton 64683.
Leftridge, L., Clarence 63437.
Lewis, E., R.F.D. 2, Hurdland 63547.
Lewis, V. M., and Smart, M., 500 Chestnut, Holden 64040.
Libel, M. L., Route 2, Clinton 64735.
Liedorf, D., 1145 Pine, Brookfield 64628.
Lindquist, G. E., d.b.a. Quality Research Dogs, Route 1, Hallsville 65255.
Lindquist, I. and K., Rural Route 2, Greentop 63546.
Lindquist, L., d.b.a. Lindquist Kennels, Rural Route 1, Greentop 63546.
Lindsey, J. and M., d.b.a. Hickory Hill Kennels, Route 2, Louisiana 63353.
Lindsey, Y., Bethel 63434.
Link, J., Route 2, Box 135, Billings 65610.
Linkemann, L. F., d.b.a. Links Kennel, Route 1, Meadville 64659.
Lisle, S., Route 1, Trenton 64683.
Livezey, J. A., Route 1, Fairplay 65649.
Livezey, T., Route 3, Bolivar 65613.
Long, A., Rocky Comfort 64861.
Long, H. M. and E. F., Route 1, Paris 65275.
Long, J., Route 4, Box 302, El Dorado Springs 64744.
Long, M., Rocky Comfort 64861.
Looney, R., d.b.a. Spring House Kennels, Route 2, Box 220, Fairgrove 65648.
Love, J., Route 1, Newark 63458.
Lowe, M. L., Box 122, Route 1, Greentop 63536.
Loyd, E., Route 1, Box 71, Cross Timbers 65634.
Lucky Locust Farms, Inc., d.b.a. Lucky Locust Farms, Inc., 12529 Conway Road, St. Louis 63141.
Maberry, B., Route 2, Dawn 64638.
Madison, L. F., Rural Route 3, Lamar 64759.
Malear, R., Route 1, Box 687, Eldon, 65026.
Mankey, H. and A. R., Rural Route 2, Callao 63534.
Mann, V., 407 East 4th Street, Appleton City 64724.
Maples, J. and N., Route 5, Box 125, Trenton 64683.
Marrs, E. C., Route 1, South Pickard 64679.
Marshell, J. L., d.b.a. Star J. Kennels, Rover Route, Box 226, West Plains 65775.
Martens, E., Rural Route 4, Kirksville 63501.
Martin, B. I., and Dohn, D. J., Route 1, Martin Road, Smithville 64089.
Martin, D., Route 1, Diamond 64840.
Mason, L., Route 2, Box 42A, Lamar 64759.
Mast, E. H., Route 2, Box 226, Jamesport 64648.
Mattingly, D. W., Route 1, Box 220, St. Mary's 63673.
Matzen, M. and R., d.b.a. Ash Lawn Kennel, Box 53, Cairo 65239.
Mawby, F. R., d.b.a. Sho-Me Kennels, Route 1, Grain Valley 64029.
McBee, K. and F., d.b.a. McBee Kennels, Route 1, Braymer 64624.
McBride, F., Route 2, Madison 65263.
McCam, D. and S., Rural Route 2, Callao 63534.
McCampbell, J. and J., Route 2, Bethany 64424.
McConeghey, M. and B., Rural Route 1, Box 81, Glenwood 63541.
McCoy, G. E., Route 1, Lebanon 65536.
McCullah, J. R., Route 2, Box 329, Ash Grove 65604.
McIntosh, D. E. and S., Route 1, Box 25, Macomb 65702.
McKarnin, R. and J. E., 8528 Blue Ridge Extension, Kansas City 64138.
McNeely, G., Route 1, Jameson 64647.
McVay, J. H., Route 2. Ava 65608.
McWilliams, P., Route 2, Box 190, El Dorado Springs 64744.
Means, G., Route 1, Atlanta 63530.
Medlock, G., Rural Route 6, Box 9, Joplin 64801.
Meeker, B. M., Rural Free Delivery 1, Box 28C, Green Top 63546.
Metsker, P. and D., d.b.a. Perdot Acres, Route 2, Box 120, Troy 63379.
Middleton, R. E., Rural Free Delivery 2, Box 171, Lancaster 63548.
Millie, L., Route 3, Shelbyville 63469.
Miller, W. L., Route 1, Box 163, Frankford 63441.
Millwood, W. K., K. W. and A., d.b.a. Millwood Kennels, Holiday 65258.
Minor, J., d.b.a. Colonial Acres, Route 1, Monett 65708.
Minor, L., 321 East Rogers, Monroe City 63456.
Mitchell, O. H., d.b.a. Mitchells Kennel, Route 2, Box 176, Mountain Grove 65711.
Moncrief, B. J., Route 4, Kirksville 63501.
Moner, M. and E., Route 2, Box 37, Meadville 64659.
Montgomery, E., Rural Route 1, Macon 63552.
Montgomery, G. M., Route 1, Box 73A, Fairview 64842.
Moots, E., Rural Route 3, Kirksville 63501.
Morgan, F. V. and M. J., Route 3, Box 60, Joplin 64801.
Morris, J. and E., Route B, Box 156P, Carndenton 65020.
Morrow, I. and M., Rural Free Delivery 1, Knox City 63446.
Moss, P., Route 4, Lamar 64759.
Moutray, E., 3740 Pettis Road, St. Joseph 64503.
Muck, L., Route 1, Meadville 64659.
Muck, S., Route 1, Meadville 64659.
Mueller, D., Shelbyville 63469.
Muller, C. and D., Rural Route 1, Rockport 64482.
Mulvania, L. and N. R., Rural Route 1, Rockport 64482.
Musser, F. A., d.b.a. Echo Meadows Rabbitry., Route 1, Box 32, Tunas 65764.
Need, T. and M., d.b.a. Needs Kennels, Route 2, Higginsville 64037.
Nelson, M., Rural Route 2, Macon 63552.
Nelson, M. A., Rural Route 1, Atlanta 63530.
Nelson, R., 914 Lawndale, Macon 63552.
Neuenschwander, A. and J., Route 2, Box 96B, Deepwater 64740.
Newlin, R. L., Rural Route 1, Monroe City 63456.
Newman, R. M. and D. J., Rural Free Delivery 3, Kahoka 63445.
Nichols, K., Rural Route 1, Sturgeon 65284.
Nicholson, R. and P., Rural Route 2, Hopkins 64461.
Nordeen, V., d.b.a. Nordeen Keeshonden, Route 3, Middletown 63359.
Norton, D., 1508 Washington, Unionville 63565.
Norton, J. R., Box 82, Auxvasse 65231.
Norton, J. V., Rural Free Delivery 1, Knox City 63446.
Norton, V., Rural Free Delivery 1, Knox City 63446.
Nycum, S., Nobleton, Edwards 65326.
Oak Hill Kennels., Route 3, Box 270A, Springfield 65804.
O'brien, C., Box 151, Lewistown 63452.
Orr, A. and K., Route 1, Kidder 64649.
Osborn, D. R., d.b.a. Osborns Kennel, Route 3, California 65018.
Osborne, C. and R., d.b.a. Green Valley Kennels, Box 322, Richland 65556.
Oshner, S., Route 2, Labelle 63447.
Othic, M. and S., d.b.a. Othic's Sunnislope Kennel, Route 1, Brooksfield 64678.
Owens, J. F., d.b.a. Owens Patty Kennel, P.O. Box 1, Osceola 64776.
Pack, J., Route 1, Brashear 63533.

Palmer, L., Wheatland 65779.
Park, J., Route 3, Osceola 64776.
Parmley, W., Route 1, Greencastle 63544.
Parrish, E. E., Route 1, Newark 63458.
Partin, C. and E., Route 1, Macon 63552.
Pass Pets, Unlimited, 11629 Fairgrove Ind. Boulevard, Maryland Heights 63043.
Patrick, M. J., Route 1, Box 170, Reeds Spring 65737.
Payne, H., Rural Route 4, Kirksville 63501.
Payne, L. and L., Route 1, Box 165-3, Ozark 65721.
Payne, M., d.b.a. V. and M. Cavies, Route 2, Box 193, Otterville 65348.
Payton, L., Route 5, Box 286, Neosho 64850.
Pearcy, T., Route 1, Jamestown 65046.
Peart, J., Peart's Kennel, Route 1, Salisbury 65281.
Pendleton, O., Route 3, Box 127, Dixon 65459.
Penrod, L. R. and E. J., Route 5, Box 165, Festus 63028.
Perlow, P. and E., The Lil Country Kennel, Route 1, Box 34A, Troy 63379.
Perry, D. D., D-D Kennels, Rural Free Delivery 1, Knox City 63446.
Peters, H., Route 1, Keytesville 65261.
Peters, I., Box 187, Browning 64630.
Pfeifer, M. S., 711 Adair Street, Bevier 63532.
Phelps, R. M., Anabel 63431.
Piece, E. and O., Rural Route 1, Excello 65247.
Pierce, W. and P., Rural Route 1, Excello 65247.
Pierstorff, L. R., Charloru Labradors, Box 14, Nevada 64772.
Piper, E. P., Rural Free Delivery 1, Downing 63536.
Pohl, A. and J., J. and A. Hamster Farms, 115 La Sierra, Florissant 63031.
Pool, S., Pools Kennels, Box 57, Cairo 65239.
Poor, Mrs. J., Route 1, Novelty 63460.
Poor, R. L., Rural Route 3, Macon 63552.
Pore, J., Route 1, Box 69, Rothville 64676.
Porter, A. J., Box 69, Route 2, Bulter 64730.
Porter, J., Route 2, Dawn 64638.
Porter, J. H., Route 1, Butler 64730.
Potter, H., Route 2, California 65018.
Powell, C. E., Route 1, Box 223, Webb City 64870.
Price, N., Rural Route 1, Box 82, Mendon 64660.
Price, P., Harmony Acres Kennel, Rural Route 1, Ravenwood 64479.
Primm, B., Novelty 63460.
Proctor, G. E., Happy Hollow Kennels, Route 2, Box 18, Fair Grove 65648.
Purdun, D. and V., Route 1, Box 77, Grant City 64456.
Putthoff, J., Putthoff Kennels, 7th and Indiana, Montrose 64770.
Rank, S., Sand J. Kennels, Route 1, Lincoln 65338.
Ransdell, M., Route 2, Holliday 65258.
Ratliff, J., Shelbyville 63469.
Reed, M. and D., Mikes Canines, P.O. Box 243, Diamond 64840.
Reed, M. D., Route 1, Box 579A, Springfield 65803.
Reed, M. J. and J. T., Redgate Kennel, Route 2, Lamar 64759.
Reger, R., Vi-Re Kennels 801½ Green Street, Kirksville 63501.
Reindel, G. and Y., Rural Route 1, Queen City 63561.
Revels, K. A., 2717 Southwest Trail, St. Joseph 64506.
Rhoades, A., Rural Free Delivery 2, Knox City 63446.
Richardson, K. M., Route 1, Blythedale 64425.
Richardson, W. and V., Rural Route 1, Graham 64455.
Rider, G., d.b.a. Rider Kennel., Route 2, Walker 64790.
Rider, R. and W., d.b.a. Pleasant Inn Kennels, Bronaugh 64772.
Riley, G. and C. and Brown, J., d.b.a. Hilltop Kennels, Rural Route 3, Macon 63552.
Riley, Y., Route 1, Box 115, Mulberry 66756.
Rineheart, M., Rural Route 2, Milan 63556.
Roberson, L., 4666 West Mount Vernon Street, Springfield 65802.
Roberson, R., R.F.D. 1, Williamstown 63473.
Roberts, K., Rural Route 4, Edina 63537.
Roberts, W., Route 1, Ashgrove 65604.
Robertson, C., 615 East Hickory, Nevada 64772.
Robertson, C., d.b.a. Shady Acres Kennel, Route 2, Collison Road, Rogersville 65742.
Robertson, D. L., R.F.D. 2, Lewistown 63452.
Robinson, S., d.b.a. Robinson Kennels, Route 2, Shelton 64784.
Rogers, H. C., d.b.a. Fairview Kennels, Rural Route 3, Kirksville 63501.
Rogers, W. and S., d.b.a. D-Wah Hu Kennel, Route 3, Box DDD, Rogersville 65742.
Romine, F., d.b.a. Romine Farms, Route 2, Centralia 65240.
Ross, J., Rural Route 2, Downing 63536.
Rummerfield, D. G., Rural Route 5, Kirksville 63501.
Rush, R. and Gardner, L. C., d.b.a. Shady Oaks Kennel, Tuscumbia 65082.
Ryals, G. R., P.O. Box 224, Unionville 63565.
Ryan, N. R., Route 1, Laclede 64651.
Sager, F., Route 1, Box 56, Brimson 64626.
Salmens, R. L., Route 3, Fulton 65251.
Sandefur, J., Rural Route 1, Greentop 63546.
Sandefur, L., Route 1, Greentop 63546.
Sanders, D., Route 2, Nixa 65714.
Sanders, J. E., Rural Route 3, Novinger 63559.
Sandretto, A. D., Box 96, Novinger 63559.
Savage, W. D., Route 1, Box 254, Monett 65708.
Schell, A. V., Route 1, Jasper 64755.
Schloman, J. and J., Rural Route 2, Box 17B, Higginsville 64037.
Schmitter, P. and O., Rural Route 3, Lancaster 63548.
Schowengoertt, G., Rural Route 1, Box 443, Rolla 65401.
Schrage, M. R., Route 1, Edina 63537.
Schroeder, L. E., d.b.a. Hilltop Kennel Rabbitry, P.O. Box 33, House Springs 63051.
Schumann, S., d.b.a. Shamrocks Kennel, 721 Randolph, Glasgow 65254.
Schutte, J. and W., d.b.a. Thistledown Kennels, Box 25, Kearney 64060.
Schwartze, E. and Head, P., Box 162 A-7, Route 3, Odessa 64076.
Scott, L. G., d.b.a. Jonlea Kennels, Route 3, Box 206, California 65018.
Scott, V. and S., Route 2, Greentop 63546.
Scott, W. and E., d.b.a. Sunny Hill Rabbitry, Route 3, Fayette 65248.
Seay, J. and J., Route 5, Kirksville 63501.
Sederburg, M. O., R.F.D. 1, Mount Sterling 52573.
Sellenriek, A. and D., d.b.a. Rabbits Too Inc., Route 2, Box 211, St. Charles 63301.
Sellens, L., Bethel 63434.
Sewell, D., Rural Route 1, Box 7, Skidmore 64487.
Sharp, S. W., 400 North Fulton Street, Edina 63537.
Shatzer, B. D., Box 124, Anabel 63431.
Shaw, I., Downing 63536.
Shearer, I., Knox City 63446.
Shelton, C. and M., d.b.a. Blue Ridge Kennel, P.O. Box 236, Goodman 64843.
Shoop, C., Box 363, Queen City 63561.
Shultz, E. L., Rural Free Delivery 2, Rutledge 63563.
Siebuhr, C., Route 3, Moberly 65270.
Sillman, C. R., d.b.a. Car-Del Kennels, Route 3, Box 20, Willow Springs 65793.
Silvey, A., Box 396, Lancaster 63548.
Singleton, P. and S., Rural Route 1, Brookfield 64628.
Skinner, G., 827 Vine Street, Macon 63552.
Skirvin, M. H., Box 17, Elsberry 63341.
Smart, D. E., Route 4, Box 63, Cameron 64429.
Smith, A. V., Route 1, Higbee 65157.
Smith, B. J. and C., Route 3, Box 144A, Mt. Vernon 65712.
Smith, C. L., Route 2, Eldorado Springs 64744.
Smith, E. W. and M. F., Route 1, Box 262, Eldorado Springs 65744.
Smith, G., Route 1, Diamond 64840.
Smith, H., d.b.a. Du-Jaro Kennels, Route 1, Box 205, California 65081.
Smith, R., Rural Free Delivery 2, P.O. Box 132, Shelbyville 63469.
Smith, S. and A., d.b.a. Martin Branch 40, Route 2, Box 51A, Fordland 65652.
Snow, L., Route 1, Box 93, Wheatland 65779.
Snyder, G. and J., Route 2, Princeton 64673.
Snyder, P. R., Route 3, Troy 63379.
Spain, J. F., d.b.a. Lynn-Dee-Lou Kennels, Route 4, Box 564, Carthage 64836.
Sparkman, J. and T., d.b.a. Flying Acres Kennels, Route 1, Box 118, Brookline 65619.
Sparks, K. and P., d.b.a. Ming-Toi Puppy Farm, Route 1, Box 135A, Vichy 65580.
Sparks, E., Rural Route 6, Unionville 63565.
St. Clair, S. R., Rural Route 1, Moberly 65270.
Staats, D. D., Rural Free Delivery 1, Box 91, Macon 63552.
Stahl, M. L., Route 1, Syracuse 65354.
Stalber, P. J., d.b.a. P. J.'s Kennel, Route 1, Halfway 65663.
St. Clair, S., Rural Free Delivery 1, Box 90, Wyaconda 63474.
Steele, E., Route 1, Brookline 65619.
Steller, S. and D., d.b.a. Scottsdale Hamstery, Route 1, Box 67, Imperial 63052.
Stender, R. E. and M. J., Rural Delivery 4, Road 4, Laplata 63549.
Stephenson, H. and J. D., 170 High Street, Brookfield 64628.
Stewart, B., d.b.a. Stewart's Kennel, Route 1, Eugene 65032.
Stokes, E. J., Route 1, Versailles 65084.
Stone, B., d.b.a. Wilobar Kennel, Rural Route 2, Box 200, Mound City 64470.
Stone, R. K., Route 1, Clark 65243.
Stoner, W. B. and S. L., Rural Free Delivery 2, Hurdland 63547.
Stribling, D., Rural Route 4, Kirksville 63501.
Strickler, E., Rural Free Delivery 2, Kahoka 63445.
Summers, R. W., Green Top 63546.
Swan, C., Route 1, Box 31, Brookline 65619.
Swann, D., Knox City 63446.
Swanson, A. E., Route 3, Box 142, Liberty 64068.
Swetman, C. L., d.b.a. Pine-Tree Kennel, Route 1, Box 251, Rolla 65401.
Swofford, Y., Route 2, Exeter 65647.
Sykes, G., Route 1, Dawn 64638.
Taul, I., Route 5, Trenton 64683.
Taylor, C. J. and C. O., d.b.a. Pom-Kee Kennels, Rural Route 3, Box 99A, Odessa 64076.
Taylor, O. J. and H. M., d.b.a. Ty-Phil-Don's Kennel, Route 7, Box 306, Springfield 65802.
Teague, E., Glenwood 63541.
The Menagerie, Inc., 10117 State Line Road, Kansas City 64114.

Thee, N., d.b.a. Irish Acres, Route 2, Box 33, Ash Grove 65604.
Thomas, B., Rural Route 1, Box 54, Grant City 64456.
Thomas, L., d.b.a. Ozark Kennels, Route 1, Box 274, Edwards 65326.
Thomas, M. and J., d.b.a. Ozark Honey Dew Kennel, Rural Route 1, Box 129, Elkland 65644.
Thompson, H. I., Route 2, Box 117-24, Willard 65781.
Thoreson, S., d.b.a. Thoreson Kennel, Route 4, El Dorado Springs 64744.
Throckmorton, R., Route 2, Box 138, Labelle 63447.
Tollefson, G., Route 1, Box 95, Edwards 65326.
Tracy, L. M., d.b.a. Tracy's Guardian Kennels, Route 1, Winston 64689.
Triplett, E., Rural Route 2, Lancaster 63548.
Trout, R. S., Route 2, Box 145, Nevada 64772.
Troutt, L., Rural Free Delivery 1, Knox City 63446.
Turner, T., d.b.a. Green Valley Kennel, P.O. Box 14, Duenweg 64841.
Urfer, W. R., d.b.a. Urfer Kennels, Star Route 2, Box 135A, Branson 65616.
Van Hoozer, V., Rural Route 1, Osborn 64474.
Vaughn, R. and Vinyard, J., d.b.a. Golden Rule Kennel, Route 2, Box 299, Eldorado Springs 64744.
Veatch, P. P., P.O. Box 68, Glenwood 63541.
Verhoff, D., Route 1, Box 89, Exeter 65647.
Villeme, W. J., Box 76, Center 63436.
Wait, I. M., Box 802, North Highway 63, Kirksville 63501.
Waldren, E., Rural Route 1, Box 194A, Camdenton 65020.
Waldren, G. M. and J. D., d.b.a. Hi-Line Kennels, Route 1, Box 195, Camdenton 65020.
Walker, C. K., Rural Route 1, Liberal 64762.
Wallace, G. and R., Route 1, Novinger 63559.
Wamsley, D., Rural Free Delivery 1, Newark 63456.
Ward, P., d.b.a. Shana Acres, Route 1, Clever 65631.
Warren, B. G., Route 2, La Plata 63549.
Washington University, d.b.a. Office of Lab. Animal Care, Lindell & Skinker Boulevards, St. Louis 63130.
Wass, C., d.b.a. Wass Kennel, Route 2, Box 34, Arcadia 66711.
Watts, K. L., Route 4, Box 58, Butler 64730.
Weaver, B. A., Route 1, Glenwood 63541.
Weaver, E., Clarence 63437.
Weber, E. M., Route 1, Kirksville 63501.
Weber, M. D. and K. D., d.b.a. Weber Kennels, Rural Route 1, Greentop 63546.
Welborn, C. B., Rural Route 4, Butler 64730.
Wellman, E., d.b.a. Wellmans Kennel, Route 1, Kirksville 63501.
Wells, M., Route 1, Callao 63534.
Welsh, N. M, Rural Free Delivery 1, Glenwood 63541.
Wendling, H. V., Rural Free Delivery 3, Kahoka 63445.
White, E. E., Rural Free Delivery 2, Glenwood 63541.
White, W. C., d.b.a. White Wood Kennels, Route 2, Box 197, Elkland 65644.
Wienhaus, L. M., Route 4, Salisbury 65281.
Wilkinson, R. L. and B. J., d.b.a. Bo-Bel Kennels, Route 4, Box 243, Carthage 64836.
Williams, C. E., 1802 East Normal, Kirksville 63501.
Williams, E. and S., d.b.a. Woodcrest Kennels, Route 1, Box 189AA, Clarksburg 65025.
Williams, G., d.b.a. Land O Lakes Kennels, Route 1, Box 134, El Dorado Springs 64744.
Williams, R., Route 1, Nevada 64772.
Willis, R., d.b.a. Bent Nail Kennels, Route 2, Box 139, Bosworth 64623.
Wilson, J., Box 27, Frankford 63441.
Wilson, S. C., d.b.a. Our Gang Kennel, Route 1, Bois D'Arc 65612.
Wilson, V. M., Rural Route 1, Box 180B, Elkland 65644.
Winans, O. V. and E., Route 1, Box 90, Carthage 64836.
Wisdom, J. W., Rural Route 3, Macon 63552.
Wiseman, M. J. and H. L., d.b.a. Wiseman's High Point Kennel, Route 1, Box 128A, Bolivar 65613.
Wolfington, H., Rural Route 1, Mulberry 66756.
Wood, A., Bethel 63434.
Wood, J., Rural Route 2, La Plata 63549.
Wood, J. C., d.b.a. Wood Kennels, Route 1, La Plata 63549.
Wood, M, Bethel 63434.
Wood, R., Rural Route 1, Brashear 63533.
Woods, W. E., 1333 East Walnut, Nevada 64772.
Wright, C. E., d.b.a. 4 Acre Kennels, Rover Route, West Plains 65775.
Young, E. K., Rural Route 3, Novinger 63559.
Young, H. O., d.b.a. Sunny Slope Farm, Sunny Slope Farm, Rocheport 65279.
Young, R. J., Rural Route 1, Box 2028, Kirksville 63501.
Zamora, A. and N., d.b.a. Almanaza Rabbit Hutch., Route 1, Box 136-89, Wright City 63390.
Zarr, J. W., d.b.a. Barkelot Kennel., Route 1, Box 88A, Brookline 65619.
Ziebarth, C., Rural Route 1, Callao 63534.
Zumbrunnen, G. J., Rural Route 2, Clinton 64735.
Zurmiller, V., d.b.a. Mid-States Small Animal., Route 1, Stover 65078.
Zuspann, V., Rural Free Delivery 3, P.O. Box 34, Edina 63537

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Riggs, Mrs. P., d.b.a. Yorkshire Square, 405 1st N.E., Harlowton 59036.
Rosecrans, R. C., P.O. Box 950, Hamilton 59840.
Rummans, L. M. and S. E., d.b.a. Moccasin Mountain Kennels, 712 West Washington, Lewistown 59457.
Walker, I. and F., Route 1, Box 68-W, Dillon 59725.
Wegner, H., d.b.a. Wegner Kennels, 2059 Washington Street, Billings 59101.

NEBRASKA

Adams, J., Route 6, Box 100, Lincoln 68502.
Albin, J., Route 3, Humboldt 68376.
Anderson, G. P., d.b.a. Highland Farms, Route 2, Plattsmouth 68048.
Andrews, M. and M., Route 1, Box 106, Albion 68620.
Archer, J. and J., d.b.a. J. and J. Kennels, Route 1, Clatonia 68328.
Bailey, L. L., d.b.a. L. and L. Kennels, Edgar 68935.
Beck, M., d.b.a. Sandhills Kennels, Star Route, Parks 69041.
Bemis, J., Surprise 68667.
Bemis, J. S., Box 64, Rising City 68658.
Blecha, O., Route 3, Box 100, Humboldt 68376.
Blobaum, R. and M., Route 2, Fairbury 68352.
Bohling, A. and W., Route 3, Tecumseh 68450.
Brauch, G. N., Route 1, Hebron 68370.
Breeden, J. E., d.b.a. Breeden's Kennels, Rural Route 1, Steele City, 68440.
Breunsbach, L., Liberty 68381.
Brosh, D. and M., d.b.a. Broshs Kennels, Rural Route 3, Pender 68047.
Bruning, S., d.b.a. Bruning Kennels, Shickley, 68436.
Burgess, C. and B. J., d.b.a. Diamond B Kennel, Rural Route 1, Rising City 68658.
Chloupek, R., Route 1, Box 65, Litchfield 68852.
Clason, M. and E., d.b.a. Hidden Shadow's Cattery, Box 82, Athinson 68713.
Cook, L., Route 1, Sutherland 69165.
Cumro, S., d.b.a. Indian Creek Kennels, Box 13, Odell 68415.
Curtis, S., d.b.a. Curtis kennels, Box 98, Elm Creek 68836.
Dageforde, C., Rural Route 2, Hebron 66370.
Darrow, C. E., Route 4, Box 29, Fairbury 68352.
Daubert, E., 6229 South 43d, Omaha 68107.
Dellen, Inc., 8445 Lake Street, Omaha 68134.
Dendinger, L., Rural Route 1, Box 140, Waterloo 68069.
Dietz, B., Rural Free Delivery 2, Box 59, Orleans 68966.
Dietz, Jr., Stamford 68977.
Duensing, L. J., Rural Route 1, Box 46, Byron 68325.
Dunning, G. P. and D. D., 305 North 8th Street, Nymore 68466.
Durst, G. D., Box 8, Virginia 68458.
Dvorak, G. and C., d.b.a. Dvoraks Ranch Kennels, Rural Route 2, Atkinson 68713.
Eckstein, L. J., Rural Route 1, Schuyler 68661.
Eichenberger, A. and L., Route 1, Pawnee City 68420.
Eitzmann, A. and L., d.b.a. Eitzmann Kennels, Rural Route 1, Byron 68325.
Elting, D. A., d.b.a. Sunnyview Kennels, Rural Route 1, Carleton 68326.
Elting, L., Hebron 68340.
Felz, I. and F., d.b.a. Felz Ranch, Star Route 5, Box 9, Chadron 69337.
Ferguson, L. and P., d.b.a. Idle Acres Kennels, Route 1, Brady 69123.
Flack, V. and J., 1823 23rd Avenue, Box 64T, Waverly 68462.
Fleischer, J. R., W. R., Star Route, Gothenburg 69138.
Folken, M., Richland 68657.
Forrest, C. F., North Highway 81, Hebron 68370.
Fritz, M. K., Bartley 69020.
Gdanitz, B. D., d.b.a. G. and H. Kennels, Route 1, Elba 68835.
Gigstad, A. O., d.b.a. Arbor Valley Animal Clinic, 141 North Park Lane, Nebraska City 68410.
Glatter, K., Route 1, Box 35, Shelby 68662.
Goracke, R., Route 2, Box 238, Tecumseh 68450.
Griffin, E., d.b.a. Griffins Kennels, 321 West 3d, Fairbury 68352.
Gruntorad, E., Route 3, Seward 68434.
Gudgel, M., d.b.a. Mabels Little Pek-In Kennel, Route 2, Box 176, Ainsworth 69210.
Guess, D. and R., Route 1S Nebraska City 68410.
Guthinger, W. and K., d.b.a. Dis and Dab Kennels, Route 3, Auburn 68305.
Gutscher, J., Gutscher's Kennels, 248 South Converse, Superior 68978.
Haller, V., d.b.a. Elmtree Kennel, P.O. Box 2, Antioch 69332.
Harper S. and Rule O., Box 92, Barneston 68309.

Harrington, D. D., d.b.a. Harrington's Kennels, Route 2, Box 121, Nelson 68961.
Haynes, M., Route 1, Auburn 68305.
Herr, J. A., Route 1, Box 140, Humboldt 68376.
Herr, L. and D., Route 1, Box 120, Wisner 68791.
Herr, R. L., d.b.a. Herr's Kennel, Rural Route 1, Box 147, Humboldt 68376.
Hoffman, J., Rural Route 3, Norfolk 68701.
Howe, M. A., 815 North 5 Street, Beatrice 68310.
Huettner, D., Rural Route 1, Rulo 68431.
Inglis, J., Rural Free Delivery 1, Rulo 68431.
Jeans, M., d.b.a. Circle J. Kennels, Route 2, Box 26, Indianola 69034.
Jedlicka, L. L. and K. L., d.b.a. Westwinds Kennel, Fowling Route, Box 136, Alliance 69301.
Jeffers, F., 1519 West 3rd, McCook 69001.
Johnson, K., Route 1, Box 59, Potter 69156.
Johnston, R. and K., d.b.a. Johnston Kennels, Route 1, Cortland 68331.
Jones, B. L. and N. R., d.b.a. Blue River Kennels, Box 205, Bladen 68928.
Jurek, L., Rural Route 1, Blair 68088.
Karmann, M. H., Rural Route 1, Cedar Rapids 68627.
Kenyon, M., P.O. Box 202, Mitchell 69357.
Knapp, I., Route 1, Big Springs 69122.
Kobler, H., Box 204, South Bend 68058.
Koelling, O., d.b.a. Koelling Echo Kennels, Route 2, Box 67, Ord 68862.
Kost, H. F., d.b.a. Kosts Rabbitry, Box 4, Brainard 68626.
Krenk, E., d.b.a. Pampered Pet, 1404 South Center, Beatrice 68310.
Kuester, R. and D., d.b.a. Humbug Creek Kennel, Rural Route 1, Box 83, Pilger 68768.
Kuhl, J. and A., Orleans 68966.
Kuhlmann, J. M., d.b.a. Country Side Kennel, Rural Route 2, Box 40, Humboldt 68376.
Kumpost, R. C., d.b.a. Kumpost Kennels, 403 South 7th, Pierce 68767.
Lamprecht, L., Rural Free Delivery No. 2, Box 123, Oxford 68967.
Landholm, C. J. and B. S., d.b.a. North Star Kennels, Route 2, Dodge 68633.
Lindeken, T., d.b.a. Lindekens Hillside Kennels, Route 1, Box 222, Scottsbluff 69361.
Lovenburg, J., Route 1, Verdon 68457.
Lucas, R., Route 1, Hickman 68372.
Maddux, T., Palesade 69040.
Martinson, L., d.b.a. Grandma's Kennels, P.O. Box 145, Boystown 68010.
McAlexander, A. and E., Route 1, Box 48, Cook 68329.
McCord, L. and R., Rural Route 4, Fairbury 68352.
McMillan J, and J., d.b.a. McMillan Kennels, Arthur 69121.
McRoberts, J., d.b.a. McRoberts Game Farm, Gurley 69141.
Meisinger, D. and D., Route 1, Ashland 68003.
Merryman, R. E., Route 1, Shickley 68436.
Metzner, S., d.b.a. Sunny Slope Kennel, Rural Route 1, Falls City 68355.
Monasmith, M. L., Champion 69023.
Monnette, D. M., Route 1, Box 69, Stella 68442.
Morrow, C. and M., Rural Route 2, Box 122, Tekahah 68061.
Morton Sr., C. H., Route 1, Rulo 68431.
Morton, C. H., Route 1, Rulo 68361.
Murray, A., d.b.a. Murrey's Charlie Brown Kennel, Box 55, Potter 69156.
Nebraska Scientific Co., 3710 D Street, Omaha 68107.
Nicholson, M. A., d.b.a. Nicholsons Kennel, Lebanon 69036.
Norden Laboratories, Inc., P.O. Box 80809, West Cornhusker Highway, Lincoln 68501.
Norden Labs, Inc., P.O. Box 80809, 601 West Cornhusker Highway, Lincoln 68501.
Packer, B., Route 2, Box 246, Wood River 68883.
Platt, V. and F. L., d.b.a. Platt Kennel, Hay Springs 69347.
Pleas, Mrs. G., Route 1, Oxford 68967.
Post, T. J., d.b.a. Sam-Bo Kennels, Box 24, Naponee 68960.
Rears, Mrs. D., Stella 68442.
Reznicek, B. and W., d.b.a. Bobendy Acres Kennel, Dodge 68633.
Rhone, D., Route 2, Box 117A, Cozad 69130.
Riessland, K. and D., d.b.a. Little Acorn Kennels, Rural Route Box 111, Litchfield 68852.
Rogers, S. and G., Rogers Rovers, Endicott 68350.
Rollins, W. I., d.b.a. Rollins Kennel, Cortland 68331.
Romajzl, R., Box 258, Wilber 68465.
Sasco Inc., 612 North 16th Street, Omaha 68102.
Schneider, U. K., 7272 North 34th Street, Omaha 68112.
Schuster, B. and G., Oakdale 68761.
Sejkora, H., Burchard 68323.
Sekutera, C., d.b.a. Diamond Kennel, Route 1, Box 28, Litchfield 68852.
Shrader, C. R. and V. L., d.b.a. Sunnyside Kennels, Route 1, Louisville 68037.
Shrader, D., d.b.a. Duane Shrader & Sons, 625 South 51st Street, Lincoln 68510.
Shriver, T. and E., d.b.a. Oregon Trail Kennels, Route 1, Box 40, Hastings 68901.
Singleton, B. M., Singleton Ranch, R.F.D. 1, Box 70, Dix 69133.
Sinn, W., Green Acre Kennel, Route 2, Box 12, Fairbury 68352.
Stevenson, R., d.b.a. Nebraskaland Kennels, Richland 68657.
Stitt, B., d.b.a. McGrew Kennels, Box 185, McGrew 69353.
Strait, R. and D., Route 2, Box 217A, Columbus 68601.
Sump, G. and D., d.b.a. Oak Leaf Stables, 13309 South 72nd Street, Omaha 68128.
Swisher, D., Box 685, Imperial 69033.
Troyer, D. L., Pawnee City 68420.
Tuttle, R. G., d.b.a. Roy Tuttles Dogs, Box 253, Ewing 68735.
Uldrich, F., Rural Route 1, Deweese 68934.
Van Meter, E. and T., Hardy 68943.
Vickers, J. L. and C., d.b.a. Puppy Luv Kennels, Rural Route 2, Box 112, Tilden 68781.
Vlasin, R. J. and E. B., Route 1, Crete 68333.
Wehr, Jr., W. W., d.b.a. Excalibur International, 4619 South 88th, Omaha 68127.
Williams, J. J. and R., d.b.a. Willms Kennels, 2106 Keene Drive, Columbus 68601.
Woltemath, V., Box 79, Elk Creek 68348.
Wright, E., Stamford 68977.
Yakle, B., d.b.a. Riverside Kennel, 2314 Avenue I, Scottsbluff 69361.
Yaw, B., Champion 69023.
Yaw, C., Newport 68759.
Zach, V. W. and Eller, J., Verdel 68782.
Zeigler, N. M., Nelson 68961.
Zimmerman, M. and L., d.b.a. Zimmerman Kennels, R.F.D. 3, Nebraska City 68410.
Ziverts, K. and V., 130 East Street, Lincoln 68508.

NEVADA

Area-West, Inc. (Nevada Corporation), 1E First Street, Suite 1202, Reno 89501.
Wright, D. and H., d.b.a. Pettin Place, 3985 Warren Way, Reno 89509.

NEW HAMPSHIRE

Abbey, A., d.b.a. Sugarcroft, Townsend Hill Road, Brookline 03033.
Barrett, D. H., d.b.a. Rock Haven Rab, Box 598, Drewsville 03604.
Bateman, M., 60 Garland Road, Rye 03870.
Beckman, D., Centenial Street, Seabrook 03874.
Coppo, J., d.b.a. Bunnyland Rabbitry, 45 South Street, Troy 03465.
Flagg, A. L., 8 Sullivan Street, Keene 03431.
George, M., Mill Road Box 47, Kingston 03848.
Greene, E., Upper Smith Hill Road, Franklin 03235.
Hanson, W., d.b.a. Hanson's Hampsters, Morris Street, West Peterborough 03468.
Lapham III, K. and L., Country Living Animals, Dalton Road R.F.D., Whitefield 03598.
Leith, R. W., d.b.a. Rosemont Farm, R.F.D. 1, Route 125, Epping 03042.
Lepene, R., Spring Street, Farmington 03835.
Lounder, R., 47 Proctor Street, Keene 03431.
Mastine, R., d.b.a. Rosie's Piggies, 75 Warren Street, Laconia 03246.
McCormick, R. G., d.b.a. Rovam Rabbitry, P.O. Box 72, Munsonville 03457.
McMaster, E., P.O. Box 155, Buck Road, Suncook 03275.
Millette, J., Greenhill Road, Rochester 03867.
Perkins, G. F., Glenridge Road, Jackson 03846.
Sargent, F., d.b.a. Sargent Rabbit Ranch, 872 South Main Street, West Franklin 03235.
Stoodley, D., 21 Elm Street, Winchester 03470.
Trustees of Dartmouth College, P.O. Box 432, Hanover 03755.
Webster, N. J., 1 Orchard Street, Raymond 03077.
Zina, A. S., Pleasant Street, Greenville 03048.

NEW JERSEY

Affiliated Medical Research, Inc., P.O. Box 5700, Princeton 08540.
Allendale Aviaries, Inc., 53 Cottage Place, Allendale 07401.
Astro, Inc., 230 East High Street, Glassboro 08028.
Barton's West End Farms, Inc., Rural Delivery 1, Box 241, Oxford 07863.
Biological Systems, Inc., 2367 Lakewood Road, Toms River 08753.
Buck, W. E., P.O. Box 61, Glendora 08029.
Byrnes, J., d.b.a. Valley Farms, P.O. Box 585, West Paterson 97424.
Camm Research Instituite, Inc., 414 Black Oak Ridge Road, Wayne 07470.
Charles River Lakeview, P.O. Box 85, Newfield 08344.
Clauss, G. J., 33-10 Fair Lawn Avenue, Fairlawn 07410.
Deblin Farms, Inc, Box 369, Branchville 07826.
Fedechko, G., Downer Road, Box 315, Williamstown 08094.
Food and Drug Research Lab., Inc., 60 Evergreen Place, East Orange 07018.
Fuhr, B., d.b.a. Davidson's Mill Farm, Rural Delivery 1, Box 184, Jamesburg 08831.
Gumperz, E., d.b.a. Chick Line Co., 604 East Garden Road, Vineland 08360.
Hana, T., Rural Deli
very 2, Neshanic Station 08853.
Hazleton/Primelabs, Inc., Monmouth County Airport, P.O. Box 646, Farmingdale 07727.

Island Tropical Fisheries, Inc., 301 Island Road, Mahwah 07430.
K-G Farms, Inc., 3651 Hill Road, Parsippany 07054.
Liberty Laboratories., P.O. Box 1, Liberty Corner 07938.
Marland Breeding Farms, Inc., 531 Burnt Meadow Road, Hewitt 07421.
Marschner, F. and DeGrosa, M., d.b.a. Le Chien Grooming Salon and Pets, 2406 Atlantic Avenue, Atlantic City 08401.
McGee, M., d.b.a. Breezy Acre Farms, P.O. Box 83, Chatham 07928.
Moffett, T. F., Shinny Lane, Rural Free Delivery 1, Lawrenceville 08648.
Ricschl, W. H., d.b.a. Reptile Place, 118 Route 17, Upper Saddle River 07458.
Spade, D. and Dansbury, C., d.b.a. Edgely Research Farm, Box 65, Chesterfield and Georgetown Road, Columbus 08022.
Stevenson, D., 430 Radnor Avenue, Pine Beach 08741.
Sweeney, D. J., d.b.a. Kannon's Kennels, P.O. Box 381, Bricktown 08723.
Tinbergen, K., d.b.a. Sunrise Laboratory Animals, Ridge Road, Rural Delivery 2, Whitehouse Station 08889.
Trefflich, H., d.b.a. Trefflich's, Box 464, Bound Book 08805.
Triple R Rabbitry, P.O. Box 301, Manasquan 08736.
Vrana, R., Box 427A, Rural Delivery 1, Millville 08332.
West Jersey Biological Supply, Box 6, South Marion Avenue, Wenonah 08090.
Whaley, M. T., d.b.a. Summit View Farm, Rural Delivery 1, Box 293, Belvidere 07823.
Williams, J. E., d.b.a. Hilldale Farms, Dutch Mill Road, Franklinville 08322.
Zucca Hamstery, Inc., P.O. Box 507, 1541 Allen Avenue, Vineland 08360.

NEW MEXICO

Bond, E. B., d.b.a. Rurigny Kennels, Route 2, Box 307, Clovis 88101.
Hungerford, P., d.b.a. Gypsy's Kanine Haven, Route 1, Box 100B, Texico 88135.
McKean, D. and C., d.b.a. Kactus Kennels, Pine Spring Road, Carlsbad 88230.
Ruebush, O. L., d.b.a. Keenridge Rabbit Ranch, Box 266, Edgewood 87015.

NEW YORK

Agway Inc., d.b.a. Agway Technical Center, P.O. Box 1333, Syracuse 13201.
Ancare Corp., 47 Manhasset Avenue, Manhasset 11030.
Atwood, D. F., Old Route 20, East Nassau 12062.
Aurora Scientifics Inc., P.O. Box 239, East Aurora 14052.
Bean, A. G., Rural Delivery 3, Moravia 13118.
Becken, R. C. and E. N., d.b.a. Beckens Research Animal Farm, 2585 Upper Mountain Road, Sanborn 14132.
Bilello, L., d.b.a. Greewood Kennels, 34 Frank Court, Brooklyn 11229.
Boddis, G., d.b.a. Boddis Farms, Box 376A, County Road 11, Craryville 12521.
Bowley, C., 6774 Cicero Bridgeport Road, Rural Delivery 1, Clay 13041.
Bronson, J. L., d.b.a. Bronson Tropical Birds, 70 Nagle Avenue, New York 10040.
Buckberg Lab Animals Inc., Freehill Road, Tomkins Cove 10986.
Campbell, D. F., Rural Delivery 1, Route 20, Sloanville 12160.
Canlon, E. J., d.b.a. New Springville Laboratory Animals, 300 Robinson Avenue, Staten Island 10312.
Carlucci, J., d.b.a. Noah's Ark and Co., 68 Devoe Street, Brooklyn 11211.
Catskill Wild Animal Supply, Inc., Rural Delivery 1, Catskill 12414.
Chambers, T., Rural Delivery 1, Dexter 13634.
Charles E. Brackett, 55 Judson, Canton 13617.
Chase, J. E., Rural Delivery 1, Box 123A, Flycreek 13337.
Chupa, J., Joslen Boulevard, Hudson 12534.
Cleveland, H., Route 1, Rensselaerville 12147.
Connell, C. J. M., 5 Hill Street, Tupper Lake 12986.
Cooper, J. and E., Box 456, 228 Church Street, Breesport 14816.
Cornell University, d.b.a. Cornell Dog Farm, New York State College of Agriculture and Life Sciences, Ithaca 14853.
Criddle, W., d.b.a. Winona Criddles Caviary, Box 200, Tunnel Road, Rural Delivery 1, Port Crane 13833.
Crounse, J. C., Rural Delivery 1, Parkers Corners, Altamont 12009.
Cummings, R. and M., Route 1, Box 259, Dexter 13634.
Davis, H., 476 Halsey Valley Road, Spencer 14883.
Downs, J. J., Box 54, North Blenheim 12131.
Drannbauer, E., Rural Route 1, Box 258, Stamford 12167.
Dumbleton, D. and F., d.b.a. Windy Nob Farm, 5164 Linden Road, East Bethany 14054.
Dzierzanowski, B. R., 8471 Seven Spring Road, Batavia 14020.
F. J. Zeehandlelaar Inc., 6 Sickles Avenue, New Rochelle 10801.
Fabry, E. G, d.b.a. Fab Labs, Box 233, New City 10956.
Farley, J. W., d.b.a. Farnsworth Middle School, 20 Coronet Court, Schenectady 12309.
Flinn, P. J., d.b.a. Flinn's Rabbitry, 160 Ontario Street, Albany 12206.
Fowler, L., Rural Delivery, Lake Nancy Road, Middlegrove 12850.
Fugle, N., Eagle Road, Bliss 14024.
Gabriel, R., 3115 Lydius Street, Schenectady 12303.
Gottshall, R. D., Rural Delivery 5, Guyanoga Road, Penn Yan 14527.
Graziano, J., 10 De Gew Street, Nyack 10960.
Herrington, R., d.b.a. 4 Way Rabbitry, 9742 Bethany Center Road, East Bethany 14054.
Hill, M. D., d.b.a. Maru's Menagerie, 3535 Maple Road, Wilson 14172.
Hinderer, R. R., d.b.a. Richard's Commercial Rabbitry, Rural Delivery 2, Ashville 14710.
Hoessle, J., Central Bridge 12035.
Koenig, H., Rural Delivery 2, Box 167, Delanson 12053.
Krutulis Laboratories Inc., P.O. Box 153, Bridgeport 13030.
Logan, J. F., Rural Delivery 3, Penn Yan 14527.
Lotito, A., 375 Ellis Hollow Creek Road, Ithaca 14860.
Marshall Research Animals, Inc., North Rose 14516.
May, Sr., N. P., 2796 Fisher Road, Warsaw 14569.
Merzacco, E. J., d.b.a. Pet Lovers Paradise, 2309 Elmwood Avenue, Kenmore 14217.
Moore, W. K., d.b.a. W. Moore Bird Co., P.O. Box 4753, Rochester 14612.
Phillips, A., Box 386, Rural Delivery 2, Warwick 10990.
Presti, L., d.b.a. Hidden Acres Boarding Farm, Box 87, Spring Glen 12483.
Primate Imports Corp., 34 Munson Street, Port Washington 11050.
Putnam Pets, Inc., Route 6, Carmel 10512.
Reinemann, A., Rural Delivery 2, Route 146, Box 275, Altamont 12009.
Rio, H. R., Rural Delivery 1, Central Square 13036.
Ritchie, W., County Route 9, Philmont 12565.
Rochester Area Educational Television Association, Inc., d.b.a. Channel 21, 280 State Street, Rochester 14614.
Rogers, E. I., Glenmary Drive, Owego 13827.
Romano, L., d.b.a. Romano's Pet Farm, Rural Delivery 2, Box 394, Florida 10921.
Schulz, J., Rural Delivery 1, Box 92, Catskill 12414.
Science Kit, Inc., 777 East Park Drive, Tonawanda 14150.
Shaeffer, C. S. d.b.a. Shaeffer Crest Farm, Brooker Hollow Road, Richmondville 12149.
Shannon, R., Rural Delivery 1, Lodi 14860.
Shurtleff, F., Rural Delivery 2, Averill Park 12018.
Smith, D. L., d.b.a. Dons Rabbitry, P.O. Box 15, Waterloo 13165.
Spass, M., Rural Delivery 1, Greenville 12083.
St. Lawrence Valley ETV Co. Uncil, Inc., d.b.a. WNPE-WNPI Public Television, P.O. Box 114, Watertown 13601.
Stumbo, D. L. d.b.a. Stumbo Farms, Reed Road, Lima 14485.
Swedowske, L., d.b.a. Skee's Little Animals, 10448 Asbury Road, Leroy 14482.
The Mary Imogene Bassett Hospital, Cooperstown 13326.
Thompson, P. E., d.b.a. Greenwood Game Farm, Rural Delivery Box 73, Newark Valley 13811.
Tishel, G. and F., Altermeier, G., d.b.a. Shellstone Farms, Rural Delivery 2, Shellstone Road, Amsterdam 12014.
Trans-American Piet Dish, Inc., 9811 4th Avenue, Brooklyn 11209.
Truman, F., d.b.a. Truman's Kennels, Blodgett Mills 13738.
Van Etten, J., Star Route, Altamont 12009.
Van Warner, R., d.b.a. River View Kennels, Rural Delivery 1, New Berlin 13411.
Wade, C. H., d.b.a. Wade Bros., Rural Delivery 2, Wade Road, Whitehall 12887.
Wards Natural Science Establishment, Inc., P.O. Box 1712, Rochester 14603.
Webb, F., 55 New Hartford Street, New York Mills 13417.
Wells, E. E., Box 174, Springfield Center 13468.
Wittman Rabbitry, Inc., Box 221, Main Street, Yaphank 11980.
Yodice, M. and J., d.b.a. Aquarium Land, 5620 5th Avenue, Brecklyn 11220.

NORTH CAROLINA

Aqua-Rema Pet Center, Inc., 4947 Bragg Boulevard, Fayetteville 28303.
Beane, A., d.b.a. Puppy-Land Kennel, Route 1, Box 299, Franklinville 27248.
Berry Water Gardens, Inc., P.O. Box 607, Kernersville 27284.
Biggs, C. G., d.b.a. Biggs-Animal's, Route 2, Summerfield 27358.
Billingsley, J. P., d.b.a. B & B Hamsters, Route 5, Box 40, Reidsville 27320.
Calhoun Sr., W. H., d.b.a. The Rabbit Hutch, P.O. Box 23, Julian 27283.
Canady, S., d.b.a. Canady Kennel, Route 1, Box 162, Clinton 28328.
Carolina Biological Supply Co., 2700 York Road, Burlington 27215.
Cleveland County Health Department, d.b.a. Cleveland Animal Shelter, P.O. Box 1528, Shelby 28150.

Cooke, A. B., d.b.a. Buffalo Ranch Trading Post, Route 7, Box 203, Concord 28025.
Coon Hunters Association, Waynesville 28786.
Dawson, A., d.b.a. Amberdelle Rabbitry, Route 2, Box 122, Kinston 28501.
De Hoog, M. G., Route 1, Box 161, Pantego 27860
Franklin, L. C., d.b.a. Franklins's Rabbitry & Supply, P.O. Box 1067, Wake Forest 27587.
Fryer, G. L., d.b.a. Waseda Farms, Route 1, Box 60, McLeansville 27301.
Gordon, G. R., d.b.a. Small Stock FM PT, Route 6, Box 93, Shelby 28150.
Gravitt, M., d.b.a. Beaux Mountain Beagle Farm, Route 2, Germanton 27019.
Hagan, Sr., P. E., d.b.a. Hagan's Rabbitry, Route 2, 104 1st Street, Jacksonville 28540.
Jones, Sr., H. E., d.b.a. Puppy Paradise, Route 1, Box 44, Grimesland 27837.
Kiser, J. W., Route 2, Box 18, Vale 28168.
Lewis, C. N., d.b.a. Fishy Tail Tropical Fish Cove, P.O. Box 41, Smyrna 28579.
Lund, K. A., d.b.a. Coral Seas, P.O. Box 10201, Raleigh 27605.
McKenzie, C. L., d.b.a. Cedarwood Rabbits, Route 2, Box 45A, Liberty 27298.
McLaurin, A., d.b.a. McLaurins Kennel, Route I, Box 150, Wade 28395.
Murph's Kennels, Inc., Route 1, Box 512, Knightdale 27545.
Owens, R., and Wooten, T., d.b.a. Mountaineer Pets, Route 4, Box 467B, Kings Mtn. 28086.
Phillips, B. Z., d.b.a. Pearcroft Cattery, Route 2, Box 185, Raleigh 27610.
Pritchard, G., 907 Hillcrest Avenue, Graham 27253.
Ramsay, D. A., d.b.a. Triangle Animal Labs, Route 2, Hillsborough Road, Durham 27705.
Riley, C. F., d.b.a. Rileys Bunny Haven, Route 2, Box 519, Linden Road, Durham 27705.
Schaber, R. M., d.b.a. Schaber's Zoo Animals, 1305 Spring Avenue, Spring Lake 28390.
Scruggs, C., Route 2, Shelby 28150.
Seifried, R. L., d.b.a. Pet Haven, Inc., 5121 South Boulevard, Charlotte 28210.
Singleton, A., d.b.a. Singleton Kennels, Route 1, Box 270B, Fayetteville 28301.
Southeastern Laboratory Animal Farm, Inc., Route 1, Box 285, Apex 27502.
Suthard, H., d.b.a. Dearview Rabbit Ranch, 502 Deaverview Road, Asheville 28806.
Thomas Tackle Shop, Route 1, Box 25, Holly Ridge 28445.
Wise, A., d.b.a. Tarheel Cattery, Route 1, Willow Springs 27592.
Wood, M. R., d.b.a. Bush Hill Rabbitry, 306 Englewood Drive, Archdale 27263.

NORTH DAKOTA

Klose, E. E., d.b.a. El Dor Kennels, Route 2, Box 54, Jamestown 58401.
Landsem, L. O. & H. A., Rural Route 1, Edmore 58330.
Michaux, A., Box 44, Bottineau 58318.
Moos, L. G., d.b.a. Apple Creek Kennels, Route 1, Box 109, Bismarck 58501.
Ryum, R. E., Courtenay 58426.
Serr, T. & S., d.b.a. Prairie View Kennels, Hazelton 58544.
Weoll, G., d.b.a. North Dakota Rabbit Marketing, Granville 58741.
Wyckoff, G., d.b.a. C-Bar-H Cattery, Route 1, Box 210A, Bottineau 58318.

OHIO

Andermatt, R. L., d.b.a. Fins Fur & Feathers, 118 North Fayette Street, Washington Church 43160.
Anthony P. and Ball, A., d.b.a. Kiser Lake Kennels, Box 541, St. Paris 43072.
Bailey, Z. E., 2106 U.S. 68 South, Xenia 45385.
Baker, F., Route 1, Leesburg 45135.
Baldwin, J., Route 1, Box 157, Swanton 43558.
Bassett, P. H., 670 Morning Street, Worthington 43085.
Blue, C., d.b.a. Blues Animal Farm, 16241 Robinson Road, Plain City 43064.
Bowman, H. H., Star Route Box 44, Millersburg 44654.
Brandt, E. A., d.b.a. Carabran Kennel, Rural Route 2, New Philadelphia 44663.
Brown, D. A., d.b.a. Petland of Portsmouth, 836 Gallia Street, Portsmouth 45662.
Brown, R. R., d.b.a. Tropical Cove, 118 West North Street, Fostoria 44830.
Broxterman, J. A., 4214 Zagar Drive, Cincinnati 45245.
Buehrer, P., d.b.a. Swancreek Rabbitry, Route 2, Delta 43515.
Burchfield, M., 2217 Star Route 132, Goshen 45122.
Burgy, P. B., 2566 Short Way, Akron 44312.
Burrier, D. and L., d.b.a. Lindaue Kennel, Route 1, Newcommerstown 43832.
Campbell, L., d.b.a. Tinker's Rabbitry, Route 1, Box 8775, New Holland 43145.
Carr, G. C., 54 East Beaumont Road, Columbus 43214.
Church, M. A., d.b.a. Pet City, 5957 Center, Valley City 44280.
Clark, F. L., 1078 Pennsylvania Avenue, Columbus 43201.
Cockrell, L. and P., Route 2, Box 331C, Peebles 45660.
Cook, L. A., 5885 West State Route 571, West Milton 45383.
Cox, F. B., 8315 State Route 28, Route 1, Leesburg 45135.
Crawford, L., Route 2, 16189 East County Road 46, Bellevue 44811.
Dargitz, W. and D., d.b.a. Diamond D Kennel, Rural Route 2, Montpelier 43543.
Daulton, J. E., Route 2, Box 111A, Galion 44833.
Daum, W. G., d.b.a. Puppy Waggin Express, 1346 Mapleview Drive, Zanesville 43701.
Day, D. and C., d.b.a. K. & P. Kennels, Route 1, Box 343, Bidwell 45614.
Drum, O. L., Route 2, Cortland 44410.
Durigg, W., 83 Sprague Road, Berea 44017.
Edmiston, C. A., 5930 Bryan Road, Oregon 43618.
Fortunato, D. D., 4015 Massillon Road, Uniontown 44685.
Frank, E., d.b.a. Francavy's, 326 Ottawa Avenue, Westerville 43081.
Fuller, E. and V., d.b.a. Fullers Kennels, 105 Robinson Street, Tiro 44887.
Garrett, W. R., 8090 Kilby Road, Harrison 45030.
Genter, O. V., Route 2, Archbold 43502.
Gottlieb, H., 264 Brandtson Avenue, Elyria 44035.
Gray, C. B., d.b.a. Petland of Chillicothe, 31 South Paint Street, Chillicothe 45601.
Green, H. W., 1859 East High Avenue, New Philadelphia 44663.
Gregory, S. C., d.b.a. Critters, 3100 Linwood Road, Cincinnati 45208.
Grimsley, B. J., Rural Route 2, Mount Sterling 43143.
Grover, P., Route 1, Bidwell 45614.
Grugaugh, R. and I., 10750 West Versailles Road, Covington 45318.
Gutman, H. and E., 16146 Rock Creek Road, Thompson 44086.
Haaf, Jr., C. H., d.b.a. Valley Acre Rabbitry, Rural Delivery 3, Box 338, Wellington 44090.
Hanley, J. D., Route 1, Box 1696, Groveport 43125.
Hardesty, D. M., d.b.a. H. P. & A. Caviary, 12003 Summerland, Cleveland 44111.
Helwig, R., d.b.a. Hartwell of Silverton Pet Shop, 7225 Montgomery Road, Cincinnati 45236.
Herrick, T., d.b.a. Beaumanor Farms, 9578 Mulberry Road, Chesterland 44026.
Hinshaw, R., Rural Route 1, Bainbridge 45612.
Honoshofsky, G., Rural Delivery 2, 940 West Capel, Grafton 44044.
Honoshofsky, M. J., 8904 West Ridge Road, Elyria 44035.
Honoshofsky, M. J. and D. E., d.b.a. Mi-Dee Acres, 40330 Webster Road, Lagrange 44050.
House, W. B., Rural Free Delivery 5, Washington Courthouse 43160.
Hovanek, M. J., d.b.a. Petland of Lyndhurst, 5402 Mayfield Road, Lyndhurst 44124.
Howard, H. and A., d.b.a. Triple H Rabbit Ranch, Route 1, 4152 Gale Road, Granville 43023.
Huff, R. L., 1755 Mark Road, Washington Courthouse 43160.
King, B. and C., d.b.a. King's Wheel Rabbitry, 8085 Camp Road, Route 5, Mount Vernon 43050.
Knight, H. S., Route 9, Box 39, Chillicothe 45601.
Krause, P. R., d.b.a. Aqua Pet Shop, 1945 Jackson Road, Columbus 43223.
Lanier, G. L. and S. I., Route 2, Box 500, Debby Drive, Gallipolis 45631.
Laurens, C., 110 West Xenia Avenue, Box 101, Cedarville 45314.
Loper, Jr., F., 8085 South Palmer Road, New Carlisle 45344.
Louderback, R. W., 645 Birch Road, Xevia 45385.
Loveland Pet Products, Inc., Montgomery Road, Loveland 45140.
Magbee, G. M., d.b.a. Pet Land, 1905 Wasltingten Street, Cincinnati 45215.
Miller, I., Route 5, Box 183-A, Millersburg 44654.
Moden, R. and M., Rural Route 1, Box 167, Wauseon 43567.
Mogul Corp., Chagrin Falls 44022.
Murphy, T. J., 3406 Prairie Road, Wilmington 45177.
Nature World, Inc., 3985 Race Road, Cincinnati 45211.
Neff, W. O., Route 5, Box 412, Chillicothe 45601.
Parker, L., d.b.a. Old Red Barn Rabbitry, Rural Route 1, South Scion 43153.
Pavey, M. E., d.b.a. Flint Ridge Farm Kennels, Rural Route 2, 13205 U.S. 62 North, Leesburg 45135.
Petland, Inc., 31 South Paint Street, Chillicothe 45601.
Pinkerton, R. and L., d.b.a. The Great Seal Rabbitry, Route 4, Box 36, Chillicothe 45601.
Plummer, H. F., d.b.a. Plummers Rabbit Ranch, Route 4, Box 64B, Peebles 45660.
Pohlman, J. M., 9530 Stitt Road, Whitehouse 43571.
Pontius, J. K. and S., d.b.a. Little Acres Kennel, Route 1, Box 246, Wauseon 43567.
Rainbow Aquarium & Pet Supply, Inc., 2886 West Market, Warren 44485.
Ravenna Aquatics, Inc., 135 East Main Street, Ravenna 44266.
Reisdorff, B. and B., 2370 Center Road, Route 83, Avon 44011.
Robeano, M., d.b.a. Natures World of Pets, 3463 Paris Boulevard, Westerfield 43081.

Rody, R., 298 State Route 162, Route 1, Spencer 44275.
Roling, R. R., d.b.a. The Rabbit Factory, 5147 Spencer Road, Spencer 44275.
Rueve, F. and C., d.b.a. Driftwood Pet Shop, 3880 North Dixie Drive, Dayton 45414.
Rutherford, L. C., d.b.a. Rutherford's Rabbitry, 816 Ohio Avenue, Elmore 43416.
Saint Luke's Hospital, 11311 Shaker Boulevard, Cleveland 44104.
Sander's Tropics, Inc., 14012 Southwest Boundary Street, Perrysburg 43551.
Saunier, J. L., 5330 Cleveland Avenue Southeast, Canton 44707.
Schultz, B. J., 2974 Kennedy Road, Medina 42256.
Schwarzwalder, W., d.b.a. Wanda Pet Shop, 5501 Clark Avenue, Cleveland 44102.
Sees, R. L., d.b.a. Tanks-A-Lot of Firestone Park, 1467 Aster Avenue, Akron 44301.
Shultz, E. and M., 1725 Anglewood Drive, Mansfield 44903.
Singer, D. E. and S. J., 10320 Orrville Street Northwest, Massillon 44646.
Skomra, R. A., 30019 Mildred Street, Willowick 44094.
Sommer, D. L., d.b.a. Petland Promenade Store, 1186 West Kemper Road, Cincinnati 45240.
Stadtlander, G. J., 2951 Frost Road, Mantua 44255.
Sterrett, A. W., 2224 Savoy Avenue, Akron 44305.
Stinehelfer, M., d.b.a. Mike's Rabbitry and Mike's Pet Shop, 426 Union Avenue, Bucyrus 44820.
Stutzman, L. E., Box 41, Mount Hope 44660.
Sweetwater Farm, Inc., P.O. Box 293, Hillsboro 45133.
Trout, S., d.b.a. Trout's Pets, 5119 Ranson Road, Sandusky 44870.
Villalovos, J., Rural Delivery 2, Box 113, Fayette 43521.
Weaver, T., d.b.a. Furr & Purr Cattery, 4100 Central Avenue Southeast, Canton 44703.
Weiland, P. M., 3604 State Route 72, Lancaster 43130.
Wente, J., d.b.a. Bert's Tropical Fish, Route 5, Box 266, Portsmouth 45662.
Whitlock, E., Route 2, Stryker 43557.
Wilds, N., d.b.a. Green Valley Rabbitry, Box 435, Killbuck 44637.
Willoughby, R., d.b.a. Willoughby Rabbitry, 2150 Mount Carmel Road, Sabina 45169.
Witchey, Sr., J. E. and S. R., 6670 Newton Falls Road, Ravenna 44266.
Yocum, C. R., 1487 Woodville Pike, Loveland 45140.
Zimmerly, L., Rural Route 4, Wooster 44691.

OKLAHOMA

Ables, G., d.b.a. Jody's Poodle Parlor, Box 504, Lindsay 73052.
Alexander, C., d.b.a. Alexander Kennels, Route 2, Box 88, Wynnewood 73098.
Allen, J., Route 4, Vinita 74301.
Allen, J. & E., d.b.a. Puppy Haven Kennel, Route 2, Box 131, Bartlesville 74003.
Allred, B. G., Rural Route 1, Box 139A, Pryor 74361.
Anderson, J., 2907 O Street NW, Miami 74354.
Babbitt, W. I., 1003 D Street E, Commerce 74339.
Ball, H. and Anderson, M. L., d.b.a. Por Boiz Kennel, 6130 N Union, Ponca City 74601.
Barnett, C. E., d.b.a. Pinetree Kennels, Route 5, Pleasant View, Ponca City 74601.
Bellows, J. L., Fargo 73840.
Benson, J., Route 1, Ralston 74650.
Bernet, D., 515 North Seminole, Claremore 74104.
Black, T. F., Box 159, Beaver 73932.
Brantley, J., Route 1, Salina 74365.
Brown, H., Sardis 74564.
Brown, J., Route 1, Box 117, Tahlequath 74464.
Bruton, B., Route 2, Box 147, Beggs 74421.
Buchanan, J., 316 North Main, Medford 73759.
Bulluck, N., d.b.a. Bullock's Hilltop Kennel, Route 3, Box 246C, Bristow 74010.
Buoy, M., 101 North Virginia, Bartlesville 74003.
Burgess, W., d.b.a. Wayne Burgess Kennel, Route 1, Box 134, Bokchito 74726.
Burris, O. N., Route 1, Box 317, Claremore 74017.
Bussey, B. and M., Box 632, Marland 74644.
Cabral, B. D., Route 3, Box 174, Grove 74344.
Caldwell, J., 621 South Alabama, Okmulgee 74447.
Callicoat, K., Route 5, Atoka 74525.
Callison, R., Rural Route 5, Box 120, Pryor 74361.
Carr, D. E., d.b.a. Carr's Kennels, Rural Route 1, Box 363, Sallisaw 74955.
Carson, P., d.b.a. P Bar J Kennel, Route 2, Box 98, Muldrow 74948.
Carter, M. J., Route 7, Box 346, Claremore 74017.
Chapman, E. K., Route 2, Box 88, Ponca City 74601.
Collins, C. E., d.b.a. Red Hill Kennel, P.O. Box 551, Elk City 73644.
Conner, J., d.b.a. Beeline Kennels, Route 1, Box 140, Okmulgee 74447
Coulter, F. and K., d.b.a. Coulter's Kennel, Route 1, Box 70D, Oolagah 74053.
Cox, E. J., Route 1, Box 40, Grove 74344.
Cox, V., Route 2, Meeker 74855.
Crowe, R., Route 4, Box 109, Okmulgee 74447.
Curl, C. and R., d.b.a. 3-C Kennels, Route 1, Box 220, Vinita 74301.
Dallas, D. and C., 330 H Northeast, Miami 74354.
Damron, F. and C., Route 3, Box 16, Medford 73759.
Davis, M. L. and H., 2112 West Maple, Collinsville 74021.
Davis, S., Route 1, Box 21, Beaver 73932.
Dechant, A., d.b.a. Dechant's Luv-A Pet, Route 2, Grove 74344.
Defoor, N. P. and G. N., Route 4, Atoka 74525.
DeSautell, M. R., d.b.a. Lady's Circle, Star Route 2, Pryor 74361.
Dickey, G. M., d.b.a. Tuesdays Kennels, Rural Route 1, Burlington 73722.
Dickinson, R. L., d.b.a. Little Hickory Kennel, 316 P Street NE, Ardmore 73401.
Dixon, C., Route 1, Box 239, Miami 74354.
Dobson, J. and R., d.b.a. Janeo's Kennel, Rural Route 1, Box 77, Newkirk 74647.
Doc's Dogs, 430 South Morrow, Drumright 74030.
Dry, Mrs. C., d.b.a. Dry's Poodle Shop, 221 Lake Murray Drive, Ardmore 73401.
Drydon B. and Ryan B., d.b.a. Skyline Acres Kennels, Route 5, Box 803, Guthrie 73044.
Dubois, H., Box 5, Salina 74365.
Dubois, R., Star Route 2, Spavinaw 74366.
Dugan, N. and R., Route 2, Box 208, Ponca City 74601.
Elsberry, T., d.b.a. Stony Acres Kennels, Route 1, Box 55A, Chouteau 74337.
Few, N. F., Route 2, Box 31, Boynton 74422.
Fobes, A. A., d.b.a. Fobes Kennels, Route 1, Box 255, Bristow 74010.
Gahagan, Route 1, Box 127, Drumright 74030.
Giles, F. E., Route 3, 110 Ruth Street, Cushing 74023.
Glenn, E. P., d.b.a. Glenns Kennels, 1216 6th Street, Alva 73717.
Goodnow, W. S., 201 South Spencer, Box 523, Hinton 73047.
Gray, R. L., Rural Route 1, Box 50, Kremlin 73753.
Graybill, E. J., Route 1, Box 21, Cameron 74932.
Griffith, J. H., d.b.a. Circle G Kennels, Route 2, Box 66, Pryor 74361.
Grigsby, M. L., d.b.a. Marys Kennels, 512 A Street, S.W., Miami 74354.
Grissom, N. V., 823 East 60th Place North, Tulsa 74126.
Guthrie, K., d.b.a. Guthries Kennels, Box 445, Pryor 74361.
Hall, D. L. and M. E., d.b.a. Tra Mar, Route 3, Box 369, Collinsville 74021.
Harding, J., Route 3, Box 237N, Seminole 74868.
Harper, S., Route 1, Indianola 74442.
Harris, G., Route 1, Box 591, Cookson 74427.
Harris, L., 911 South Dewey, Wagoner 74467.
Hatcher, N., d.b.a. Nina's Puppy Ranch, Box 95, Finley 74543.
Hazelbaker, B., Route 1, Box 65, Camargo 73835.
Hereford M., and Heatherly F., Route 2, Nowata 74048.
Hess, C. L., d.b.a. Nor Sah Kennels, Rural Route 1, Box 1289, Owasso 74055.
Hiatt, M. and M., 3606 South 117th Avenue, Tulsa 74145.
Holman, B., d.b.a. Rocky-Cor Kennels, Route 1, Rocky 73661.
Hopkins, C. W., Route 1, Box 70W, Copan 74022.
Horrox, E. C., d.b.a. Coventry Forge Kennels, Route 2, Inola 74036.
Horton, M., Route 1, Box 64, Bokchito 74726.
Howell, L., Route 3, Cordell 73632.
Howell, T. L., 917 Maple, Alva 73717.
Hunt, L., Route 1, Box 100A, Dewey 74029.
Hutchison, W., d.b.a. Shagapooh Kennel, Rural Route 2, Waynoka 73860.
Irwin, L. S., 1120 West Wood, Shawnee 74801.
Johnson, O., Route 2, Box 94, Okmulgee 74447.
Jones, E. J., d.b.a. Triple J Kennel, Box 194, Evansville 72729.
Jones, R. I., d.b.a. Cottonwood Kennel, 423 North Broad, Guthrie 73044.
Kenney, P. V., Route 3, Box 45,
Kiddy, L. A., 2116 Sallie, Muskogee 74401.
King, E. and Knight, J. M., d.b.a. Green Country Commercial Rabbitry, Route 1, Box 302, Copan 74022.
Krug, G. and A., Box 592, Hooker 73945.
Langston, S., Star Route E, Box 35A, Locust Grove 74352.
Lawson, O. E., d.b.a. Sonny's Oodles of Poodles, 214 West Stonewall, McAlester 74501.
Layton, M., Route 2, Wynnewood 73098.
Lea, M. V., 1309 South Armstrong, Bartlesville 74003.
Littlepage, R. and K., d.b.a. Littlepage Kennel, Rural Route 1, Box 18, South Coffeyville 74072.
Lynd, I. B., d.b.a. Lynd Enterprises, Star Route A, Box 55C, Skiatook 74070.
McCoy, P., d.b.a. Novel Kennels, Route 2, Box 100, Westville 74965.
McAnulty, C. J., Box 267, Lehigh 74556.
McCoy, A. L., d.b.a. Annie Dog Patch, Route 1, Box 179A, Drumright 74030.
McLendon, L. A., d.b.a. McLendon Kennels, Route 1, Box 254, Bristow 74010.
Meredith, M., Route 1, Box 154, Pryor 74361.
Merit, G. and S., Rural Route 4, Box 114, Miami 74354.
Moody, D., d.b.a. Moody's Berryhill Kennel, Route 1, Drumright 74030.

Moody, E., d.b.a. Moody's Kennels, 1301 East Ash, Cushing 74023.
Moore, O. J., d.b.a. Ke-Bon Kennels, 802 West Broadway, Henryetta 74437.
Neil, M., Box 253, Welch 74369.
Neill, L. and A., d.b.a. Clear Creek Kennels, Route 1, Box 148, Welch 74369.
Norton, L. and H., d.b.a. Norton Kennels, Route 1, Lane 74555.
Odell, U., 530 North 52d Street, Muskogee 74401.
Odom, M., d.b.a. Hillside Hobby House, P.O. Box 116, Hitchita 74438.
Oliver, J., 3602 South 106E Avenue, Tulsa, 74145.
Parham, L., Route 1, Caney 74533.
Parish, J. C., Box 116, Tishomingo 73460.
Parker, D. S., and D. G., d.b.a. Double D Kennels, 300 North Kansas Avenue, Cherokee 73728.
Pearce, N., Route 1, Box 383, Caney 74533.
Peterson, D. E., Route 1, Box 297, Tuttle 73089.
Pierce, C. and L., Route 3, Box 334, Collinsville 74021.
Rahm, M. A., d.b.a. Windy Point, 2330 South Washington Boulevard, Bartlesville 74003.
Rancho Valley, Inc., Route 3, Box 74, Tecumseh 74873.
Ready, F., Hotel Franklin Box 220, Mangum 73554.
Reese, M. A., d.b.a. Reese's Kennel, Route 1 Box 30, Watts 74964.
Richmond, W. and A., 1520 North 68E Avenue, Tulsa 74115.
Riley, J. W., Rural Route 2, Wakita 73771.
Roberts, S. and S., d.b.a. Peek-A-Boo Kennels, Route 2, Eufaula 74432.
Sartin, R. D.,Route 1, Box 73, Sedan 67361.
Schmidt, Fred, Route 2, Box 178, Locust Grove 74352.
Scism, M., Route 2, Box 100A, Okmulgee 74447.
Sherrod, S., Rural Route 2, Box 47, Newkirk 74647.
Simpson, M., Star Route, South Box 114D, Locust Grove 74352.
Slape, P., Route 1, Box 8, Bragg's 74423.
Smith, J., d.b.a. Western Heights Kennels, Box 320, Guymon 73942.
Sprinkles, L., Bixby 74008.
Stewart, B., d.b.a. Stewart Kennel, P.O. Box 161, Prague 74864.
Stuemky, R. S., 420 West 5th, Newkirk 74647.
Sunn, E., Rural Route 1, Box 96B, Ramona 74061.
Surrell, A., Route 4, Atoka 74525.
Terwort, I. M., Rural Route 1, Box 115, Alva 73717.
Thomas, H. M., d.b.a. Calamity Kennels, Box 614, Hooker, 73945.
Thomason, A. and V., d.b.a. Green Country Kennels, Route 1, Box 206, Sallisaw 74955.
Thompson, L., Route 2, Box 155, Carnagie 73015.
Thomsen, H. and L., d.b.a. Cinder Glo Shelties, Route 2, Box 85, Stilwell 74960.
Timmons, K., Route 3, Box 92, McAlester 74501.
Tucker, L., d.b.a. Tidbits of the Tibet Kennel, Route 2, Elkhart 67950.
Turner, R., Route 3, Tahlequah 74464.
Unger, W. L., d.b.a. Unger Kennels, 208 West Michigan, Corn 73024.
Vian, E. J., Muse 74949.
Walker, E. D., 304 Southeast 2nd, Marietta 73448.
Walker, S., Route 1, Box 243, Wilson 73463.
Webster, E. M., Box 564, Barnsdall 74002.
Weeks, F. F., Route 1, Westville 74965.
Weinsmain, B., 618 East 7th, Claremore 74017.
Wheeler, J. and L., Route 2, Eufala 74432.
Wickham, W., Rural Route 1, Box 13B, Kansas 74347.
Wilkerson, L. K., Route 2, Tecumseh 74873.
Williams, C., d.b.a. Clara's Kennels, Rural Route 1, Freedom 73842.
Wilson, K. A., Route 6, Box 216, Ponca City 74601.
Wineinger, E. B., 1600 Town and Country Drive, Sand Springs 74063.
Winters, H. G., Route 3, Box 303, Claremore 74017.
Woodson, B., 827 North Norfolk, Tulsa 74106.
Workman, S., Caney 74533.

OREGON

Adney, R. R., P.O. Box 340, Hubbard 97032.
Alamo Enterprises, Inc., d.b.a. Old Mac Donalds Farm, Route 1, Box 297, Sheridan 97378.
Alley Cat Pet Center, Inc., 13980 Southwest T. V. Highway 3, Beaverton 97005.
Anderson, G., 2345 Hawkins Lane, Eugene 97405.
Aplet, F., July 1, 1977, Lebanon 97355.
Bailey, J. L. and P. K. 2815 Taylor Road, Central Point 97501.
Barrowcliff, E. R., Route 1, Box 527, Hubbard 97032.
Berg, E. M., d.b.a. Bergs Cattery, 13733 Southeast Foster Road, Portland 97236.
Boyd, R. A. and A. E., d.b.a. Boyd's Pet Shop, 5540 East Burnside Street, Portland 97215.
Burke, W. M. and R. M., d.b.a. Burkeshire Glen Kennels, 1709 Wordlawn Drive, Medford 97501.
Clark, A. and P., d.b.a. Umpqua Kennels Star Route Box 120A. Umpqua 97486.
Conner, B. A., d.b.a. Mee Jae Kennels 2580 Kincaid Road, Williams 97544.
Conrad, C., d.b.a. Cheree In Wonderland 91981 Taylor Road, McKenzie Bridge 97401.
Conrad, M., d.b.a. Marco Kennel 1118 Spring Street, Medford 97501.
Crawford, P. A., Route 1, Box 126, Sheridan 97378.
Crist, L. E., 86574, Eugene 97402.
Cruickshank, R. E., d.b.a. Edrec Kennel, 82143 No. Davissen Road, Creswell 97426.
Curtis, J. E., 3381 Scenic Avenue, Central Point 97502.
Dahlquist, R. and H., d.b.a. Harriet's Poodles, 661 Abegg Road, Merlin 97532.
Dees, G. and M., Hillsboro 97123.
Dennis, J. W., 4150 East Main Street, Sheridan 97378.
Domestic Toy Lepards of Oregon, Inc., 1110 SW Wallula Drive, Gresham 97030.
Durrell, R. M., d.b.a. Cherry Hill Kennel, Route 2, Box 38, Philomath 97370.
Edwards, M. E., P.O. Box 355, O'Brien 97534.
Farrell, L. A., d.b.a. Thurston Kennels 8179 Thurston Road, Springfield 97477.
Fergus, B. A., d.b.a. Fergus' & Tillie's Catteries P.O. Box 571, Sutherlin 97479.
Flaherty, S., d.b.a. Misans Kennel 380 Portland Avenue, Grants Pass 97526.
George, W., P.O. Box 297, Lakeside 97449.
Godfrey, H. H., d.b.a. Pollywog Pets, 85290, Hwy 101S, Florence 97439.
Gregory, L. and D., d.b.a. Bok Kai Kennels, Route 2, Box 555, Coos Bay 97420.
Groskopf, R., d.b.a. Eastport Plaza Pet Shop, 4012B SE 82nd, Portland 97266.
Hampton, T. I., P.O. Box 956, Philomath 97370.
Hansen, C., d.b.a. Hansens Kennel, Route 4, Box 909, Roseburg 97470.
Hickey, J. F., Route 1, Box 250, Albany 97321.
Holterman, D., d.b.a. Kan Tropical Wholesale Inc., 1315 North Locust, Canby 97013.
Howlett, G. J., d.b.a. Roxie-Rogue Kennel, 3835 Crater Lake Hwy, Medford 97501.
Johnson, B. L., d.b.a. Scales & Tales Aquatic Imports, 11965 Southwest Carriage Way, Beaverton 97005.
Jones, B. D., d.b.a. Pet Place, 14075 101 So., Tillamook 97141.
Kenagy, J. M., 3312 South Hills Street, Albany 97321.
Kilmer, R. and V., d.b.a. Double V Kennel, 4988 Delaney Road, Southeast, Salem 97302.
King, N., 4500 Woodstock Southeast, Portland 97206.
Kirkpatrick, M. C., 268 Crestview Loop, Grant Pass 97526.
Kleinsasser, E., 8139 Southeast Hartcliffe Court, Milwaukee 97222.
Kramer, D., 2312 South Pacific Highway, Talent 97540.
Lackey, C., d.b.a. Ron Del Kennels, 5358 South Pacific Highway, Medford 97501.
Lambert, M., 470 California Avenue, Grants Pass 97526.
Lawnerce, K. E., d.b.a. Windy Acnes Selienian Husky Kennels, 414 53 Northwest, Salem 97304.
Lawrence, J., Route 1, Box 582, Monroe 97456.
Lyman, P. and F., 2286 Pinegrove Road, Rogue River 97537.
Maine, D. M., 1534 Woodland Drive, Coos Bay 97420.
Martin, F. E., 920 Tolman Road, Ashlandor 97520.
Messinger, F. D., d.b.a. Weeping Birch Kennel, P.O. Box 191, Talent 97540.
Midgett, R., 2573 Camp Joy Road, Grants Pass 97526.
Miles, F. M., Box 701, Coos Bay 97420.
Milhoan, M. L., d.b.a. Rogueland Kennel, 1272 Gibbon Road, Central Point 97502.
Miller, P. A., 2525 Northwest Cornelius Pass Road, Hillsboro 97123.
Moffat, K., d.b.a. K.L.M. Hamster Enterprise, Route 3 Box 295—A, Sherwood 97140.
Mol Enterprises, Inc., P.O. Box 25348, Portland 97225.
Monarch Seed & Feed Co., d.b.a. Big Y Garden Center, 5th and Apple, Medford 97501.
Nelson, D. J., d.b.a. Eireann Kennel, Toklete Route Box 67A, Idleyld 97447.
Owen, S., 10-Clarks Branch Road, Myrtle Creek 97457.
Pacific Aquarium Supply, 4836 Southeast Division, Portland 97206.
Pinney, R., d.b.a. Pinneys Kennel, 6702 Westside Road, Cave Junction 97523.
Ramsey, P. I., d.b.a. Apple Acre Rabbitry, 41045 McKenzie Highway, Springfield 97477.
Rinear, R. and M., 1820 Robinson Road, Grants Pass 97526.
Russell, M. and J., d.b.a. Hide-A-Way-Kennels, Route 1, Box 87, Biddle 97469.
Scroggins, S., d.b.a. Evans Valley Kennels, 2042 Pleasant Circle Drive, Rouge River 97537.
Sherwood, C. L., d.b.a. Sherwood Kennels, 8421 Carolina Drive, Central Point 97502.
Sherwood, S. M., 1437 Hawthorn, Grants Pass 97526.
Smart, J. and E., d.b.a. Smart Kennel, P.O. Box 91, Keno 97627.
Smid, H. R., 89472 Demming Road, Elmira 97437.
Smith, G. and L., d.b.a. Pet 'N' Pond, 14405 Southwest Pacific Highway, Tigard 97223.
Smith, W. D., Jr., 39943 Almen Drive, Lebanon 97355.

Sorensen, D. M., 1720 Prune, Medford 97501.
Spivey, M. A., and L., d.b.a. Mount Rueben Kennels, Box 112, Mount Rueben Road, Glendale 97442.
St. Arnold, S., Saint's Kennels, 3961 Corey Road, Central Point 97501.
Stephens, K. R., Chehalem Kennels, P.O. Box 326, Newberg 97132.
Stewart, J. M., Peking Dragon Ranch, 5715 Beagle Road, Central Point 97502.
Stine, C., Dogpatch Kennels, Star Route Box 60, Winston 97496.
Stout, F. M., Sundrift Ranch, Route 1, Box 2, Alsea 97324.
Sullivan, C. and N., Sullivan Acres Poodle Kennels, Route 1, Box 135, Klamath Falls 97601.
Summers, D. R., d.b.a. DRS Pet Shop & Supply Center, 4772 North Lumbard, Portland 97203.
Trotter, N. J., Route 2, Box 181-A, Scappoose 97056.
Walker, N. L., Route 5, Box 410, Coos Bay 97420.
Warm Springs Aquarium Supply, 1300 Southeast Gideon Street, Portland 97202.
Watkins, L. L., 337 Northeast 102nd, Portland 97220.
Whiteside, J. L., d.b.a. J&L Hamsters, 524 South Molalla Avenue, Melalla 97038.
Wigle, W., P.O. Box 199, Lakeside 97449.
Williams, J., d.b.a. Laurel Acres Kennel, 9680 Blackwell Road, Central Point 97501.
Wilson, R. D., 34060, Creswell 97426.

PENNSYLVANIA

Ace Animals, Inc., Rural Delivery 1, P.O. Box 122, Boyertown 19512.
Allgyer, S. and R., Rural Delivery 1, Box 329, Gap 17527.
Areford, C. L. and Lohl, D. A., 227 South Market Street, Carmichals 15320.
Bell, Jr., d.b.a. Bill's Pet Shop, Rural Delivery 6, Mercer 16137.
Bender, H. G., Rural Delivery 1, Box 289, Salisbury 15558.
Bender, S. and A., Star Route, Springs 15562.
Berne, H., 1030 South Concord Road, West Chester 19380.
Bio-Medical Associates, Inc., P.O. Box 46, Friedensburg 17933.
Brant, J., Star Route, Springs 15562.
Brenneman, S., Rural Delivery 1, Box 304, Salisbury 15558.
Buckshire Corp., 2025 Ridge Road, Peraksie 18944.
Cannon, G. E., d.b.a. Cannon Farms, P.O. Box 3627, Reading 19606.
Cutrell, O., Route 1, Box 254A, Scottdale 15683.
Depta, M. A., Rural Delivery 3, Mount Pleasant 15666.
Doney, S. and A., d.b.a. Stephanie's Rabbitry, Rural Delivery 1, Box 83, Smithton 15479.
Dutchland Lab Animals, Inc., Rural Delivery 2, Box 139-A, Denver 17517.
Edmonds, I., d.b.a. South Hills Petland, 3310 Saw Mill Run Boulevard, Pgh 15227.
Eiler, H. H., 441 East New Castle Street, Zelienople 16063.
Esposito, S., d.b.a. Quaker Farm Kennels, Rural Delivery 1, Box 137A, Quakertown 18951.
Faber, U., Rural Delivery 3, Honey Brook 19344.
Federated Medical Resources, Rural Delivery 2, Box 74, Honey Brook 19344.
Ferguson, R. W., d.b.a. Ferguson's Research Supply, Rural Delivery 4, Doylestown, 18901.
Folker, E. M., Rural Delivery 2, Box 122, New Holland 17557.
Free, B., 1339 Richland Town Pike, Quakertown 18951.
Frye, H., Holbrook 15341.
Frye, W. E., Rural Delivery 2, Ligonier 15658.
Gingrich, H., d.b.a. Gingrich Annual Supply, Rural Delivery 1, Box 435, Fredericksburg 17026.
Gnagey, N. M., Rural Delivery 1, Meyersdale 15552.
Grumbein, B., 10 East Pine Street, Ephrata 17522.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Hillegas, L., Forty Foot Road, Kulpsville 19443.
Hilltop Lab Animals, Inc., Rural Delivery 1, P.O. Box 195, Scottdale 15683.
Hix, E. K., Rural Delivery 1, Box 143, Hamburg 19526.
Hockenberry, C., d.b.a. Perry Valley Kennel, Blain 17006.
Hoffer, W., Rural Delivery 2, Ligonier 15658.
Hutton, R. B., Route 1, St. Thomas 17252.
Kinsinger, D. S., Rural Delivery 1, Box 48, Meyersdale 15552.
Kinsinger, H. R., Route 1, Box 226-A, Meyersdale 15552.
Kinsinger, I. and A. N., Route 1, Box 235, Meyersdale 15552.
Knepper, R. S., 605 West Lisburn Road, Mechanicsburg 17055.
Knopsnider, B. H., d.b.a. Knopsnider's Kennel, Star Route, White 15490.
Lapp, Jr., J. K., Box 428, Rural Delivery 1, New Holland 17557.
Long, G. W., Rural Delivery 1, Box 529, Zionsville 18092.
Lowrey, J. C., d.b.a. Dalmatian Research Foundation, 720 Woodberry Road, York 17403.
Madrigal, R. and D., Rural Delivery 2, Box 32, Schuylkill Haven 17972.
Marcase, C. and S., d.b.a. Wood Acra Rabbitry, Rural Delivery 2, Box 388, Valley Inn, Monongahela 15063.
McCann, G., Rural Delivery 2, Box 221, Lees- port 19533.
McCarthy, J. E. and C. D., d.b.a. McCarthy's Commerical Rabbitry, Rural Delivery 3, Box 448, Conneaut Lake 16316.
McChesney, W. H., d.b.a. Fire Hill Farm, Widnoon 16261.
Mears, J. L., Rural Delivery 4, Box 183B, Latrobe 15650.
Miller, J. N., d.b.a. Millers Animal Farm, Rural Delivery 1, Box 71, Mill Run 15464.
Mistretta, S. and E., d.b.a. Twin Mountain Rabbit Farm, Rural Route 1, Box 102B, Palmerton 18071.
Murphy, O., Rural Delivery 1, Box 248C, Vanderbilt 15486.
Nolt's Ponds Inc., 3708-12 Quarry Road, Silver Spring 17575.
Opperman, A., Rural Delivery 1, Box 265, Leechburg 15656.
Peachey, E. I., Box 292, Rural Delivery 2, Huntington 16652.
Pennabecker, W., 538 South 4th Street, Denver 17517.
Perfection Breeders, Inc., P.O. Box 75, Douglassville 19518.
Pet Pad Inc., 5432 Walnut Street, Pittsburgh 15232.
Price, D. F., d.b.a. Fish Dimensions, 358C Whitestown Road, Butler 16001.
Rachelwood Wildlife Research Preserve, Rural Delivery 1, New Florence 15944.
Reichert, C. F., Rural Delivery 4, Boyertown 19512.
Research Animals Inc., P.O. Box 501, Braddock 15104.
Ritenour, L. V., 457 Reidmore Road, South Connellsville 15425.
Rockland Inc., Engleville 19525.
Rotz, B. K., Rural Delivery 2, Shippensburg 17257.
Sacks, L., d.b.a. Sack's Farm, Rural Delivery 3, Evans City 16033.
Schill, G. V., 3923 New Texas Road, Pittsburgh 15239.
Schober, J. E., F. E. and P. T., d.b.a. Schober's Hamster House, 54 West Main Street, Mountsville 17554.
Schwenk, H. J., 307 West Reliance Road, Souderton 18964.
Showvaker, G. R. and M. L., d.b.a. Bunnyville Farm, Rural Delivery 2, Box 404, Littlestown 17340.
Smith, G. J., d.b.a. Bedminster Rabbitry, P.O. Box 16, Bedminster 18910.
Smithkline Corp., P.O. Box 7929, Philadelphia 19101.
Sommers, L., Star Route, Box 40, Springs 15562.
Spinneweber, P. K., Rural Delivery 3, Washington 15301.
Stoltzfus, B. S., Rural Delivery 1, Leola 17540.
Stolzfus, S. M., Rural Delivery 1, Narvon 17555.
Sula R. and Klepp A. and Flaher T. Y., d.b.a. Bobs World of Pets, 907 Presque Isme Drive, Pittsburgh 15239.
Three Springs Kennel Co., Inc., Rural Delivery 2, Zelienople 16063.
Timberlea Enterprises, Inc., Rural Delivery 1, Willow Creek Road, Wrightsville 17368.
Todd, H., Rural Delivery 4, Box 331, Belle Vernon 15012.
Trinka, G. L., d.b.a. Scientific Breeders, 228 Green Street, Sellersville 18960.
Unruh, R. H., d.b.a. Skippack Farms, Skippack 19474.
Von Nieda, A., d.b.a. Vonecho Cattery & Kennels, 937 Madison Avenue, Reading 19061.
Walney, V. W., d.b.a. Val & Fran's Bunny Farm, Rural Delivery 1, Box 233A, Kennerdell 16374.
Weaver, C. Z., d.b.a. Schoeneck Labs, Rural Delivery 2, Denver 17517.
Whalen, T., Box 415, Rural Delivery 1, Barnesville 18214.
Wilburn, R. L., 133 Mine Road, Quakertown 18951.
Williams, W. H., Box 15, Rural Delivery 4, Wallace Road, Wexford 15090.
Wilson, M. B., 52 Railroad Street, Dunbar 15431.
Wright, B. and C., d.b.a. Wright's Plott Kennel, Rural Delivery 3, Box 261, Dover 17315.
Yoder, H. L., Rural Delivery 1, Box 114, Grantsville 21536.
Yoder, J., 421 Woodlawn Avenue, Meyersdale 15552.
Yoder, K. P., Rural Delivery 1, Box 110, Meyersdale 15552.
Zartman, M. U., d.b.a. Zartmans Farms, 3 Toll Gate Road, Douglassville 19518.
Zartman, M. U., d.b.a. Gilbertville Sales Stables, 3 Toll Gate Road, Douglassville 19518.
Zook, A., Route 1, Box 249, Meyersdale 15552.
Zook, F., Route 1, Box 249, Meyersdale 15552.

RHODE ISLAND

A. N. K. Enterprises, Inc., R.F.D. 1, Skunk Hill Road, Hope Valley 02832.
Burke, Jr., d.b.a. Shangri La Kennels, Box 7103, Johnston 02919.

Hancock, C. A., 554 Lake Road, Tiverton 02878.
Nightingale, Jr., W. E., d.b.a. Pine Acres Rabbitry, Pole No. 31, Sheldon Road, West Glocester 02814.
Nightingale, W. E. and P. E., d.b.a. Glocester Rabbitry, Mount Hygela Road, Chepachet 02814.
Petland, 1465 Atwood Avenue, Johnson 02919.
Pets Unlimited, Inc., 347 Hawkins Avenue, Providence 02904.
Rumford Aquarium, Inc., 22 First Street, East Providence 02914.

SOUTH CAROLINA

Alexander, W. T., d.b.a. A. & A. Pet & Supply Distributor, 715 Chipley Avenue, Greenwood 29646.
Baity, R. F., d.b.a. The Pet Village, Ashley Plaza Mall, Charleston 29407.
Byrd, J. P. and I. E., d.b.a. Byrd's Rabbitry & Dog Farm, 2432 Savannah Highway, R.F.D. 13, Charleston 29407.
Carolina Tropical Fish & Pet, Rural Delivery 2, Box 613, Orangeburg 29115.
Cook, J. and H., Cook's Rabbitry, Route 2, Box 235, Barnwell 29812.
Dann, Jr., A. L., 1500 Old Towne Road, Charleston 29407.
Dean, F. W., d.b.a. Travelers Rest Pet & Supplies, 33 Henderson Drive, Travelers Rest 29690.
Dopson, M. H., d.b.a. Chisolm Biological Laboratories, 2252 Lazy River Drive, Charleston 29407.
Hayes, N. W., Route 1, Pelion 29123.
Meeks, J. W., d.b.a., M. & M. Pet Farm, Route 1, Wellford 29385.
Mitchell, H. E., d.b.a., Trails End Zoo Co., P.O. Box 188, St. Stephen 29479.
Palmetto Rabbit Coop., Inc., Route 1, Box 373, Warrenville 29851.
Rewis, C., P.O. Box 3554, Charleston 29407.
Terry, A., d.b.a., Allen Terry's Wildlife, P.O. Box 2001, South Greenwood 29646.
Thompson, M. D., Route 2, Box 161, Grover 28073.
Vincent, F. M., d.b.a. Vincent's Rabbitry, Route 1, Box 460, Bonneau 29431.

SOUTH DAKOTA

Blackburn, M., d.b.a. Blackburn's Hound Hollow, Route 4, Independence 67301.
Borns, G., Rural Route 1, Dell Rapids 57022.
Carmody, S., Rural Route 5, Miller 57362.
Corbett, J. H. and D. L., Box 325, Ellsworth AFB 57706.
Deckert, R. J., Marion 57043.
Dithmer, L. M. d.b.a. Pass Creek Kennels, Wanblee 57577.
Doering, R. and S., d.b.a. Ponderosa Kennels, Rural Route 3, Mitchell 57301.
Finkbeiner, L. L., Rural Route 2, Box 94, Roscoe 57471.
Fischer, D., d.b.a. Wappen Kennel, Mount Vernon 57363.
Fischer, R. and S., d.b.a. Fischer's Dakota Kennels, Rural Route 1, Olivet 57052.
Foreman, S. and D., d.b.a. Roadside Kennel, Orient 57467.
Hammrich, C. and S., P.O. Box 611, Ipswich 57451.
Kaul, M. R. and K. M., d.b.a. Kathys Klip Korral, Route 2, Box 22, Rapid City 57701.
Kippes, F., d.b.a. Sodaki Kennels, Route 1, Marion 57043.
Koenig, W., Rural Route 2, Carter 57526.
Laubach, D. and P., d.b.a. Royal Line Kennels, Rural Route 3, Box 83, Aberdeen 57401.
Leslie, E. J., Route 3, Box 2, Lennox 57039.
Liedorff, D., 114 South Pine, Brookfield 64628.
McCarty, R. L., d.b.a. Reiszen Hund Kennel, Box 145, Delmont 57330.
Mins, L., Box 196, St. Lawrence 57373.
Nickolas, J. L., d.b.a. Jeanine's Grooming, 3412 West Main Street, Rapid City 57701.
Overweg, M., New Holland 57364.
Pekarek, J. M., Highmore 57345.
Power, R., 259 Wisconsin, Northwest, Huron 57350.
Rieger, L. W., d.b.a. Kreature Kingdom, Rural Route 4, Box 505, Rapid City 57701.
Schoenwald, G. M., Salem 57058.
Shea, J., Colome 57528.
Sherman, J. C., Howard 57349.
Skluzak, D. and Children, Kimball 57355.
Slouka, N. J., Box 133, Dallas 57529.
Spaans, D., Rural Route 1, Stickney 57375.
Thompson, L. G., d.b.a. Thompsons Kennels, Rural Route 1, Winfred 57076.
Thormodsgard, L., d.b.a. L&M Kennels, Route 1, Hudson 57034.
Tiahrt, H., d.b.a. Huldah's Caviary, Route 2, Box 177, Bridgewater 57319.
Travnicek, R. and B., d.b.a. Meadow Brook Kennels, Route 4, Box 42, Dallas 57529.
Wagner, R. L., d.b.a. Wagner's Kennels, Route 5, Watertown 57201.
York, P. and Schneider, D., d.b.a. P&D Kennel, 321 6th Avenue Southwest, Watertown 57201.
Zimbelman, R. and L., Route 1, Box 12C, Gregory 57533.

TENNESSEE

Hancock, K. G., d.b.a. Big Bell Ranch, 2555 Poplar Avenue, Memphis 38112.
Hargrove, W. L., d.b.a. Three H Research, 161 Cunningham Street, Milan 38358.
Harrison, E., Route 4, Box 161-AA, Lewisburg 37091.
Johnson, C., Route 10, Sparta 38583.
Linzey, P. S., d.b.a. Animal Specialists, P.O. Box 7161, Nashville 37211.
Newcom, F. J., d.b.a. Newcom Kennels, Box 481, Jasper 37347.
Shadow, D., Route 1, Winchester 37398.
Shanklin, J. H., d.b.a. Hilltop Rabbit Ranch, Mooresville Pike, Route 6, Box 68B, Columbia 38401.
Snyder, T. L., d.b.a. Jones Pet Shop, 1812 21st Avenue South, Nashville 37212.
Southern Biological Supply Co., P.O. Box 68, McKenzie 38201.

TEXAS

Aldridge, D., d.b.a. El Chico Kennels, Route 4, Comanche 76442.
Anderson, J. T. and C., d.b.a. Anderson Pet Shop, 300 North Austin Street, Seguin 78155.
Andis, B. and V., d.b.a. Hip-O-Ranch Kennels, Route 1, Clarendon 79226.
Animal Care Center, 6321 Bissonnet, Houston 77074.
Ansley, M. G., Route 1, Box 86A, Buna 77612.
Armstrong, H. A., 219 Williams Drive, Kleberg 75145.
Bandy Laboratories, Inc., 2114 South 1st Street, Temple 76501.
Barger, M. L., Route 1, Box 171E, Denison 75020.
Barnes, S. L., 11915 D Street NAS, Corpus Christi 78419.
Barnett, B., 807 Pecan Street, Graham 76046.
Baylor College of Medicine, 1200 Moursund Avenue, Houston 77030.
Bayne, D. W., d.b.a. Big Tree Acre Zoo Farm, 1711 Connorvale Road, Houston 77039.
Bell, J. L., d.b.a. Horn-B Game Ranch, 1800 Christine Street, Pampa 79065.
Benge, R. A., d.b.a. The Small Animal Farm, Route 1, Box 627-B, Conroe 77302.
Blom, A., d.b.a. Al Blom Rabbitry, 7903 Stebbins Drive, San Antonio 78240.
Boone, R. R., d.b.a. Neptune Pet Center, 2936 Palmer, Texas City 77590.
Bracey, R. L., Route 3, Mabank 75147.
Brandvik, J., d.b.a. JJ's Kennel, Star Route, Gruver 79040.
Byrd, K. A. and A. C., d.b.a. Whispering Pines Kennels, Route 1, Box 112A, Call 75933.
Callen, E., Box 717, Levelland 79336.
Carroll, C., d.b.a. Ponderosa Rabbitry, Route 4, Box 49A, Bryan 77801.
Carwile, H. F., d.b.a. Bethyl Laboratories, Inc., P.O. Box 821, Montgomery 77356.
Cash, Jr., H. C., 2667 Thannisch Avenue, Fort Worth 76105.
Center Industries, Inc., 8424 Randy Drive, Smithfield 76080.
City of Lubbock, P.O. Box 2000, Lubbock 79457.
Clark, C. J., d.b.a. Brushy Creek Rabbitry and Caviary, 202 Willis Avenue, Yoakum 77995.
Clemens, B., 6824 Alma Street, Fort Worth 76119.
Cochron, D. R., Route 3, Box 181, Terrell 75160.
Cox, L., Route 3, Box G21, Decatur 76234.
Davis, L. T., 2500 West Morton Street, Denison 75020.
Dawson, G., P.O. Box 181, Caldwell 77836.
Deware, J., d.b.a. Beverly Puppy Ranch, 925 Redmand Street, Corpus Christi 78418.
Dodd, D. and J., d.b.a. The Pet Center, 6710 Camp Bowie, Fort Worth 76116.
Driver, G. E., d.b.a. Amazon Aviary and Pets, 7144 Center Highway, Nacogdoches 75961.
Dryden, C. G., d.b.a. La Moca Monkey Ranch, P.O. Box 1968, Laredo 78040.
Edwards, J., Route 3, Box 702A, Mesquite 75149.
Edwards, S., Route 2, Box 71, Pampa 79065.
Elliott, H., d.b.a. Pine Forest Kennel, 4125 Lakeview Cutoff, Vidor 77662.
Ellsaesser, S., d.b.a. Shirley's Kennels, Route 5, Box 252, Amarillo 79115.
Evridge, J., d.b.a. Joe Evridge Animals, Route 3, Box 206, Comanche 76442.
Favors, J., 1026 Joslin, Irving 75060.
Ferraro, F. F., d.b.a. DFW Pet Ranch, 2507 Dove Loop Road, Grapevine 76051.
Flying Fur-Petransfer, 1616 South Main, Houston 77002.
Fry, J. W., d.b.a. Fry's Plants and Pups, Route 2, Box 210, Denison 75020.
Gaither, K. L., Route 2, Box 51A, Wylie 75908.
Gentry, W. E., d.b.a. Gentry's Laredo Garden Center, 3020 Meadow Avenue, Laredo 78040.
George, C. W. and Robertson, R. C., d.b.a. G & R Stock Farm, 2305 B Cavitt Avenue, Bryan 77801.
Goltra, J., Route 1, New Boston 75570.
Gray, J., 817 High School Drive, Seagoville 75159.
Green, R. M., P.O. Box 31, Bangs 76823.
Gresham, K., d.b.a. Gresham Kennel, 402 Catus, Levelland 79336.
H. & L. Sales Co., d.b.a. Patio Ranch, P.O. Box 21100, San Antonio 78221.
Harris, D. M., 3511 Fort Worth Highway, Weatherford 76086.
Henson, R. N., Rural Route 1, Box 2278, Belton 76513.

Higginbottom, L. R., Box 291, Cross Plains 76443.
Hoferkamp, D., 5809 Carolyn Drive, Fort Worth 76118.
Holman, R. A. and Henderson, G. L., d.b.a. Pet Shop & Bird Clinic, 3118 Smith, Houston 77002.
Holtman, H., 1304 Terrace Street, Pampa 79065.
Howell, R., d.b.a. Petland, 2636 34th Street, Lubbock 79410.
Huddleston, R. and N., 1034 19th NW., Paris 75460.
Hutchins, P. and B., d.b.a. Cavy Country Caviary, Route 5 Box 65, Denton 76201.
Jackson, C. and J., d.b.a. The Pet Shack, 7403 Irvington Boulevard, Houston 77022.
Jeter, L. N., Route 1, Box 199H, Mansfield 76063.
Jones, F. G., d.b.a. Double J Rabbitry, Route 1, Lockney 79241.
Jordan, A. F., 2320 South Church Street, Paris 75460.
Keeton, O. G., d.b.a. K. & K. Kennels, Route 2, Box 169, Lubbock 79415.
King, M. B., 609 Old Comanche Road, Brownwood 76801.
Kinney, H., d.b.a. Kinney's Kennels, Route 4, Hico 76457.
Kirby, A. H., d.b.a. Kirby K. G. Kennel, 120 North Elm, Perryton 79070.
Kraus, III, W. C., d.b.a. Kraus Rabbitry, Route 1, Box 224, Palestine 75801.
Lackey, M., 133 Rice Drive, Portland 78374.
Lamkin, M., d.b.a. Amatex Exotics, P.O. Box 5843, Amarillo 79105.
Langston, B., d.b.a. Babe's Kennel, Route 1, Box 272A, Salina 74365.
Lee, M., Route 2, Box 51A, New Boston 75570.
Lindenthal, I. B., d.b.a. Thunderbird Kennels, 7229 Barker Road, El Paso 79915.
Locke, O. M., P.O. Box 731, New Braunfels 78130.
Marcum, H. W., 3219 Edna, Fort Worth 76117.
Markham, J. L., Box 7, Canyon 79015.
McCarty, M., 4401 Wildwood Road, Dallas 75209.
McLemore, D., d.b.a. McLemore Enterprises, Route 2, Kemp 75143.
Meador, J., 1021 Noble, Carrollton 75006.
Mecom, J. W., d.b.a. Mecom Ranch World Wildlife Preserve, Star Route, Box 75, Laredo 78040.
Meyer, R. and M., d.b.a. The Little Pet Corner, 706 West Main, Tomball 77375.
Milford, B. D., d.b.a. Strawberry Pet Shop, 2007 Strawberry, Pasadena 77502.
Minton, B., d.b.a. Minton Rabbitry, Route 1, Box 170A, Iola 77861.
Mitchell, L., Route 6, Box 549A, Texarkana 75501.
Moorman, L. J., d.b.a. Brady Creek Ranch, 2002 N. B. C. Building, San Antonio 78205.
Morgan, E. and R., P.O. Box 65, Carrollton 75006.
Morris, B. A., Route 1, Powderly 75473.
Murray, B., 6612 Midway Road, Holton City 76117.
Newson, H. R., d.b.a. Newsom's Varmints Things, 5220 Airline, Houston 77022.
Nichols, C., d.b.a. C. N. Kennie, 105 Elm Street, Bonham 75415.
Nichols, R., d.b.a. Ray Nichols Rabbitry, Route 4, Box 511, Lumberton 77656.
Novotny, I., Route 1, Box 242A, Paris 75460.
Ogg, C. and A., d.b.a. Big O Rabbitry, Route 3, Box 243, Orange 77630.
Pena, T., d.b.a. Big Sky Kennels, 5315 Amarillo Boulevard East, Amarillo 79109.
Penn, P., d.b.a. Penn Acres Ranch, Route 1, Box 326C, Wimberly 78676.
Petsick, J., Box 634, Comanche 76442.
Phillips, D., d.b.a. Phillips Canine Cave, Box 493, Levelland 79336.
Pierce, G., d.b.a. Clayco Research Kennels, Route 1, Henrietta 76365.
Pirkey, D. W., Route 2, Box 311, De Kalb 75559.
Prince, L., P.O. Box 654, Fabens 79838.
Rana Laboratories, One Mile North Old Highway 77, P.O. Box 3103, Brownsville 78520.
Reeves, H. G., 110 Ramada Trail, Amarillo 79108.
Rhoten, R. J., d.b.a. Rex-Em-Kennels, 10 North Koopman, Phillips 79071.
Rutherford, J. E., d.b.a. Country Ranch Kennels, Route 1, Box 66, Jourdanton 78026.
Saenz, F. F., d.b.a. Valley Research Suppliers, 906 West Mahl Street, Edinburg 78539.
Schreiner III, C., d.b.a. YO Ranch, YO Ranch, Mt. Home 78058.
Shande, K. E., d.b.a. Kanine Koiffares, 5555 North Lamar E 119, Austin 78751.
Stebman, J., d.b.a. Caddo Crest Ken, P.O. Box 66, La Rue 75770.
Skaggs, B. G., d.b.a. Safari Farm, Route 7, Box 510R, San Antonio 78221.
Slovak, R., d.b.a. Rich Glo Lab Animals, Route 2, Box 161A, El Campo 77437.
Smith, N. N., d.b.a. Singing Bell Kennels, P.O. Box 55, Wolfe City 75496.
Smith, T., d.b.a. Verde Valley Ranch, P.O. Box 7398, Houston 77008.
Southwest Foundation For Research and Education, P.O. Box 28147, San Antonio 78284.
Stanley, M. D., d.b.a. Stanley Critters, Route 1, Box 493A, Brownwood 76801.
Stevens, L. and D., d.b.a. Odd Shop, 123 North Frazier Street, Conroe 77301.
Stewart, G. E., d.b.a. Stewarts Kennels, Route 3, Box 176, Comanche 76442.
Stillmeadow, Inc., 3223 La Costa Drive, Missouri City 77459.
Strain, C. B., 1342 South Main Street, Ducanville 75137.
Thompson, F. W., d.b.a. Rostex Kennels, PSR Box 20 B1, Weatherford 76086.
Tiner, J. C., 4430 Belclaire, Dallas 75205.
Tower, M. J., d.b.a. Bamboo Pet Shop, 5607 West Lovers Lane, Dallas 75209.
Troop, E., d.b.a. Troops Pet Shop, Box 51, Bruni 78344.
Vivo Animales, Inc., P.O. Box 230, Lorena 76655.
Walker B., and Rottman P., d.b.a. B & P's Animal Factory, 716 West Alacama, Houston 77098.
Walker, E. R., 1302 West 18th Street, Amarillo 79102.
Warden, M., d.b.a. Colony Pet Shop, 3719C Colony Drive, San Antonio 78230.
Ware, J. A., P.O. Box 418, Banquette 78339.
Waters, D., Box 131, Mountain Home 78058.
Webb, K. E., d.b.a. B & W Tropical Fish and Supply Center, 3520 25th Street, Port Arthur 77640.
Wheeler, F. W. B., d.b.a. Camp Cooley Ranch, P.O. Box 20027, Houston 77025.
Whitte, J. A., 1425 Stafford Drive, Ft. Worth 76134.
Whitman's, Inc., P.O. Drawer 1712, Brownsville 78520.
Wiggin, E., 3124 Odessa, Fort Worth 76109.
Winch, L., d.b.a. Hickory Hill Kennel, Route 1, Box 249B, Vidor 77662.
Wright, H. L., Box 253, Farnsworth 79033.
Zint, L. and G., d.b.a. Coronado Pet Shoppe, 6010 Oxbow, Amarillo 79106.

UTAH

Allison, E., d.b.a. Allison Kennels, 3802 West 9000 South, West Jordan 84084.
Choules, E. A., d.b.a. Lab Animal Products, 1401 South 10th Street, Salt Lake City 84105.
Hill, G. F., d.b.a. S Kimo Kennels, 235 East 13800 South, Draper 84020.
Imlay, T. F., d.b.a. Animals for Research, 4996 South Redwood Road, Murray 84107.
Neilsen, L. M., 904 West 4800 South, Talorville 84118.
White, G. S., d.b.a. The Rabbit Tree, Box 452, Peoa 84061.

VERMONT

Alexander, W., d.b.a. Wil-Con Rabbitry, R.F.D. 3, Brattleboro 05301.
Bearce, R. E., d.b.a. Rabbit Shed, R.F.D. 3, West Burke 05871.
Blair, R. R., d.b.a. Lone Maple Rabbitry, R.F.D. 1, Randolph Center 05061.
Capron, D. H., d.b.a. Capron's Bunnies, Dunham Avenue, North Bennington 05257.
Davis, R. G. and K., d.b.a. Russ-K Mfg. Co., P.O. Box 25, North Pownal 05260.
Doaner, A. R., R.F.D. 3, Brandon 05733.
Guild, H. L., R.F.D. 2, West Brattleboro 05301.
Jones, T. and A., East Hubberton Road, Castleton 05735.
Mayhew, H. R., 98 Park Street, Rutland 05701.
Mead, A. R., R.F.D. 2, River Road, Fairfax 05454.
Paradis, R., Enosburg Fall 05450.
Plummer, J. H., d.b.a. Plummers Rabbitry, Grafton 05146.
Reynolds, D., Rural Delivery 1, Cambridge 05444.
Small, S., d.b.a. Hilitop Rabbitry, Randolph Center 05061.
Spaulding, C. A., 69½ Atkinson, P.O. Box 481, Bellows Falls 05101.
Sturtevant, R. H., 99 College Street, Montpelier 05602.
Sudol, T., R.F.D. 1, Enosburg 05450.
Welch, M., Newbury 05051.
Weston, F. A., d.b.a. Circle W Rabbitry, Route Box 137, Underhill 05489.
Winters, M. B., Williamstown, 05679.
Wright, C. D., d.b.a. Lotta Hill's Kennel, R.F.D. 4, Enosburg Falls 05450.

VIRGINIA

Atwood, E. E., d.b.a. Don's Rabbitry, Route 1, Box 109A, Aldie 22001.
Bray, C. R., 2940 Laurelbrook Drive, Richmond 23224.
Carpet Corp., 4630 Eisenhower Avenue, Alexandria 22304.
Collier, W. and K., d.b.a. K-D-C Rabbitry, 1602-B Monticelio Road, Charlottesville 22901.
Corell, J. C., d.b.a. Old Dominon Cavy Farm, Route 1, Box 213, Waynesboro 22980.
Crutchfield, L. W., d.b.a. Green Shadows Cattery, R.F.D. 1, Box 80K, Palmyra 22963.
Davisdeck, W., d.b.a. Roanoke Pet Center and Aquarium, P.O. Drawer 12645, Roanoke 24027.
Edwards, S. J., 4401 Greendell Road, Chesapeake 23321.
Environmental Consultants, Inc., 4807 Colley Avenue, Norfolk 23508.
Flow Laboratories, Inc., 7655 Old Springhouse Road, McLean 22101.
Haley, J., d.b.a. Haley Farm, Route 2, Box 81, Hurt 24563.

Hazleton Research Animals, Inc., 9200 Leesburg Turnpike, Vienna 22180.
Hutchison, C. W., 3610 Denison Road, Richmond 23231.
Lankau, H. N., Route 1, Box 382-C, Goldvein 22720.
Leach, N. E., d.b.a. Leach Kennels, Route 3, Box 70, Chase City 23924.
Payne, R. W., Route 1, Box 139, Rixeyville 22737.
Roy, M. L., d.b.a. Roy's Rabbitry, Route 2, Box 27-B, Warrenton 22186.
Schmidt, E., d.b.a. Spring Valley Farm, Howardsville 24562.
Tanner, R. M., P.O. Box 252, Madison 22727.
Turner, R. W. and Turley, D. G., d.b.a. Cloverdale Animal Supply, 17401 Hull Street Road, Moseley 23120.
University of Virginia, Vivarium, 1300 Jefferson Park Avenue, Charlottesville 22901.
Webb, L. O., Route 1, Box 292B, Radford 24141.
Wilmoth, W. E., d.b.a. Snakes and Things, Ltd., P.O. Box 476, Moneta 24121.
Zazzaretti, F. B., d.b.a. Beechwood Rabbitry, Box 54, Claremont 23899.

WASHINGTON

Anderson, M. B., 2076 State Highway 6, Chehalis 98532.
Butterfield, G., d.b.a. Butterfield's Toy Kennels, 2308 Cook Hill Road, Centralia 98531.
Carpenter, M., d.b.a. Happy House Ranch, Route 2, Box 1354, Port Angeles 98362.
City of Colfax, P.O. Box 229, Colfax 99111.
College Biological Supply, Inc., 21707 Bothell Way, Bothell 98011.
Cowan, H. D., d.b.a. Showline Beagles, 18015 140th Avenue SE., Renton 98055.
Craven, L. A., 1662 Little Hanaford Road, Centralia 98531.
Dry, R. L., d.b.a. Berliner Zwinger Kennels, Route 3, Box 74, Colbert 99005.
Dryke, C. H., d.b.a. Sunnydell Kennels, Route 6, Box 275, Seguim 98382.
Gutscher, L. and C., d.b.a. Oak Hill Kennels, Route 7, Box 502 K, Olympia 98506.
Hennings, W. M., d.b.a. Birds & Things, 2015 191st SW., Alderwood Manor 98036.
Hoeck, P. R., d.b.a. Scotts Rabbit Products, 5171 South Bayview Road, Langley 98260.
Lotze, P. and J., d.b.a. Wineburg Kennels, Route 2, Box 304, Colville 99114.
Mason, G. H., d.b.a. Masons Northwest Rabbitry, 5112 21st NE., Poyallup 98371.
McGilbry, L. V., 8900 Northeast 239th Street, Battle Ground 98604.
Moery, W. R., 6425 208th NE., Redmond 98052.
Montgomery, J., Route 1, 24819 Northeast 50th Avenue, Ridgefield 98642.
Our People's Coop, 1214 North Street, Clarkston 99403.
Shannon, G. D. and P. A., 13640 132d NE., Kirkland 98033.
Thuline, M.D., H. C., d.b.a. Physicians Laboratory Services, 8205 104th Street SW., Tacoma 98498.
Town of Colton, Box 147, Colton 99113.
Veitenheimer, C., Route 1, Box 116, Colbert 99005.
Wacenske, L. R., d.b.a. Pinehill Kennel, Route 1, Box 279, Chattaroy 99003.
Wilcox, J. C., 26601 Pacific Highway South, Kent 98031.

WEST VIRGINIA

Ansell, W., d.b.a. M & W Kennels, Box 162A1, Route 2, Milton 25541.
Berst, H. J., d.b.a. Town Hill Rabbitry, Box 12, Three Churches 26765.
Custer, E. J., d.b.a. Custer's Kennels, 1073 McColloch Street, Wheeling 26003.
Deeds, Jr., J. M., d.b.a. Maple Meadow Farm, Box 114, Buck Route, Hinton 25951.
Dixon, J. E., 315 Thompson Avenue, Oak Hill 25901.
Hildner, C. A., d.b.a. Petland, P.O. Box 388, Lucasville 45648.
Hill, E. F., 5071 Guyan River Road, Huntington 25702.
Hilton, H. and K., d.b.a. Hilton-Kennels, Wayside 24985.
Reall, L. R., d.b.a. Twin Maples Rabbitry, Route 2, Box 451, Ridgeley 26753.

WISCONSIN

A-Z Wildlife Park, L987 Center Road, Neenan 54956.
Anderson, W., Route 2, Box 240, Richland Center 53581.
Boehm, R. A., d.b.a. Moose Lake Wildlife Sanctuary, Route 4, Box 124, Hayward 54843.
Bruyn, G. E., Box 95, Potter 54160.
Curtis, R. T., 4413 Rockport Road, Janesville 53545.
Czarnecki R., and Worm, J., d.b.a. South Milwaukee Pet Center, 3266 East Henry Avenue, Cudahy 53110.
Daul, D. R., Route 1, Luxemburg 54217.
Dilley, D. and N., d.b.a. ND Rabbitry, 6551 Stevenson Road, Dane 53529.
Doubek, L., Route 2, Two River 54241.
Doyle, L. and Hammond, V., d.b.a. Val-Lee Kennel, Route 1, Box 3, Foxboro 54836.
Draper, T. F., d.b.a. Tcum Rabbit Ranch, Rural Route 2, Wanakee 53597.
Drews, N. R., Route 1, Highland 53543.
Duerkop, M. S., Route 1, Box 206, Iola 54945.
Ferkey, A. and D., Route 2, West 2261, Ten Mile Avenue, Wis Rapids 54494.
Fields, L. R., d.b.a. Fields Rabbitry, Route 2, Box 13, Randolph 53956.
Flink, L., Route 1, Box 21, Unity 54488.
Forsthaus, Kennels Inc., Route 1, Box 65, Milladore 54454.
Frank, H., Box 397, Lannon 53046.
Franzmeier, S. A., Route 1, Box 123, Stockholm 54769.
Goli, L., Rural Route 2, Box 100, Iola 54945.
Halverson, R. D., Route 1, Box 64, Dodgeville 53533.
Hyde, D., d.b.a. Hyde Rabbitry, 34076 Hidden Valley Drive, Dousman 53118.
Keller, D. M. and Maurice, R., d.b.a. White Star Lab An, Route 2, Box 253, Burlington 53105.
Klubertanz, E., Klubertanz's 1165 Highway 73, Edgerton 53534.
Knorr, D. A., d.b.a. Kanangnark Kennels, P.O. Box 102, Sheboygan 53081.
Kreif, C., d.b.a. Rabbit Hill, North 5588 Highway 84, Fredonia 53021.
Laridean, E. and E. M., 620 Preston Avenue, Reedsburg 53959.
Lavean, D. and S., Route 1, Shell Lake 54871.
Lee, M. A., Route 1, Box 41, Columbus 53925.
Lesser, C. and B., d.b.a. Lesser's Rabbitry, 18403 Washington Avenue, Union Grove 53182.
Little, D. and K., Box 74, Owen 54460.
Lowe, W., Route 4, Box 206, Beaver Dam 53916.
Mecklenburg, M. C., Route 5, Hayner Road, Janesville 53545.
Mikula, I., Route 3, Chetek 54728.
Miller, J., d.b.a. Hillside Kennel, Route 1, Box 217, Greenwood 54437.
Morrow, D. F., Route 2, Box 521, Burlington 53105.
Mushel, T. and V., Medford 54451.
Nasco International, Inc., 901 Janesville Avenue, Fort Atkinson 53538.
Northwoods Rainbow, Inc., P.O. Box 482, Mercer 54547.
O'Brien, M., Route 3, Syene Road, Madison 53711.
Oshasky, J. M., Route 2, Box 68, Arpin 54410.
Otis, C., R., Route 2, Box 164, Deforest 53532.
Peuschel, W., 13101 North Wauwatosa Road, Mequon 53092.
Prelipp, A. W., Rural Route 1, Seymour 54165.
Ridglan Farms, Inc., 301 West Main Street, Mt. Horeb 53572.
Robertson, W. H. and L., d.b.a. Price Co. I, Route 2, Box 64, Ogema 54459.
Rogge, E., d.b.a. Happy Acres Kennels, Rural Route 3, Box 90, Wisconsin Dells 53965.
Ruedinger, J., Route 1, Box 70, Arpin 54410.
Schoebel, L. L., d.b.a. Fur & Feather Game Farm, Route 2, Neshkoro 54960.
Sievert, H. W., 831 West Winnebago Street, Appleton 54910.
Smith, P., Route 1, Withee 54498.
Stebane, E., Route 3, Kaukauna 54130.
Striggow, D. J., d.b.a. Ede's Pet & Supply, Route 2, Whitewater 53190.
Thompson, D. and A., d.b.a. Thompson Puppy Farms, Route 1, Curtis 54422.
Tiedt, G. R., 123 Willow Street, Beaver Dam 53916.
Wery, F., Route 4, Luxemburg 54217.

WYOMING

Adell, D. E., 7400 Salt Creek Route, Box 34, Casper 82601.
Oberg, C., Star Route, Torrington 82240.
Sanders, N., d.b.a. Sanders Kennels, Box 127, LaGrange 82221.
Sherard, A. L., Bear Creek Route, LaGrange 82221.
Trawick, E. G., d.b.a. Trawick Kennels, P.O. Box 1060, Riverton 82501.

PUERTO RICO

A & A Pet Center, 201 De Diego Street, Rio Peidras 00925.
Angle Fish Aquarium & Pet Shop, 27th Street, Block S-11 Alturas, Castellana Gardens Carolina 00630.
Anibal Castro Justiniano, d.b.a. Balboa Flower & Pet Shop, 51 Balboa Street, Mayaguez 00708.
Animalandia Pet Shop, Inc., Napoles 600 Urb Villa Capri, Rio Piedras 00924.
Bayron, R. P., d.b.a. Barrio Bajura Almirante, P.O. Box 43, Vega Alta 00762.
Bonike, L., d.b.a. Crystal Aquarium, Antonio North Blanco Street FM-40, Levittown Catano 00632.
Gonzalez, E., d.b.a. Arecibo Pet Shop, Box 433, Manti 00701.
Lacasa Del Agricultor, Plaza De Mercado, Rio Piedras 00926.
Luzon Serre, M. A., d.b.a. Country Club Pet Shop, GJ-6 Compo Rice Avenue, Carolina 00630.
Martinez, H., d.b.a. Casa Agricola, Cervantes North 50, Arecibo 00612.
McFaline, C., d.b.a. Viebay Pet Shop, 85th Avenue, Betances Hnas Davila, Bayamon 00619.
Murphy, A., d.b.a. Superbirds Pets, Street 23, Block N-7, Baymon 00619.
Nieves, N. A., d.b.a. Nenico's Rabbitry & Supply, Bo. Santana 101-A, Arecibo 00612.
Pet & Toy Fair Corp., Box 516, Hato Rey 00919.

Ramirez, R. & M., d.b.a. Tropical Pet Shop, 168 Libertab Street, Mayaguez 00708.
Ramor, D. V., Buzon 730 Sector Crn 3 Aleman, Trujille Alto 00760.
Santiago, J. A., d.b.a. Cute Grooming Salon & Pet Center, 1712 Parina Street, Rio Piedras 00926.
Santurce Pet & Hobby Shop, Inc., Ponce De Leon 1501 Stop 22, Santurce 00909.
Super Pet Center, Inc., San Patricio Shopping, Covar 00922.
Taino Pet Shop, Inc., 65th Inf. Road 98, Carolina 00630.
(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

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

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

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

[FR Doc. 78-5863 Filed 3-9-78; 8:45 am]

FRIDAY, MARCH 10, 1978
PART III

federal register

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

ANIMAL WELFARE

List of Registered Research Facilities

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Registered Research Facilities

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following research facilities are registered under said Act:

NOTE.—Asterisk denotes inactive registrant-research facilities that have suspended research activities but may resume research at a future time.

ALABAMA

Auburn University, Auburn 36830.
Southern Research Institute, 2000 9th Avenue, South Birmingham 32505.
The Jim Dandy Co., P.O. Box 10687, Birmingham 35202.
Tuskegee Institute, Tuskegee 36088.
University of Alabama in Birmingham, 1919 7th Avenue South, Birmingham 35233.
University of Alabama, P.O. Box 2846, University 35486.
University of South Alabama, 307 Gaillard Boulevard, Mobile 36688.

ALASKA

University of Alaska, College 9970!.

ARIZONA

Arizona State University, Tempe 85281.
Armour-Dial Co., 15101 North Scottsdale Road, Scottsdale 85260.
Northern Arizona University, Flagstaff 86001.
St. Joseph's Hospital and Medical Center, 350 West Thomas Road, Phoenix 85113.
University of Arizona, Tucson 85721.

ARKANSAS

Animal Behavior Enterprises, Inc., Route 6, Box 368, Hot Springs 71901.
University of Arkansas, Fayetteville 72701.

CALIFORNIA

Adams Caviary, 3846 North Charlotte Avenue, San Gabriel 91776.
Alchem Laboratories, Inc., 13478 Beach Avenue, Marina Del Ray 90291.
Allergan Pharmaceuticals, 2525 DuPont Drive, Irvine 92664.
Alpha Gamma Labs, 160 East Montacito Avenue, Sierra Madre 91024.
Alza Corp, 950 Page Mill Road, Palo Alto 94304.
Applied Bio-Science Laboratories, Inc., 6320 San Fernando Road, Glendale 91201.
Barlow Hospital, 2000 Stadium Way, Los Angeles 90026.
Barnes-Hind Pharmacy, Inc., 895 Kifer Road, Sunnyvale 94086.
Beckman Instruments, Inc., 2041 East Lambert Road, La Habra 90631.
Bentley Laboratories, Inc., 17502 Armstrong Avenue, Irvine 92705.
Bio-Rad Laboratories, 2200 Wright Avenue, Richmond 94804.
Bio-Science Laboratories, 7600 Tyrone Avenue, Van Nuys 91405.
Bureau of Public Health Laboratory, 313 North Figueroa Street, Los Angeles 90012.
C. R. Drew Post-Graduate Medical School, 1621 East 120th Street, Los Angeles 90059.
CalBioChem, P.O. Box 12087, San Diego 92112.
California Institute of Technology, 1201 East California Boulevard, Pasadena 91125.
California State Colleges, 5670 Wilshire Boulevard, Los Angeles 90036.
Cedars-Sinai Medical Center, 4751 Fountain Avenue, Los Angeles 90029.
Children's Hospital Medical Center, 51st and Grove Streets, Oakland 94609.
Childrens Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles 90027.
Childrens Hospital of San Francisco, P.O. Box 3805, San Francisco 94119.
Chromalloy Pharmaceutical, 10100 Santa Monica Boulevard, Los Angeles 90067.
City of Hope Medical Center, 1500 East Duarte Road, Duarte 91010.
Claremont Men's College, 11th and Dartmouth Avenues, Claremont 91711.
Clinical Immuno-Diags., Inc., 1378-D Logan Avenue, Costa Mesa 92626.
CLMG, Inc., 679 South Westlake Avenue, Los Angeles 90057.
Compton Community College, 1111 East Artesia Boulevard, Compton 90221.
Consumnes River College, 8401 Center Parkway, Sacramento 95823.
Cooper Laboratories, Inc., 455 East Middlefield Road, Mountain View 94043.
County of San Diego, 5555 Overland Avenue, Building 4, San Diego 92123.
Cutter Laboratories, Inc., 4th and Parker Streets, Berkeley 94710.
Diagnostic Date, Inc., 518 Logue Avenue, Mountain View 94043.
Dynapol, 1454 Page Mill Road, Palo Alto 94043.
Edwards Labs, 17221 Red Hill Avenue, Santa Ana 92705.
Emery Cancer Research Fund, 615 South Westlake Avenue, Los Angeles 90057.
Endocrine Sciences, 18418 Oxnard Street, Tarzana 91356.
Estelle Doheny Eye Foundation, 1355 San Pablo Street, Los Angeles 90033.
Foothill College, 12345 El Monte Road, Los Altos Hills 94022.
Grossmont Community College, 8800 Grossmont College Drive, El Cajon 92020.
Hagadorn Corp., P.O. Box 20269, El Cajon 92021.
Hancock Laboratories, Inc., 4633 East La Palma Avenue, Anaheim 92807.
Hoag Memorial Presbyterian Hospital, 301 Newport Boulevard, Newport Beach 92660.
Hollywood Presbyterian Hospital, 1133 Crenshaw Boulevard, Los Angeles 90019.
Hollywood Presbyterian Hospital, 1322 North Vermont Avenue, Los Angeles 90027.
Huntington Institute of Applied Medical Research, 734 Fairmount Avenue, Pasadena 91105.
ICN Nucleic Acid Research Institute, 1590 Monrovia Boulevard, Newport Beach 92660.
ICN Nucleic Acid Research Institute, 2727 Campus Drive, Irvine 92664.
Institute of Medical Research, Santa Clara County, 751 South Bascom Avenue, San Jose 95128.
Institute of Nutritional Studies, 3816 Bagley Avenue, Culver City 90230.
Institute of Medical Sciences, 2200 Webster Street, Room 310, San Francisco 94115.
Inter Science Institute, 2000 Cotner Avenue, Los Angeles 90025.
International Medical Systems, Ltd., 1886 Santa Anita Avenue, South El Monte 91733.
Irvine Eye Institute, 19722 Jamboree Boulevard, Irvine 92715.
Kaiser Foundation Hospitals, Ordway Building, Oakland 94666.
Kearley, D. V. M., Edward O., 690 Quincy Road, Turlock 95380.
L. Pauling Institute of Science and Medicine, 2700 Sand Hill Road, Menlo Park 94025.
Los Angeles County Harbor General Hospital, 1000 West Carson Street, Torrance 90509.
*La Verne College, 1950 3d Street, La Verne 91750.
Lee Pharmaceuticals, 1444 Santa Anita Avenue, South El Monte 91733.
Loma Linda University, Loma Linda 92354.
Los Angeles Pierce College, 6201 Winnetka Boulevard, Woodland Hills 96413.
Loyola University, 7101 West 80th Street, Los Angeles 90045.
Medi-Physics, Inc., 5855 Christie Avenue, Emerysville 94608.
Memorial Hospital of Long Beach, 2801 Atlantic Avenue, Long Beach 90806.
Mercy San Juan Hospital, 6501 Coyle Avenue, Carmichael 95608.
Monitor Science Corp., 1598 Monrovia Avenue, Newport Beach 92663.
Mount Zion Hospital and Medical Center, 1600 Divisadero Street, San Francisco 94115.
Mount San Antonio College, 1100 North Grand Avenue, Walnut 91789.
Murphy, Howard F., 400 North La Costa Drive, Carlsbad 92008.
North American Science Association of California, Inc., 1582 Derre Avenue, Irvine 92714.

CALIFORNIA

National Institute of Scientific Research, 12330 Santa Monica Boulevard, Los Angeles 90025.
Nelson Research and Development Co., 19722 Jamboree Boulevard, Irvine 92664.
Nichols Institute of Endocrinology, 1300 South Beacon Street, San Pedro 90731.
North American Aviation, Inc., 805 North Lapham Street, El Segundo 90245.
Nutrilite Products, Inc., 19600 6th Street, Lakeview 92353.
Occidental College, 1600 Campus Road, Los Angeles 90041.
Olive View Hospital, 14445 Olive View Drive, Sylmar 91342.
Palo Alto Medical Research Foundation, 860 Bryant Street, Palo Alto 94301.
Pasadena City College, 1570 East Colorado Boulevard, Pasadena 91106.
Pasadena Foundation/Medical Research, 99 North El Molino Avenue. Pasadena 91101.
Pharmaseal Laboratories, 4401 Foxdale Avenue, Irwindale 91706.
Pomona College, Claremont 91711.
Radioassay Systems Laboratories Inc., 1511 East Del Amo Boulevard, Carson 90746.
Rancho Los Amigos Hospital Inc., 7413 Golondrinas Street, Downey 90242.
Rancho Santiago Community College, Community College District, 17th Street at Bristol, Santa Ana 92706.
Redken Laboratories, Inc., 14721 Califa Street, Van Nuys 91401.
Salk Institute for Biological Studies, P.O. Box 1809, San Diego 92112.
San Bernardino Valley College, 701 South Mt. Vernon Avenue, San Bernardino 92403.
San Diego Bio-Medical Research Institute, 2602 1st Avenue, Room 104, San Diego 92103.
San Diego Mesa College, 7250 Mesa College Drive, San Diego 92111.

Sansum Clinic Research Foundation, 2219 Bath Street, Santa Barbara 93102.
*Santa Barbara City College, 721 Cliff Drive, Santa Barbara 93109.
Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla 92037.
Shell Development Co., P.O. Box 4248, Modesto 95353.
Smith Kline Instruments, Inc., 485 Potrero Avenue, Sunnyvale 94086.
Sonoma State Hospital, Eldridge 95431.
Southern California College of Optometry, 2001 Associated Road, Fullerton 92681.
Southern California Permanent Medical Group, 9985 Sierra Avenue, Fontana 92335.
Southwestern College, 900 Otay Lakes Road, Chula Vista 92010.
St. John's Hospital and Health Center, 1328 22d Street, Santa Monica 90404.
St. Joseph's Hospital 355 Buena Vista Avenue, East San Francisco 94117.
*St. Jude Hospital and Rehabilitation Center, 101 East Valencia Mesa Drive, Fullerton 92632.
St. Mary's Hospital Medical Center, 2200 Hayes Street, San Francisco, 94117.
Standard Oil Co. of California, 576 Standard Avenue, room 5201, Richmond 94802.
Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park 94025.
Stanford University, Stanford Medical Center, LOO3D, Stanford 94305.
Star-Kist Foods, Inc., 920 Barraduca, Terminal Islands 90731.
State of California Department of Health, 2151 Berkeley Way, Berkeley 94704.
Sutter Community Hospital of Sacramento, 52d and F Streets, Sacramento 95816.
Sylvan Corners Veterans Hospital, 7548 Old Auburn Boulevard, Citrus Heights 95610.
Syntex (U.S.A.), Inc., 3401 Hillview Avenue, Palo Alto 94304.
Syva Co., 2349 Charleston Road, Mountain View 94040.
Tera Pharmaceuticals, Inc., 6920 Stanton Avenue, Buena Park, 90621.
*The Hine Laboratories, Inc., 1099 Folsom Street, San Francisco 94103.
The Regents of the University of California, University Hall, Berkeley 94720.
University of San Diego, Alcala Park, San Diego 92110.
University of San Francisco, San Francisco 94117.
University of Southern California, University Park, Los Angeles 90007.
University of the Pacific, 751 Brookside Road, Stockton 95207.
Valley Children's Hospital and Guidance Center, 3151 North Millbrook, Fresno 93703.
Victor Valley College, Victorville 92392.
Vitaminerals, Inc., 1815 Flower Street, Glendale 91201.
White Memorial Medical Center, 1720 Brooklyn Avenue, Los Angeles 90033.
Whittier College, Whittier 90608.
Yuba College, Linda and Beale Roads, Marysville 95901.

COLORADO

Arapoe, Community College, 5900 South Santa Fe Drive, Littleton 80120.
Bel Rae Institute, 9870 East Alameda Ave., Denver 80231.
Children's Hospital, 1056 East 19th Avenue, Denver 80218.
Children's Asthma Research Institute and Hospital, 3401 West 19th Avenue, Denver 80216.
Cobe Laboratories, Inc., 1201 Oak Street, Lakewood 80215.
Colorado Mountain College, Glenwood Springs, 81601.
Colorado Serum Co., 4950 York Street, Denver 80216.
Colorado State University, Fort Collins 80521.
Community College of Denver, 1111 West Colfax, Denver 80204.
Community College of Denver, 1001 East 62nd Avenue, Denver 80204.
Community College of Denver, 12600 West Sixth Street, Golden 80401.
Cooper U.S.A., Inc., 5030 York Street, Lakewood 80215.
Denver Department of Health and Hospitalization, West 8th Avenue and Cherokee Street, Denver 80204.
Elars Bio Research Laboratory, 225 Commerce Drive, Fort Collins 80521.
Fort Lewis College, Durango 81301.
Meridian Bio-Medical, Inc., 3278 South Wadsworth, Denver 80227.
Micromedic Diagnostics, Inc., 1800 East Lincoln, P.O. Box 464, Fort Collins 80521.
*National Jewish Hospital, 3800 East Colfax Avenue, Denver 80206.
Otero Junior College, 18th and Colorado Avenue, La Junta 81050.
Penrose Hospital, 2215 North Cascade Avenue, Colorado Springs 80903.
Regis College, West 50th and Lowell Boulevard, Denver 80221.
St. Joseph Hospital, 1835 Franklin Street, Denver 80218.
The Colorado College, Colorado Springs 80903.
University of Northern Colorado, Greeley 80631.
University of Colorado, Boulder 80302.
Valleylab Inc., 5920 Longbow Drive, Boulder 80301.
Western Research Corp., 2300 North Highway 287, P.O. Box 1255, Fort Collins 80522.
Western State College Co., Gunnison 81230.

CONNECTICUT

Bio-Medical Research, Inc., 858 Oakwood Road, Orange 06477.
Connecticut College, New London 06320.
Connecticut State Department of Health, P.O. Box 1689, Hartford 06101.
Fairfield University, Fairfield 06430.
*Hamilton Standard, Windsor Locks 06096.
Hartford Hospital, 80 Seymour Street, Hartford 06115.
J. B. Pierce Foundation of Connecticut, 290 Congress, New Haven 06519.
New England Institute, Inc., 90 Grove Street, Ridgefield 06877.
Quinnipiac College, 555 New Road, Hamden 06518.
Ribicoff Research Center, Norwich Hospital, Box 508, Norwich 06360.
St. Francis Hospital Research Laboratory, 114 Woodland Street, Hartford 06105.
St. Mary's Hospital, 56 Franklin Street, Waterbury 06702.
The Hospital of St. Raphael, 1450 Chapel Street, New Haven 06511.
The University of Connecticut, Storrs 06268.
University of Connecticut Health Center, Center for Laboratory Animal Care, Farmington 06032.
University of Hartford, 200 Bloomfield Avenue, West Hartford 06117.
Yale University, 333 Cedar Street, New Haven 06510.

DELAWARE

Alfred I. du Pont Institute, Rockland Road, Wilmington 19803.
Du Pont Experimental Station, New Murphy Road, Wilmington 19898.
E. I. du Pont de Nemours & Co., Box 30, Newark 19711.
ICI United States, Inc., Concord Pike and New Murphy Road, Wilmington 19897.
*Sterwin Laboratories, Inc., Millsboro 19966.
University of Delaware, Newark 19711.
*Wilmington Medical Center, Inc., 14th and Washington Streets, Wilmington 19899.

FLORIDA

Barry Laboratories, Inc., 461 Northeast 27th Street, Pompano Beach 33064.
*Bigger's Small Animal Hospital, 2833 South 4 Street, Fort Pierce 33450.
*Cape Laboratories, Inc., Box B1, Venice 33595.
Cordia Corp., P.O. Box 370428, Miami 33137.
Dade Division Am Hospital Supply Corp., P.O. Box 520672, Miami 33152.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Dr. Jacob Harick's Laboratories, 160 Concord Drive, Casselbury 32707.
Eckerd College, St. Petersburg 33733.
Florida Injured Wildlife Sanctuary, Inc., Box 260, Route 1, Melbourne 32935.
Florida A. & M. University, Tallahassee 32307.
Florida Institute of Technology, Box 1150, Country Club Road, Melbourne 32901.
Florida Medical Entomlogy Laboratory, P.O. Box 520, Vero Beach 32960.
Florida State University, Tallahassee 32306.
Florida Technological University, P.O. Box 25000, Alafaya Trail, Orlando 32816.
Howard Hughes Medical Institute, P.O. Box 520605, Biscayne Annex, Miami 33152.
Jackson Veterinary Practice, Route 5, Box 9, St. Augustine 32084.
Mannheimer Primatalogical Foundation, 20255 Southwest 360th Street, Homestead 33030.
Merieux Institute Inc., 15960 Northwest 15 Avenue, Miami 33169.
Miami Heart Institute, 4701 North Meridian Avenue, Miami Beach 33140.
Mount Sinai Hospital Research Laboratory, 4300 Alton Road, Miami Beach 33140.
North American Biologicals, Inc., 16500 Northwest 15 Avenue, Miami 33169.
Papanicolaou Cancer Research Institute, 1155 Northwest 14th Street, P.O. Box 236188, Miami 33123.
Rollins College, Winter Park 32789.
Sanders Medical Research Foundation, Inc., 33 Southeast 3rd Street, Boca Raton 33432.
Sherwood Medical Industries, Inc., P.O. Box 2078, Deland 32720.
St. Petersburg Jr. College, P.O. Box 13489, St. Petersburg 33733.
State of Florida, Division of Health, 4000 West Buffalo Avenue, Tampa 33614.
*Sunland Hospital, P.O. Box 3513, Orlando 32802.
University of Florida, Office of the President, Gainesville 32601.
Univerity of Miami, Coral Gables 33124.
University of South Florida, 801 First Street South, St. Petersburg 33733.

GEORGIA

Emory University, Atlanta 30322.
*Georgia College, Milledgeville 31061.
Georgia Institute of Technology, Atlanta 30332.
MAAG Enterprises, Inc., 1805 Tapawingo Drive, Gainesville 30501.
Mercer University System, Macon 31207.
Palmer Chemical & Equipment Co., Inc., P.O. Box 867, Douglasville 30134.

St. Joseph's Infirmary, 265 Ivy Street NE., Atlanta 30303.
University of Georgia System, Athens 30601.

HAWAII

Hawaii Department of Agriculture, 1428 South King Street, Honolulu 96814.
*Kuakini Hospital & Home, 347 North Kuakini Street, Honolulu 96817.
Queen's Medical Center, P.O. Box 861, Honolulu 96808.
Research Corp. of the University of Hawaii, 1110 University Avenue, Honolulu 96817.
St. Francis Hospital Research Laboratory, 2260 Lilika Street, Honolulu 96817.
University of Hawaii, Pacific Biomedical Research Center, Honolulu 96813.

IDAHO

Idaho State University, Pocatello 83201.
Long, C. D., 101 North Garden Street, Boise 83704.
Northwest Nazarene College, Nampa 83651.
University of Idaho, Moscow 83843.

ILLINOIS

A. E. Staley Manufacturing Co., P.O. Box 151, Decatur 62525.
Abbott Laboratories, 1400 Sheridan Road, North Chicago 60064.
American Dental Association, 211 East Chicago Avenue, Chicago 60611.
*American Medical Association, 535 North Dearborn Street, Chicago 60610.
Armour Pharmaceutical Co., P.O. Box 511, Kankakee 60901.
Arnar-Stone Laboratory, 1600 Waukegan Road, McGaw Park 60085.
Biolabs, Inc., 2910 MacArthur Boulevard, Northbrook 60062.
Blackburn College, Carlinville 62626.
Borden, Inc., Rural Route 1, Elgin 60120.
Bradley University, Peoria 61606.
*Chicago Board of Health, Chicago Civic Center, Chicago 60602.
Chicago College of Osteopathy, 1122 East 53d Street, Chicago 60615.
*Chicago Institute for Animal Research, 4701 West Grand Avenue, Chicago 60639.
Chicago Medical School, 710 South Wolcott Avenue, Chicago 60612.
Children's Memorial Hospital, 2300 Children's Plaza, Chicago 60614.
Cook County Graduate School of Medicine, 707 South Wood Street, Chicago 60612.
De Paul University, 1036 West Belden Avenue, Chicago 60614.
Edgewater Hospital, 5700 North Ashland, Chicago 60626.
Elmhurst College, Elmhurst 60126.
Eureka College, 300 East College, Eureka 61530.
Evanston Hospital, 2650 Ridge Avenue, Evanston 60201.
G. D. Searle & Co., Box 5110, Chicago 60680.
Galesburg State Research Hospital, Galesburg 61401.
General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.
George William College, 555 31st Street, Downers Grove 60515.
Hekotoen Institute/Cook County Hospital, 627 South Wood Street, Chicago 60612.
Herpetology Research Laboratory, 3012 Walnut Drive, Wonder Lake 60097.
IIT Research Institute, 10 West 35th Street, Chicago 60616.
Illinois Department of Public Health, 535 West Jefferson Street, Springfield 62706.
Illinois State Psychiatric Institute, 1601 West Taylor Street, Chicago 60612.
Illinois Benedictine College, Lisle 60532.
Illinois Institute of Technology, 3300 South Federal Street, Chicago 60616.
Illinois State University, Normal 61761.
Illinois Wesleyan University, Bloomington 61701.
Industrial Bio-Test Laboratory, Inc., 1810 Frontage Road, Northbrook 60062.
International Scientific Industries, Inc., P.O. Box 9, Cary 60013.
John A. Hartford Foundation, 1775 Dempster Road, Park Ridge 60068.
Kendall Research Center, 411 Lake Zurich Road, Barrington 60010.
Knox College, Galesburg 61401.
Kraftco Corp., 801 Waukegan Road, Glenview 60025.
Lake Forest College, Lake Forest 60045.
Larabida University of Chicago Institute, 5801 South Ellis Avenue, Chicago 60637.
Loke-Erickson Labs., Inc., 112 North 10th Avenue, Melrose Park 60160.
Loyola University, 1400 South First Avenue, Hines 60141.
M. Reese Hospital and Medical Center, 29th and Ellis, Chicago 60616.
Medi-Physics, Inc., 9820 Bryn Mawr, Rosemont 60018.
Memorial Hospital, 4501 North Park Drive, Belleview 62221.
Mercy Hospital and Medical Center, Stevenson Expressway at King Drive, Chicago 60616.
Mount Sinai Hospital Medical Center, California Avenue, at 15th Street, Chicago 60608.
N. M. Percy Medical Research Foundation, 411 West Dickens, Chicago 60612.
Northeastern Illinois University, Bryn Mawr at St. Louis, Chicago 60625.
Northern Illinois University, DeKalb 60115.
Northernwestern University, 619 Clark Street, Evanston 60201.
Presbyterian-St. Luke's Hospital, 1753 West Congress Parkway, Chicago 60612.
Quaker Oats Co., 617 West Main Street, Barrington 60010.
Quincy College, Quincy 62301.
Rosner-Hixson Laboratories, 3570 North Avondale Avenue, Chicago 60618.
Sangamon State University, Springfield 62703.
Sherman Hospital, 934 Center Street, Elgin 60120.
Sleepy Hollow Kennel/Cattery, Route 2, Box 73, Mundelein 60060.
Southern Illinois University, Carbondale 62901.
Southern Illinois University, Edwardsville 62025.
St. Francis Hospital, 530 Northeast Glen Oak Avenue, Peoria 61603.
St. Francis Hospital, 355 Ridge Avenue, Evanston 60202.
St. James Hospital, 1423 Chicago Road, Chicago Heights 60411.
St. John's Hospital, 1111 North Lincoln Street, Springfield 62707.
Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove 60053.
University of Illinois at Chicago Circle, 2833 University Hall, Chicago 60680.
University of Chicago, 5801 South Ellis Avenue, Chicago 60637.
University of Illinois, 833 South Wood Street, Chicago 60612.
University of Illinois, Urbana 61801.
West Laboratories, P.O. Box 666, St. Anne 60944.
Western Illinois University, Macomb 61455.
Wheaton College, Wheaton 60187.
*Wideman, F. E., 1520 7th Street, Suite 404, Moline 61265.
*Wilson & Co., Inc., 4200 South Marshfield Avenue, Chicago 60609.
Wilson Laboratories, 4221 South Western Boulevard, Chicago 60609.

INDIANA

American Monitor, Inc., 5425 West 84th Street, Indianapolis 46268.
Ball State University, Muncie 47306.
Botta, Jr., Dr. James A., P.O. Box 333, Mount Vernon 47620.
Butler University, 4600 Sunset, Indianapolis 46208.
Central Soya Co., Inc., Decatur 46733.
*Earlham College, Richmond 47374.
Eli Lilly & Co., 740 South Alabama, Indianapolis 46206.
Fort Wayne Surgical Association, Inc., 3124 East State Boulevard, Fort Wayne 46805.
I. M. C. Chemical Group, Inc., P.O. Box 207, 1331 South First Street, Terre Haute 47808.
Indiana State University, Terre Haute 47809.
Indiana University, Bloomington 47401.
Lafayette Pharmacal, Inc., 526 North Earl Avenue, Lafayette 47902.
Mead, Johnson & Co., 2404 Pennsylvania Avenue, Evansville 47721.
*Methodist Hospital of Indiana, Inc., 1604 North Capital Avenue, Indianapolis 46202.
Michigan Road Animal Hospital, 7720 North Michigan Road, Indianapolis 46268.
Miles Laboratories, Inc., Elkhart 46514.
Purdue University, Lafayette 47907.
Rose Polytechnic Institute, 5500 Wabash Avenue, Terre Haute 47803.
St. Vincent Hospital, 2001 West 86th Street, Indianapolis 46268.
University of Notre Dame, Notre Dame 46556.
Valparaiso University, Valparaiso 46383.
Wabash College, Crawfordsville 47933.

IOWA

College of Osteopathic Medicine & Surgery, 3200 Grand Avenue, Des Moines 50312.
Diamond Laboratories, Inc., P.O. Box 863, Des Moines 50304.
Drake University, Des Moines 50311.
Fort Dodge Laboratory, Inc., 800 First Street, NW., Fort Dodge 50501.
Iowa State University, Ames 50010.
Luther College, Decorah 52101.
Salisbury Laboratories, 2000 Rockford Road, Charles City 50616.
University of Iowa, Iowa City 52240.

KANSAS

Bayvet Corp., P.O. Box 390, Shawnee Mission 66201.
Chemagro Agricultural Division, P.O. Box 193D, Stilwell 66085.
Douglas Pharmacal Ind., Inc., 8906 Rosehill Road, Lenexa 66215.
Emporia State University, 1200 Commercial Street, Emporia 66801.
Interx Research Corp., 2201 West 21 Street, Lawrence 66044.
Jensen-Salsbery Laboratory, 2000 South 11th Street, Kansas City 66103.
Kansas State University, Manhattan 66502.
Kruckenberg, S. M., 2851 Oregon Lane, Manhattan 66502.
Marymount College, Salina 67401.
Parsons State Hospital, Parsons 67357.
University of Kansas Medical Center, Rainbow Boulevard at 39th Street, Kansas City 66103.

University of Kansas, Lawrence 66044.
Witchita State University, 1845 Fairmount, Wichita 67208.

KENTUCKY

Harlan Appalachian Regional Hospital, Harlan 40831.
University of Kentucky, Lexington 40506.
University of Lousiville, 101 Chestnut, Louisville 40202.

LOUISIANA

Alton Ochsner Medical Foundation, 1520 Jefferson Highway, New Orleans 70121.
Gulf South Research Institute, P.O. Box 1177, New Iberia 70560.
Hart-Delta, Inc., 5055 Choctaw Drive, Baton Rouge 70805.
Lousiana State University System, Baton Rouge 70803.
Louisiana Technical University, Ruston 71270.
*Loyola School of Dentistry, 6363 St. Charles Avenue, New Orleans 70118.
Nicholls State University, Box 3031, University Station, Thibodaux 70301.
Northeast Louisiana University, 4001 Desiard, Monroe 71201.
Northwest State University of Louisiana, Natchitoches 71457.
Touro Research Institute, 1400 Foucher Street, New Orleans 70115.
Tulane University, New Orleans 70118.
University of New Orleans, New Orleans 70122.
University of Southwest Louisiana, Lafayette 70501.
Xavier University, New Orleans 70125.

MAINE

Bates College, Lewiston 04240.
Bowdoin College, Brunswick 04011.
Maine Medical Center, 22 Branhall Street, Portland 04102.
Mt. Desert Island Biological Lab, Salsbury Cove 04672.
Nasson College, Springvale 04083.
The Jackson Laboratory, Bar Harbor 04609.
University of Maine, Orono 04473.
University of Maine, 246 Deering Avenue, Portland 04102.
Westbrook College, 716 Stevens Avenue, Portland 04103.

MARYLAND

American Type Culture Collection, 12301 Parklawn Drive, Rockville 20852.
American Red Cross, 9312 Old Georgetown Road, Bethesda 20014.
Biotech Research Laboratories, Inc., 12601 Twinbrook Parkway, Rockville 20852.
Borriston Laboratory, Inc., 5050 Beech Place, Temple Hills 20031.
Burton, Parson & Co., Inc., 120 Westhampton Avenue, Seat Pleasant 20027.
Coppin State College, Baltimore 21216.
Flow Laboratories, Inc., 1710 Chapman Avenue, Rockville 20852.
Friends Medical Science Residential Center, Inc., 52 Wade Avenue, Baltimore 21228.
Gillette Co. Research Institute, 1413 Research Boulevard, Rockville 20850.
Harford Community College, 401 Thomas Run Road, Bel Air 21014.
*Hittman Associates, Inc., P.O. Box 810, Columbia 21043.
Hynson, Westcott/Dunning, Inc., Charles and Chase Streets, Baltimore 21201.
Institute for Behavioral Research, Inc., 2429 Linden Lane, Silver Spring 20910.
John Hopkins University, 34th and Charles Street, Baltimore 21218.
Litton Bionetics, Inc., 7315 Wisconsin Avenue, Bethesda 20014.
Maryland Psychiatric Research Center, P.O. Box 3235, Baltimore 21228.
Microbiological Associates, Inc., 4733 Bethesda Avenue, Bethesda 20014.
*Peninsula General Hospital, South Division and West Locust Streets, Salisbury 21801.
Pharmacopathics Research Laboratory, Inc., 1261 North Washington Boulevard, Laurel 20810.
*Sacred Heart Hospital, 900 Seton Drive, Cumberland 21502.
Sinai Hospital of Baltimore, Belvedere Avenue at Greenspring, Baltimore 21215.
St. Joseph Hospital, 7620 York Road, Baltimore 21204.
Towson State College, Baltimore 21204.
University of Maryland, College Park 20742.

MASSACHUSETTS

Arthur D. Little, Inc., 25 Acorn Park, Cambridge 02140.
Astra Pharmaceutical Products, Inc., 7½ Neponset Street, Worcester 01606.
Avco Everett Research Laboratory, 2385 Revere Beach Parkway, Everett 02149.
Becker Junior College, 1003 Main Street, Leicester 01524.
*Berkshire Community College, Second Street, Pittsfield 01201.
Beth Israel Hospital, 330 Brookline Avenue, Boston 02215.
Bio-Research Institute, Inc., 9 Commercial Avenue, Cambridge 02141.
Boston City Hospital, 818 Harrison Avenue, Boston 02118.
Boston College, 140 Commonwealth Avenue, Chestnut Hill 02167.
Boston State Hospital, 510 Morton Street, Boston 02124.
Boston University, 705 Commonwealth Avenue, Boston 02215.
Brandeis University, Waltham 02154.
Cambridge Nuclear Radiopharmaceutical Center, 575 Middlesex Turnpike, Billerica 01821.
Children's Cancer Research Foundation, 35 Binney Street, Boston 02115.
Children's Hospital Medical Center, 300 Longwood Avenue, Boston 02115.
Clark University, 950 Main Street, Worcester 01610.
Collaborative Research, Inc., 1365 Main Street, Waltham 02154.
Forsyth Dental Center, 140 The Fenway, Boston 02115.
Gamma Diagnostic Labs., Inc., 50 Walton Street, Attleboro 02703.
GTE Laboratories, Inc., 40 Sylvan Road, Waltham 02154.
Gulf/Western Applied Science Labs, 335 Bear Hill Road, Waltham 02154.
Harvard Medical School, 818 Harvison Avenue, Boston 02118.
Harvard University, Cambridge 02139.
Holliston Junior College, 100 Summer Street, Holliston 01746.
Holyoke Community College, 303 Homestead Avenue, Holyoke 01040.
Lahey Clinic Foundation, 605 Commonwealth Avenue, Boston 02215.
Lemuel Shattuck Hospital, 170 Morton Street, Jamaica Plain 02130.
Mason Research Institute, Inc., 21 Harvard Street, Worcester 01608.
Massachusetts College of Pharmacy, 179 Longwood Avenue, Boston 02115.
Massachusetts Department of Public Health, 375 South Street, Jamaica Plain 02130.
Massachusetts Eye & Ear Infirmary, 243 Charles Street, Boston 02114.
Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge 02139.
Massachusetts General Hospital, Boston 02114.
*Medical Center of Western Massachusetts, 759 Chestnut Street, Springfield.
*Memorial Hospital, 119 Belmont Street, Worcester 01605.
Millipore Corporation, Ashby Road, Bedford 01730.
Mount Holyoke College, South Hadley 01075.
New England Deaconess Hospital, 185 Pilgrim Road, Boston 02215.
New England Medical Center Hospital, 171 Harrison Avenue, Boston 02111.
Newton-Wellesley Hospital, 2014 Washington Street, Newton Lower Falls 02162.
Northeastern University, 360 Huntington Avenue, Boston 02115.
Peter Bent Brigham Hospital, 721 Huntington Avenue, Boston 02115.
Pondville Hospital, Box 111, Walpole 02081.
Red Acre Farm, Inc., Red Acre Road, Stow 01775.
*Retina Foundation, 20 Staniford Street, Boston 02114.
Robert B. Brigham Hospital, 125 Parker Hill Avenue, Boston 02129.
Sharps Associates, 767-B Concord Avenue, Cambridge 02138.
Shriners Burns Institute, 50 Blossom Street, Boston 02114.
Shriver Center, Mental Retardation, Inc., 200 Trapelo Road, Waltham 02154.
Smith College, Northhampton 01060.
St. Elizabeth's Hospital, 736 Cambridge Street, Brighton 02135.
St. Margaret's Hospital for Women, 90 Cushing Avenue, Dorchester 02125.
St. Vincent Hospital, 25 Winthrop Street, Worcester 01610.
Stonehill College, North Easton 02356.
The Memorial Hospital, 119 Belmont Street, Worcester 01605.
Thermo Electron Corp., 85 First Avenue, Waltham 02154.
Trustees of Hampshire College, Amherst 01002.
Tufts University, Medford 02155.
University of Massachusetts, Amherst 01002.
*Westfield State College, Westfield 01085.
Williams College, Williamstown 01267.
Worcester Polytechnic Institute, West Street, Worcester 01609.
Worcester Foundation for Experimental Biologies, 222 Maple Avenue, Shrewsbury 01545.

MICHIGAN

Albion College, Albion 49224.
Blodgett Memorial Hospital, 1840 Wealthy SE., Grand Rapids 49506.
Butterworth Hospital, 100 Michigan NE., Grand Rapids 49503.
C. S. Mott Community College, 1401 East Court Street, Flint 48503.
Central Michigan University, Mt. Pleasant 48858.
Children's Hospital of Michigan, 3901 Beaubien, Detroit 48201.
Delta College, University Center, Rural Station, Bay City 48710.
Detroit-Macomb Hospital Association, 1420 San Antoine, Detroit 48226.
Dorner Laboratories, 3203 West Columbia, Battle creek 49017.
Dow Chemical Co., Midland 48640.
Dow Corning Corp., South Saginaw Road, Midland 48640.
Ferris State College, Big Rapids 49307.
*Flint Osteopathic Hospital, 3921 Beecher Road, Flint 48502.

Foundation for Behavioral Research, Box 248, 600 Cherry Street, Augusta 49012.
General Motors Research Laboratories, 12 Mile & Mound Roads, Warren 40906.
Grand Valley State College, College Landing, Allendale 49401.
Henry Ford Hospital and Edsel B. Ford Institute for Medical Research, 2799 West Grand Boulevard, Detroit 48202.
Hope College, Holland 49423.
Hutzel Hospital, 432 East Hancock, Detroit 48201.
Ingham Medical Hospital, 401 West Greenlawn, Lansing 48910.
International Research and Development Corp., 900 Main Street, Mattawan 49071.
Jaffee, Martin D., 2110-16th Street, Bay City 48706.
Laboratory Research Enterprises, Inc., 6251 South 6th Street, Kalamazoo 49001.
Lafayette Clinic, 951 East Lafayette, Detroit 48207.
Lake Superior State College, Sault Ste. Marie 49783.
Marquette General Hospital, Marquette 49855.
McLaren General Hospital, 401 South Ballenger Highway, Flint 48502.
Michigan Department of Public Health, 3500 North Logan, Lansing 48914.
Michigan Cancer Foundation, 110 East Warren Avenue, Detroit 48201.
Michigan State University, East Lansing 48823.
Michigan Technological University, Houghton 49931.
Mt. Carmel Mercy Hospital, 6071 West Outer Drive, Detroit 48235.
*Northern Michigan University, Marquette 49855.
Oakland University, Rochester 48063.
Parke, Davis and Company, G.P.O. Box 118, Detroit 48232.
Providence Hospital, 16001 Nine Mile Road, Southfield 48075.
*Riverside Osteopathic Hospital, 150 Truax Street, Trenton 48183.
Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit 48235.
University of Detroit, 4001 West McNichols Road, Detroit 48221.
University of Michigan, Ann Arbor 48104.
Upjohn Co., 301 Henrietta Street, Kalamazoo 49001.
*W. D. Fryfogle Medical Research Laboratory, 15901 West Nine Mile Road, Southfield 48075.
Wayne County General Hospital, Eloise 48132.
Wayne State University, Detroit 48202.
Western Michigan University, Kalamazoo 49001.
William Beaumont Hospital, 3601 West 13 Mile Road, Royal Oak 48073.

MINNESOTA

Applied Cardiopulmonary Research, 2545 Chicago Avenue, Suite G-18, Minneapolis 55404.
Austin Community College, 1600 8th Avenue NW., Austin 55912.
Bio-Medicus, Inc., 15307 Minnetonka Industrial Road, Minnetonka 55343.
Kallestad Laboratories, 1000 Lake Hazeltine Drive, Chaska 55318.
Life Science Foundation, Golden Valley Health Center, Minneapolis 55422.
Mankato State College, Mankato 56001.
Mayo Foundation, 200 First Street Sw., Rochester 55901.
Medtronic, Inc., 3055 Old Highway Eight, Minneapolis 55418.
Minneapolis Medical Research Foundation, Inc., Hennepin County General Hospital, 619 South 5th Street, Minneapolis 55415.
*Mt. Sinai Hospital, 22d & Chicago Avenue, Minneapolis 55404.
*North Star Research and Development Institute, 3100 38th Avenue South, Minneapolis 55406.
Northwestern Hospital, 810 East 27th Street, Minneapolis 55407.
Riker Laboratories, Inc., 3M Center, Building 218-3, St. Paul 55101.
Southwest State University, Marshall 56258.
St. John's University, Collegeville 56321.
St. Mary's Hospital, 2414 South Seventh Street, Minneapolis 55406.
St. Paul-Ramsey Hospital, 640 Jackson Street, St. Paul 55101.
University of Minnesota, Minneapolis 55455.

MISSISSIPPI

Mississippi State University, Drawer G, State College 39762.
University of Mississippi, Office of the Chancellor, University 38677.

MISSOURI

Curators of the University of Missouri, Columbia 65201.
Deaconess Hospital, 6150 Oakland Avenue, St. Louis 63139.
Institute of Medical Education and Research, 1605 South 14th Street, St. Louis 63104.
Jewish Hospital of St. Louis, 216 South Kingshighway Boulevard, St. Louis 63110.
Jr. College District of Jefferson County, Hillsboro 63050.
Kansas City College/Osteopathy Medicine, 2105 Independence Boulevard, Kansas City 64124.
Kirksville College/Osteopathy and Surgery, Kirksville 63501.
Logan College of Chiropractic, 430 Schoettler Road, Chesterfield 63017.
Mallinckrodt Chemical Works, 2nd and Mallinckrodt Streets, St. Louis 63160.
Maple Woods Community College, 2601 Northeast Barry Road, Kansas City 64156.
Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City 64137.
Midwest Research Institute, 425 Volker Boulevard, Kansas City 64114.
Missouri Analytical Laboratory, Inc., St. Louis 63103.
Northeast Missouri State University, Kirksville 63501.
Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph 64502.
Ralston Purina Co., 835 South Eighth Street, St. Louis 63199.
Scientific Associates, Inc., 6200 South Lindbergh, St. Louis 63123.
Sigma International, Ltd., 3500 Dekalb Street, St. Louis 63129.
Smith Kline Clinical Laboratories, Inc., 11636 Administration Drive, Creve Coeur 63141.
St. John's Mercy Hospital, 621 South New Ballas Road, St. Louis 63141.
St. Louis College of Pharmacy, 4588 Parkview Place, St. Louis 63310.
St. Louis University, 1402 South Grand Avenue, St. Louis 63104.
St. Mary's Hospital, 101 Memorial Drive, Kansas City 64108.
Washington University, Lindell and Skinker Boulevards, St. Louis 63130.
William Jewell College, Liberty 64068.

MONTANA

Montana State University, Bozeman 59715.
University of Montana, Missoula 59801.

NEBRASKA

Creighton University/School of Medicine, 637 North 27th Street, Omaha 68131.
Dellen, Inc., 77th and Serum Avenue, Ralston 67127.
Harris Laboratories, Inc., P.O. Box 427, 624 Peach Street, Lincoln 68501.
Nebraska Wesleyan University, 50th and St. Paul Avenue, Lincoln 68504.
University of Nebraska, 3835 Holdrege, Lincoln 68503.
Wren Veterinary Pathology Service, 13116 Normandy Circle, Omaha 68137.

NEVADA

University of Nevada, Reno 89507.

NEW HAMPSHIRE

Keene State College, Keene 03431.
Trustees of Dartmouth College, P.O. Box 432, Hanover 03755.
University of New Hampshire, Spaulding Building, Durham 03824.

NEW JERSEY

Affiliated Medical Biological Research, Inc., P.O. Box 5700, Princeton 08540.
Becton, Dickinson & Co., Rutherford 07070.
Bio-Safety Research Laboratories, Milk and Broad Streets, Branchville 07826.
Bio-Toxicology Laboratories, P.O. Box 267, Creek and Cox Roads, Moorestown 08057.
Bio/Dynamics, Inc., P.O. Box 43, East Millstone 48873.
Biometric Testing, Inc., 375 Sylvan Avenue, Englewood Cliffs 07632.
Bristol-Myers Products, 225 Long Avenue, Hillside 07205.
Campbell Soup Co., 375 Memorial Avenue, Camden 08101.
Ciba Pharmaceutical Co., 556 Morris Avenue, Summit 07901.
Clinical Sciences, Inc., 30 Troy Road, Whippany 07981.
Colgate-Palmolive Co., 909 River Road, Piscataway 08854.
College of Medicine and Dentistry of New Jersey, P.O. Box 101, Piscataway 08854.
Cooper Laboratories, Inc., 110 East Hanover Avenue, Cedar Knolls 07927.
Consumer Product Testing Co., Inc., 1275 Bloomfield Avenue, Building No. 2-15B, Fairfield 07006.
County College of Morris, Route No. 10 and Center Grove Road, Dover 07801.
Cyanamid Foundation for Agricultural Development, P.O. Box 400, Princeton 08540.
Ethicon Research Foundation, U.S. Highway 22, Somerville 08876.
Fairleigh Dickinson University, 1000 River Road, Teaneck 07666.
Food & Drug Research Laboratory, 60 Evergreen Place, East Orange 07018.
Foster D. Snell, Inc., 66 Hanover Road, Florham Park 07932.
Hackensack Hospital, Hospital Place, Hankensack 07601.
Hazelton/Prime Laboratories, Inc., P.O. Box 646, Farmingdale 07727.
Hoechst-Roussel Pharmaceuticals, Route 202-206 North, Somerville 08876.
Hoffman Laboratories, Inc., 17-50 River Road, Fairlawn 07410.
Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley 07110.
Institute for Medical Research, Copewood Street, Camden 08103.
Johnson & Johnson Research Foundation, Route 1, New Brunswick 08903.

Leberco Laboratories, 123 Hawthorne Street, Roselle Park 07204.
Lever Bros. Co., 45 River Road, Edgewater 07020.
Manziano, Dr. Clarence F., 603 Westside Avenue, Jersey City 07304.
McGee Laboratories, Inc., 3651 Hill Road, Parsippany 07054.
Medi-Physics, Inc., 900 Durham Avenue, South Plainfield 07080.
Merck & Co., Inc., 126 East Lincoln Avenue, Rahway 07065.
Monmouth Medical Center, 3d and Pavilion Avenue, Long Branch 07740.
New Jersey College of Medicine and Dentistry, 100 Bergen Street, Newark 07103.
New Jersey State Department of Health, Box 1540, Trenton 08625.
Newark Beth Israel Hospital, 201 Lyons Avenue, Newark 07112.
Organon, Inc., 375 Mount Pleasant Avenue, West Orange 07052.
Ortho Diagnostics, Inc., Route 202, Raritan 08869.
*Passaic General Hospital, 350 Boulevard, Passaic 07055.
Pitmann-Moore, Inc., P.O. Box 344, Washington Crossing 08560.
Princeton Laboratories Products Co., 1 Cherry Hill Road, Box 512, Princeton 08540.
Redevan Laboratories, Inc., 100 Clark Street, Keyport 07735.
Reed & Carnrick, 30 Boright Avenue, Kenilworth 07033.
Rutgers, the State University, New Brunswick 08903.
South Mountain Life Sciences Lab, Fischer Boulevard and Thistle Street, Toms River 08753.
Sandoz Pharmaceuticals, Hanover 07936.
Schering Corp., 60 Orange Street, Bloomfield 07003.
Seton Hall University, South Orange 07079.
South Mountain Life Sciences, 1102 Industrial Parkway, Bricktown 08723.
Squibb Agricultural Research Center, 3 Bridges Road, Three Bridges 08887.
St. Barnabas Medical Center, Old Short Hills Road, Livingston 07039.
St. Michael's Hospital, 306 High Street, Newark 07102.
Trustees of Princeton University, New South Building, Princeton 08540.
U.S. Testing Co., Inc., 1415 Park Avenue, Hoboken 07070.
University Laboratories, Inc., 810 N. 2nd Avenue, Highland Park 08904.
Vineland Laboratories, Inc., Vineland 08360.
Warner-Lambert Research Institute, 170 Tabor Road, Morris Plains 07950.
William Paterson College, 300 Pompton Road, Wayne 07470.

NEW MEXICO

Eastern New Mexico University, Portales 88130.
Los Alamos Scientific Lab, P.O. Box 1663, Los Alamos 87544.
Lovelace Foundation, 5200 Gibson Boulevard, Albuquerque 87108.
New Mexico Institute of Mining and Technology, Socorro 87801.
Regents of New Mexico State University, Box 3699, Las Cruces 88003.
University of New Mexico, Albuquerque 87106.

NEW YORK

Agway Research Laboratory, 777 Warren Road, Ithaca 14850.
Albany College of Pharmacy, 106 North Scotland Avenue, Albany 12203.
Albany Medical College, 47 New Scotland Avenue, Albany 12208.
Alfred University, Alfred 14802.
American Standards Testing Bureau, Inc., 40 Water Street, New York 10004.
American Museum of Natural History, Central Park West at 79th Street, New York 10024.
American Health Foundation, 1370 Avenue of the Americas, New York 10019.
Animal Medical Center, 510 East 62d Street, New York 10021.
Arnot-Ogden Memorial Hospital, Roe Avenue, Elmira 14901.
Associated Universities, Inc., Upton 11973.
Avon Products, Inc., 9 West 57th Street, New York 10019.
Ayerst Research Laboratories, Chazy 12921.
B. Thompson Institute of Plant Research, Inc., 1086 North Broadway, Yonkers 10701.
Beth Israel Medical Center, 10 Nathan D. Perlman Place, New York 10003.
Booth Memorial Hospital, Main Street at Booth Memorial Avenue, Flushing 11355.
Bristol Laboratories, P.O. Box 657, Syracuse 13201.
Bronx-Lebanon Hospital Center, 1276 Fulton Avenue, Bronx 10456.
Brookdale Hospital Center, Brookdale Plaza, Brooklyn 11212.
Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn 11201.
Buffalo General Hospital, 100 High Street, Buffalo 14203.
Bureau of Laboratories, City of New York, 455 1st Avenue, New York 10016.
Canisius College, 2001 Main Street, Buffalo 14208.
Carter-Wallace, Inc., 767 5th Avenue, New York 10022.
Cattaraugus County Laboratory, 302 Laurene Street, Olean 14760.
Childrens Hospital of Buffalo, 219 Bryant Street, Buffalo 14222.
Cold Springs Harbor Laboratory, Cold Springs Harbor 11724.
Colgate University, Hamilton 13346.
Columbia University, 115 West 68th Street, New York 10023.
Cornell University Medical College, 1300 York Avenue, New York 10021.
Cornell University, Ithaca 14850.
Corning Glass Works, Corning 14830.
D'Youville College, 320 Porter Avenue, Buffalo 14201.
E. J. Meyer Memorial Hospital, 462 Grider Street, Buffalo 14215.
Eastman Dental Center, 800 Main Street East, Rochester 14603.
Eastman Kodak Co., Kodak Park, Rochester 14650.
Elmira College, College Avenue, Elmira 14901.
Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City 11533.
Erie Community College, North Main Street and Youngs Road, Buffalo 14221.
Fordham University, East Fordham Road, Bronx 10458.
Geigy Chemical Corp., Ardsley 10502.
General Foods Corp., 250 North Street, White Plains 10625.
Genesee Hospital, 224 Alexander Street, Rochester 14607.
Great Atlantic & Pacific Tea Co., 500 Ann Page Road, Horse Heads 14845.
Health Research, Inc., 84 Holland Avenue, Albany 12208.
Hofstra University, Hampstead 11550.
Hobart & William Smith Colleges, Geneva 14456.
Hudson Valley Community College, 80 Vandenburgh Avenue, Troy 12180.
Jamestown Community College, 525 Falconer Street, Jamestown 14701.
Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place, Brooklyn 11238.
Kingsbrook Jewish Medical Center, 86 East 49th Street, Brooklyn 11203.
Lenox Hill Hospital, 100 East 77th Street, New York 10021.
Long Island College Hospital, 340 Henry Street, Brooklyn 11201.
Long Island Jewish Medical Center, 270-05 76th Avenue, New Hyde Park 11040.
Long Island University, University Center, Brookville 11548.
Maimonides Medical Center, 4802 10th Avenue, Brooklyn 11219.
Manhattan Eye Ear/Throat Hospital, 210 East 64th Street, New York 10021.
Mary Imogene Basset Hospital, Atwell Road, Cooperstown 13326.
Masonic Medical Research Laboratory, Bleecker Street, Utica 13501.
Medical Foundation of Buffalo, 73 High Street, Buffalo 14203.
Mercy Hospital Association, L. G. H. Laboratory, 1000 North Village Avenue, Rockville Center 11570.
Methodist Hospital of Brooklyn, 506 6th Street, Brooklyn 11215.
Millard Fillmore Hospital, 3 Gates Circle, Buffalo 14209.
Misericordia Hospital, 600 East 233d Street, Bronx 10466.
Montefiore Hospital and Medical Center, 111 East 210 Street, Bronx 10467.
Mount Sinai School of Medicine, 100 Street, and 5th Avenue, New York 10029.
New York Department of Mental Hygiene, 44 Holland Avenue, Albany 12208.
New York City Health and Hospital Corporation, 125 Worth Street, New York 10013.
NACC Testing and Research Laboratory, 80 Hanson Place, Brooklyn 11217.
Nassau Hospital, 1st Street, Mineola 11501.
New York Medical College, 15th Avenue, at 106th Street, New York 10029.
New York State Health Department, Division of Laboratories and Research, New Scotland Avenue, Albany 12201.
New York University, Washington Square, New York 10003.
North Shore Hospital, Valley Road, Manhasset Long Island 11030.
Norwich Pharmacal Co., P.O. Box 191, Norwich 13815.
New York Blood Center/Community Blood Council, 310 East 67 Street, New York 10017.
Pfizer, Inc., 235 East 42nd Street, New York 10017.
Philip D. Wilson Research Foundation, 535 East 70th Street, New York 10021.
Polytechnic Institute of Brooklyn, 333 Jay Street, Brooklyn 11201.
Population Council, 245 Park Avenue, New York 10017.
Public Health Research Institute of New York City, 455 First Avenue, New York 10016.
Queens Hospital Center, 82-68 164th Street, Jamaica 11432.
Rensselaer Polytechnic Institute, Troy 12181.
*Research Institute for Skeletomuscular Disease, 1919 Madison Avenue, New York 10035.
Research Foundation/City University of New York, 1411 Broadway, New York 10018.
Research Institute on Alcoholism, 1021 Main Street, Buffalo 14203.
Revlon Research Center, Inc., 945 Zerega Avenue, Bronx 10473.

Richardson-Merrill, Inc., 122 East 42nd Street, New York 10017.
Rochester General Hospital, 1425 Portland Avenue, Rochester 14621.
Rochester Institute of Technology, 1 Lomb Memorial Drive, Rochester 14623.
Rockefeller University, York Avenue at 66th Street, New York 10021.
Roosevelt Hospital, 428 West 59th Street, New York 10019.
South Shore Analytical and Research Laboratory, 148 Islip Avenue, Islip 11751.
Schwartz College of Pharmacy, 75 Dekalb Avenue, Brooklyn 11201.
*Sisters of Charity Hospital, 2157 Main Street, Buffalo 14214.
Skidmore College, Saratoga Springs 128661.
Sloan-Kettering Institute/Cancer, 410 East 68th Street, New York 10021.
St. Barnabas Hospital, 183rd and Third Streets, Bronx 10457.
St. Bonaventure University, St. Bonaventure 14778.
*St. Clare's Hospital and Health Center, 415 West 51 Street, New York 10019.
St. John Fisher College, 3690 East Avenue, Rochester 14618.
St. John's University, Grand Central Utopia Parkways, Jamaica 11432.
St. Joseph's Hospital Health Center, 301 Prospect Avenue, Syracuse 13203.
St. Lawrence University, Canton 13617.
St. Luke's Hospital Center, Amsterdam at West 114th Street, New York 10025.
St. Mary's Hospital, 89 Genesee Street, Rochester 14611.
St. Vincent's Hospital and Medical Center, 153 West 11th Street, New York 10011.
Standard Brands, Inc., 625 Madison Avenue, New York 10022.
State University of New York, Thurlow Terrace, Albany 12201.
Sterling Drug, Inc., Columbia Turnpike, Rensselaer 12144.
Syracuse University, 201 Marshall Street, Syracuse 13210.
Tissue Culture Association, Inc., P.O. Box 631, Lake Placid 12946.
Trudeau Institute, Inc., Algonquin Avenue, Saranac Lake 12983.
Trustees of Columbia University, Box 20, Low Memorial Library, New York 10027.
Union Carbide Corp., 401 Theodore Fremd Avenue, Rye 10580.
University of Rochester, River Boulevard, Rochester 14627.
USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe 10701.
Westchester County Medical Center, Valhalla 10595.
Westwood Pharmaceuticals, Inc., 468 Dewitt Street, Buffalo 14213.
Wilson Memorial Hospital Heart-Lung Laboratory, Johnson City 13790.
Yeshiva University, 55 Fifth Avenue, New York 10003.

NORTH CAROLINA

Appalachian State University, Boone 28608.
Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park 27709.
Carnivore Evolutionary Research Institute, Route 3, Box 180, Pittsboro 27311.
Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park 27709.
Duke University, Durham 27706.
East Carolina University, Greenville 27834.
Greer Laboratories, Inc., Box 800, Lenoir 28645.
Heineman Medical Research Center, Charlotte Memorial Hospital, Charlotte 28234.
Lorillard Research Center, 420 English Street, Greensboro 27420.
North Carolina State University, Raleigh 27607.
Research Triangle Institute, P.O. Box 12194, Research Triangle Park 27709.
University of North Carolina at Charlotte, Charlotte 28205.
University of North Carolina at Wilmington, 7205 Wrightsville Avenue, Wilmington 28401.
University of North Carolina, Chapel Hill 27514.
Wake Forest University, Winston-Salem 27109
Western Carolina University, Cullowhee 28723.

NORTH DAKOTA

Minot State College, Minot 58701.
North Dakota State University, Fargo 58102.

OHIO

Akron City Hospital, 525 East Market Street, Akron 44309.
*Akron General Medical Center, 400 Wabash Avenue, Akron 44307.
Allergy Laboratories of Ohio, Inc., 623 East 11 Avenue, Columbus 43211.
American Cyanamid Co., North Middleton Road, Pearl River 10965.
Baldwin-Wallace College, Berea 44017.
Batelle Memorial Institute, 505 King Avenue, Columbus 43201.
Ben Venue Laboratories, Inc., 270 Northfield Road, Bedford 44146.
Bowling Green State University, Bowling Green 43402.
*Capital University, Columbus 43209.
Case Western Reserve, University Circle, Cleveland 44106.
Central State University, Banneker Science Hall, Wilberforce 45384.
Charles F. Kettering Research Laboratory, 150 East South College Street, Yellow Springs 45387.
Children's Hospital Research Foundation, 561 South 17th Street, Columbus 43205.
Children's Hospital, Elland Avenue and Bethesda, Cincinnati 45229.
Children's Hospital of Akron, Buchtel Avenue at Bowery Street, Akron 44308.
Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati 45209.
Cleveland Clinic Foundation, 2020 East 93rd Street, Cleveland 44120.
Cleveland State University, 1983 East 24th Street, Cleveland 44115.
College of Wooster, Wooster 44691.
Creative Biology Laboratory, Inc., 3070 Cleveland-Massilon Road, Barberton 44203.
*Cuyahoga Community College, 700 Carnegie Avenue, Cleveland 44115.
Denison University, Granville 43023.
Elyria Memorial Hospital, 630 East River Street, Elyria 44035
Fairview General Hospital, 18101 Lorain Avenue, Cleveland 44111.
Good Samaritan Hospital, 3217 Clifton Avenue, Cincinnati 45220.
Grady Investment Corp., 9211 Winton Road, Cincinnati 45231.
Highland View Hospital, 3901 Ireland Drive, Cleveland 44122.
Hill Top Research, Inc., Miamiville 45147.
Hiram College Biological Sta., P.O. Box 1838, Hiram 44234.
Huron Road Hospital, 13951 Terrace Road, Cleveland 44112.
Jewish Hospital, 3200 Burnet Avenue, Cincinnati 45229.
John Carroll University, Cleveland 44118.
Kent State University, Kent 44240.
Lakeland Community College, Mentor 44060.
*Marietta College, Marietta 45750.
Medical College of Ohio, P.O. Box 6190, Toledo 43614.
Merrell-National Laboratories, 110 East Amity Road, Cincinnati 45215.
Miami University, Office of the President, Oxford 45056.
Miami Valley Hospital, 1 Wyoming Street, Dayton 45409.
Mogul Corp., Chagrin Falls 44022.
Mount Sinai Hospital, University Circle, Cleveland 44106.
Muskingum College, New Concord 43762.
North American Science Association, Inc., 2261 Tracy Road, Northwood 43605.
Oberlin College, Oberlin 44704.
Ohio Department of Health, 1571 Perry Street, P.O. Box 2568, Columbus 43216.
Ohio Northern University, Ada 45810.
Ohio State University, 190 North Oval Drive, Columbus 43210.
Ohio University, Athens 45701.
Ohio Wesleyan University, Delaware 43015.
Otterbein College, Westerville 43081.
Proctor & Gamble Co., P.O. Box 39175, Cincinnati 45239.
Rhodia, Inc., Route 250, Ashland 44805.
Springborn Institute for Biological Research, 553 North Broadway Street, Spencerville 45887.
St. Elizabeth Hospital, 1044 Belmont Avenue, Youngstown 44512.
*St. Joseph's Hospital, West 20th Street and Broadway, Lorain 44052.
St. Luke's Hospital, 11311 Shaker Boulevard, Cleveland 44104.
St. Thomas Hospital of Akron, Ohio, 444 North Main Street, Akron 44310.
St. Vincent Charity Hospital, 2351 East 22nd Street, Cleveland 44115.
St. Vincent Hospital & Medical Center, 2213 Cherry Street, Toledo 43608.
University of Akron, Akron 44304.
University of Cincinnati, Clifton Avenue, Cincinnati 45221.
University of Dayton, College Park, Dayton 45469.
University of Toledo, 2801 West Bancroft Street, Toledo 43606.
Wittenberg University, Springfield 45501.
Wright State University, Col. Glenn Highway, Dayton 45431.
Xavier University, Victory Parkway, Cincinnati 45207.
Youngstown State University, 410 Wick Avenue, Youngstown 44503.

OKLAHOMA

Baptist Memorial Hospital, 5800 Northwest Grand Boulevard, Oklahoma City 73112.
Oklahoma College/Osteopathy Medical & Surgery, 1111 West 17th Street, Tulsa 74101.
Oklahoma Medical Research Foundation, 825 Northeast 13th Street, Oklahoma 73104.
Oklahoma State Department of Health, 3400 North Eastern, Oklahoma City 73105.
Oklahoma State University/Agriculture & Applied Science, Stillwater, 74074.
Oklahoma City University, 2501 North Blackwelder, Oklahoma 73106.
Southwestern State College, Weatherford 73096.
University of Oklahoma, 660 Parrington Oval, Norman 73069.

OREGON

Providence Medical Center, 700 Northeast 47th Avenue, Portland 97213.

PENNSYLVANIA

Albert Einstein Medical Center, York and Tabor Roads, Philadelphia 19141.
Allegheny Singer Research Corp., 320 East North Avenue, Pittsburgh 15212.
Allen Products Co., Inc., P.O. Box 2187, Rural Delivery No. 3, Allentown 18001.
Arco Medical Products Co., Route 66 and River Road, Leechburg 15656.
Biosearch, Inc., P.O. Box 8598, Philadelphia 19101.
Bryn Mawr College, Bryn Mawr 19010.
Bucknell University, Lewisburg 17837.
Buckshire Corp., 2025 Ridge Road, Perkasie 18944.
Burron Medical Laboratories, Inc., 824 Twelfth Avenue, Bethlehem 18018.
California State College, California 15419.
Cannon Laboratories, P.O. Box 3627, Reading 19605.
Carnegie-Mellon University, 4400 Fifth Avenue, Pittsburgh15213.
CDC Research, Inc., P.O. Box 359, Clarks Summit 18411.
Centre Square Veterinary Clinic, 1030 Dekalb Pike, Centre Square 19422.
Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia 19146.
College Miseriocordia, Dallas 18612.
Connaught Laboratories, Inc., Swiftwater 18370.
Contributors to the Pennsylvania Hospital, 8th and Spruce Streets, Philadelphia 19107.
Coratomic, Inc., P.O. Box 434, Indiana 15701.
*D. Guthrie Foundation for Medical Research, 200 South Wilbur Avenue, Sayre 18840.
Dalmation Research Foundation, 720 Woodberry Road, New York 17403.
Drexel Institute of Technology, 32d and Chestnut Street, Philadelphia 19104.
Duquesne University, Pittsburgh 15219.
Eastern Pennsylvania Psychiatric Institution, Henry Avenue and Abbottsford, Philadelphia 19129.
Federated Medical Resources, Rural Delivery 2, Honey Brook 19344.
General Electric Co., Valley Forge Space Center, King of Prussia 19406.
Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia 19102.
Hamot Medical Center, P.O. Box 339, Erie 16512.
Harcum Junior College, Morris and Montgomery Avenue, Bryn Mawr 19010.
Indiana University of Pennsylvania, Indiana 15701.
Institute for Cancer Research, 7701 Burholme Avenue, Philadelphia 19111.
Jefferson Medical College of Philadelphia, 1025 Walnut Street, Philadelphia 19107.
Lawall/Harrison Research Laboratories, Inc., 2505 Christian Street, Philadelphia 19146.
Lehigh University, Bethlehem 18015.
*Lincoln University, Lincoln University 19352.
*Lockhaven State College, Lock Haven 17745.
Lycoming College, Williamsport 17701.
M. B. Research Laboratories, Inc., P.O. Box 203, Spinnerstown 18968.
McNeil Laboratories, Inc., Camp Hill Road, Ft. Washington 19034.
Median School of Health Career, 12 Eight Street, Pittsburgh 15222.
Mercy Catholic Medical Center, Lansdowne Avenue, Darby 19023.
Moravian College, Main and Elizabeth Avenue, Bethlehem 18018.
N. L. Cappel Laboratories, Inc., Thud Ridge Farm, Cochranville 19330.
Pennsylvania College of Podiatric Medicine, 8th at Race Street, Philadelphia 19107.
Pennsylvania Department of Health, 2100 West Girard Avenue, Philadelphia 19130.
Pennsylvania State University, 207 Old Main, University Park 16802.
Pennwalt Corp., 3 Penn Center, Philadelphia 19102.
Penrose Research Laboratory, 34th Street and Girard Avenue, Philadelphia 19104.
Pharmachem Corp., 719 Stefko Boulevard, Bethlehem 18018.
Pharmakon Laboratories, 1140 Quincy Avenue, Scranton 18510.
Philadelphia College of Osteopedic Medicine, 48th and Spruce Streets, Philadelphia 19139.
Presbyterian-University of Pennsylvania, 51 North 39th Street, Philadelphia 19104.
Rachelwood Wildlife Preserve, Rural Delivery 1, New Florence 15944.
Rohm & Haas Co., Norristown and McKean Roads, Springhouse 19477.
Smith, Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia 19101.
St. Vincent College, Latrobe 15650.
Susquehanna University, Selinsgrove 17870.
*Syndot Laboratories, 1075 New DeHaven Road, West Conshohocken 19428.
Temple University, Broad and Montgomery Streets, Philadelphia 19122.
University Health Center of Pittsburgh, Terrace and DeSoto Streets, Pittsburgh 15213.
University of Pennsylvania, 101 College Hall, Philadelphia 19104.
Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh 15224.
Westinghouse, Corp., Beaulah Road, Pittsburgh 15235.
Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown 17067.
William H. Rorer, Inc., 500 Virginia Drive, Fort Washington 19034.
Wills Eye Hospital Research Institute, 1605 Brrandywine Street, Philadelphia 19130.
Wistar Institute, 36th and Spruce Streets, Philadelphia 19104.
Wyeth Laboratories, Inc., P.O. Box 8299, Philadelphia 19101.

RHODE ISLAND

Brown University, 79 Waterman Street, Brown Station, Providence 02912.
Curran, Alton J., M.D., 314 Angell Street, Providence 02906.
Memorial Hospital, Prospect Street, Pawtucket 02860.
Miriam Hospital, 164 Summit Avenue, Providence 02906.
Rhode Island College, Providence 02908.
Rhode Island Hospital, 593 Eddy Street, Providence 02903.
Roger Williams General Hospital, 825 Chalkstone Avenue, Providence 02908.
St. Joseph's Hospital, 200 High Service Avenue, North Providence 02904.
University of Rhode Island, Kingston 02881.

SOUTH CAROLINA

Clemson University, Clemson 29631.
Medical College of South Carolina, 80 Barre Street, Charleston 29401.
University of South Carolina, Columbia 29208.

SOUTH DAKOTA

South Dakota State University, Brookings 57006.
University of South Dakota, Vermillion 57069.

TENNESSEE

Baptist Memorial Hospital, 899 Madison Avenue, Memphis 38103.
Beecham Laboratories, 501 Fifth Street, Bristol 37620.
G. Peabody College for Teachers, Box 512, Nashville 37203.
Meharry Medical College, 1005 18th Avenue North, Nashville 37208.
Memphis State University, Memphis 38111.
Oak Ridge Associated Universities, P.O. Box 117, Oak Ridge 37830.
Plough, Inc., 3030 Jackson Avenue, Memphis 38112.
St. Jude Children's Resident Hospital, P.O. Box 318, Memphis 38101.
University of Tennessee, Knoxville 37916.
Vanderbilt University, Nashville 37203.

TEXAS

Alcon Laboratories, Inc., P.O. Box 1959, Fort Worth 76101.
Bandy Laboratories, P.O. Box 727, Temple 76501.
Baylor College of Dentistry, 800 Hall Street, Dallas 75235.
Baylor University, Waco 76703.
Baylor University College of Medicine, 1200 Moursund Avenue, Houston 77025.
Brownsville Animal Resident Center, 1810 Central Avenue, Brownsville 78520.
Carwile, D.V.M., H. F., Drawer 821, Montgomery 77356.
Cone, Jr., R. O., 523 East Court Street, Sequin 78155.
Dallas County Community College District, 701 Elm, Dallas 75202.
Franklin Laboratories, P.O. Box 669, Amarillo 79105.
Helena Laboratories, 1530 Lindbergh Drive, Beaumont 77704.
John H. Sheets, M.D., Association, P.O. Box 7016, Odessa 79760.
Methodist Hospital of Dallas, P.O. Box 5999, Dallas 75222.
Pan American University, Edinburg 78539.
Redden, Dr., David R., Box 5218 NT Station, Denton 76203.
Rice University, P.O. Box 1892, Houston 77001.
Scott and White Memorial Hospital, 2401 South 31st Street, Temple 76501.
Southern Methodist University, Dallas 75222.
Southwest Research Institute, 8500 Culebra Road, San Antonio 78206.
Southwest Texas State University, San Marcos 78666.
St. Joseph's Hospital, 1919 La Branch, Houston 77002.
St. Paul Hospital, 5909 Harry Hines, Dallas 75235.
Stillmeadow, Inc., 3223 Lacosta Drive, Missouri City 77459.
SW Foundation for Residents and Education, P.O. Box 2296-10000, West Commerce, San Antonio 78206.
Technology, Inc., 8531 North New Braunfels, San Antonio 78217.
Texas A & M University, College Station 77843.
Texas Christian University, Ft. Worth 76129.
Texas Eastern University, 3900 University Boulevard, Tyler 75701.

Texas Heart Institute, Houston 77002.
Texas Research Institute of Mental Sciences, 1300 Moursund, Houston 77025.
Texas State Technical Institute, James Connally Campus, Waco 76705.
Texas Technical University, Lubbock 79409.
Texas Woman's University, Box 23971, TWU Station, Denton 76204.
Trinity University, 715 Stadium Drive, San Antonio 78212.
Texas Technical University Health Science Center, P.O. Box 4569, Lubbock 79409.
University of Houston, 3801 Cullen Boulevard, Houston 77004.
University of Texas System, P.O. Box 7969, Austin 78712.
Wadley Institutes of Molecular Medicine, 9000 Harry Hines, Dallas 75235.
Zoecon Industries, Inc., 12200 Denton Drive, Dallas 75234.

UTAH

Brigham Young University, Provo 84601.
Intermountain Laboratories, P.O. Box 633, Salt Lake City 84110.
Latter-Day Saints Hospital, 325 8th Avenue, Salt Lake City 84103.
Primary Children's Hospital, 320 Twelfth Avenue, Salt Lake City 84103.
University of Utah, University Avenue at 2d Street, Salt Lake City 84112.
Utah State University, Logan 84321.
Weber State College, 3750 Harrison Boulevard, Ogden 84403.

VERMONT

Bennington College, Bennington 05201.
Castleton State College, Castleton 05735.
Lyndon State College, Lyndonville 05851.
Middlebury College, Middlebury 05753.
Putnam Memorial Hospital, Dewey Street, Bennington 05201.
University of Vermont and State Agricultural College, Burlington 05401.
Windham College, Putney 05346.

VIRGINIA

A. H. Robins Co., Inc., 1211 Sherwood Avenue, Richmond 23220.
Bionetics Research Laboratory, Inc., 101 West Jefferson Street, Falls Church 22046.
Blue Ridge Community College, P.O. Box 80, Weyers Cave 24486.
College of William & Mary, Williamsburg 23185.
George Mason University, 4400 University Drive, Fairfax 22030.
Glenn H. Shepard, M.D., Inc., 314 Main Street, Newport News 23601.
* Lynchburg College, Lynchburg 24504.
Medical College of Virginia, 12th and Broad Streets, Richmond 23219.
Meloy Laboratories, 6631 Iron Place, Springfield 22151.
Old Dominion University, P.O. Box 6173, Norfolk 23508.
Research Institute of Norfolk, 600 Gresham Drive, Norfolk 23507.
University of Virginia, Charlottesville, 22903.
Virginia Polytechnic Institute, Blacksburg 24061.
Washington & Lee University, Lexington 24450.

WASHINGTON

Bio Medical Research Laboratories, 1115 East Pike Street, Seattle 98122.
Eastern Washington State College, Cheney 99004.
Fort Steilacoom Community College, Box 99186, Tacoma 98499.
Hollister-Stier Laboratories, Box 3145, Terminal Annex, Spokane 99220.
Pacific Northwest Labs, P.O. Box 999, Richland 99352.
Pacific Northwest Research Foundation, 1102 Columbia Street, Seattle 98104.
Providence Hospital Research Center, 528 18th Avenue, Seattle 98166.
Puget Sound Blood Center, Terry at Madison, Seattle 98104.
Seattle-King County Health Department, 1303 Public Safety Building, Seattle 98104.
St. Joseph Hospital, Tacoma 98405.
Sweden Freezer Manufacturing Co., 3401 17th Avenue West, Seattle 98119.
University of Washington, Seattle 98101.
Virginia Mason Research Center, 1000 Seneca Street, Seattle 98101.
Washington State University, Pullman 99163.
Western Washington State College, Bellingham 98225.
Weyerhaeuser Co., P.O. Box 420, Centralia 98531.

WEST VIRGINIA

West Virginia University, Morgantown 26506.
West Virginia School of Osteopathy Medicine, 400 North Lee Street, Lewisburg 24901.

WISCONSIN

Adolf Gunderson Medical Foundation, 1836-1910 South Avenue, La Crosse 54601.
Altech Laboratories, Route 4, Syene Road, Madison 53711.
Appleton Memorial Hospital Association, 1818 North Meade Street, Appleton 54911.
Bellin Memorial Hospital, 744 South Webster Avenue, Green Bay 54301.
Beloit College, Beloit 53511.
Bjorksten Research Foundation, P.O. Box 775, Madison 53701.
Central Wisconsin Colony/Training School, 317 Knutson Drive, Madison 53704.
Endocrine Laboratories of Madison, Inc., P.O. Box 7546, Madison 53707.
Fromm Laboratories, Inc., Grafton 53024.
Marquette University, 615 North 11th Street, Milwaukee 53233.
Marshfield Clinic Foundation for Medical Research and Education, 630 South Central Avenue, Marshfield 54449.
Medical College of Wisconsin, 561 North 15th Street, Milwaukee 53233.
Milwaukee Children's Hospital, 1700 West Wisconsin Avenue, Milwaukee 53233.
Mount Sinai Hospital, 948 North 12th Street, Milwaukee 53233.
Regents of the University of Wisconsin, 750 University Avenue, Madison 53706.
S. C. Johnson & Son, Inc., 1525 Howe Street, Racine 53403.
St. Joseph's Hospital-Laboratory, 5000 West Chambers Street, Milwaukee 53210.
St. Luke's Research Foundation, Inc., 2900 West Oklahoma Avenue, Milwaukee 53215.
St. Norbert College, Depere 54115.
Vocational, Technical and Adult Education, 211 North Carroll Street, Madison 53703.
Warf Institute, Inc., 506 North Walnut Street, P.O. Box 2599, Madison 53701.
Wausau Hospitals, Inc., Maple Hill 54401.
Wisconsin Department of Agriculture, 801 West Badger Road, Madison 53713.

WYOMING

Casper College, 125 College Drive, Casper 82601.
Eastern Wyoming College, Torrington 82240.
Laramie County Community College, 1400 East College Drive, Cheyenne 82001.
University of Wyoming, Laramie 82070.

PUERTO RICO

Ex-Lax, Inc., Call Box 1020, Humacao 00661.
Institute of Health Labs, P.O. Box 10427, Caparra Heights Station, San Juan 00922.
Lilly Industries, Inc., P.O. Box 71325, San Juan 00936.
Omni Research, Inc., P.O. Box 1156, San German 00753.
San Anton Baxter Realty Corp., P.O. Box 678, Carolina 00630.
University of Puerto Rico, Rio Piedras 00931.

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 1st day of March 1978.

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

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

[FR Doc. 78-5862 Filed 3-9-78; 8:45 am]

federal register

FRIDAY, MARCH 10, 1978
PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

DESIGNATION AND FUNDING OF STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

Requirements

[4110-83]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 123—STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

Designation and Funding of State Health Planning and Development Agencies

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: This rule prescribes the requirements for designation of State health planning and development agencies, grants to State health planning and development agencies, and establishment and operation of Statewide Health Coordinating Councils.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry P. Cain II, Ph. D., Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, telephone number 301-436-6850.

SUPPLEMENTARY INFORMATION: On March 19, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 11688) proposing to amend Title 42, Code of Federal Regulations, as follows:

1. To add to Part 122 thereof a new Subpart D, entitled "Procedures and Criteria for Review of New Institutional Health Services."

2. To add to Subchapter K thereof a new Part 123, entitled "State Health Planning and Development Agencies," and to add to such new Part 123 the following new subparts: Subpart A, entitled "Definitions;" Subpart B, entitled "Designation of State Health Planning and Development Agencies;" Subpart C, entitled "Grants to State Health Planning and Development Agencies;" Subpart D, entitled "Statewide Health Coordinating Councils" and subpart E, entitled "Certificate of Need and Review of New Institutional Health Services."

3. To revise Part 100 thereof, which as so revised would be entitled "Limitation on Federal Participation for Capital Expenditures."

The regulations under items 1 and 2 above were proposed as part of the Secretary's implementation of Title XV of the Public Health Service Act ("the Act"), added by Pub. L. 93-641. The revision of Part 100 is in part made necessary by Pub. L. 93-641, and in part results from the Secretary's experience in carrying out his responsibilities under section 1122 of the Social Security Act.

Interested persons were afforded the opportunity to participate in the rulemaking process by submitting written comments concerning the proposed regulations no later than May 3, 1976. More than 3,000 comments were received during the comment period.

Because of the large number of comments, and the complex issues raised therein, an extended period was needed to analyze the comments and make the modifications to the regulations considered appropriate by the Secretary. The Secretary determined, however, for the reasons set forth in the FEDERAL REGISTER of June 3, 1976 (41 FR 22524), that it was neither necessary nor wise to delay the implementation of Title XV as it related to the designation and funding of State Health Planning and Development Agencies (hereinafter "State Agencies") until such time as the comments received in response to the Notice of Proposed Rulemaking of March 19, 1976, could be analyzed. Therefore, on June 3, 1976, the Secretary issued interim regulations which constituted the legal and programmatic minimum requirements necessary under the statute to enable the Secretary to designate and fund State Agencies. Only Subparts A, B, C, and D of Part 123 were made effective in this manner.

The Department's analysis of the comments made pursuant to the proposed rulemaking on March 19, 1976, has now been completed. Those comments relating to Subpart D of Part 122 and Subpart E of Part 123 on certificate of need and review of new institutional health services have been considered by the Secretary in the adoption of the final regulations concerning these areas published in the FEDERAL REGISTER of January 21, 1977 (42 FR 4002-4032). Those comments received concerning Part 100—Limitation on Federal Participation for Capital Expenditure—will be considered when the Department publishes its final regulations on that program.

This Notice applies only to Subparts A, B, C, and D of Part 123. The preamble is a summary of the comments and recommendations relating to these subparts and the Secretary's conclusions in light of them, as well as a description of other changes made in the regulations which result from further Departmental consideration. In addition, a new Subpart F, entitled "Special Provisions for Certain States—Section 1536 of the Act" has been added. The discussion with respect to Subparts A, B, C, and D of Part 123 will have reference to the proposed rules issued on March 19, 1976, rather than to the interim rules issued on June 3, 1976. Where significant, however, differences between the interim and final regulations will be noted. The final rules set out below will supersede the June 3, 1976, interim regulations. While the Department had anticipated at the time of the publication of the interim regulations that it would require States to conform to these final regulations within 90 days of their publication, the Department's delay in promulgating these regulations together with the fact that most State Agencies will be applying for new designation agreements within the next few months makes that approach impractical. Therefore, these regulations will only apply with respect to designation agreements entered into after their publication.

For purposes of clarity the comments and changes have been grouped in accordance with the various subparts and sections of Part 123.

SUBPART A—DEFINITIONS

§ 123.1 DEFINITIONS

Numerous comments were received concerning the definitions in proposed Subpart A.

As a general matter, one comment included the suggestion that all Title XV definitions should be consolidated in one section to avoid the confusion currently arising from different definitions of the same term and to reduce the length of the proposed regulations. With respect to any confusion that might arise, it should be noted that the definitions of each term which is used in more than one subpart of the regulations implementing Title XV of the Act is for all substantive purposes identical. While it may be desirable to reduce the length of the regulations, consolidation of all definitions in one section has not been practicable due to the different publication dates for the various regulations already issued and to be issued by the Department in the future related to Title XV. Further, since some readers may have interest only in a particular Part or subpart of the regulations, it is desirable for ease of reference for the definitions to appear with each Part or subpart where the terms are used.

Of the comments received on the substance of the definitions included in Subpart A, the majority were concerned with the definition of the term "provider of health care" (§ 123.1(k)). Generally, it is noted that the definition of this term is statutory (section 1531(3) of the Act) and the Secretary has sought to add little to the definition. Because this term, with its categorization of direct and indirect providers, is statutory, the Secretary cannot, as was suggested by several commenters, merge the two categories or delete "indirect providers" from the definition of provider of health care.

Similarly, the Secretary cannot change the statutory language from "provider of health care" to "provider of health services" as was suggested by another commenter or respond by regulatory changes to the comments received that the definition of "indirect provider" was too broad, that the income requirements were too strict and would keep well-informed consumers from serving on governing bodies, or to the request that the limitation relating to immediate family be liberalized. Modification of statutory terms would require legislative action.

A number of commenters requested that the list of direct providers of health care in § 123.1(k)(1) be expanded to specifically include mental health professionals, as well as public health and environmental health specialists. The Secretary wishes to emphasize, as stated in the preamble to the final regulations for the designation and funding of health systems agencies (41 FR 12812, March 26, 1976), that the list of direct providers included in the statutory definition is not exhaustive of all individuals who would be classified as "direct providers of health care" in that their current primary activity is the provision of health care to individuals, and that individuals, such as providers of mental health, drug and alcohol abuse services, would be included. This was underscored by including the phrase "but not limited to" in § 123.1(k)(1) of the proposed regulation and such wording is retained in the final regulations. However, a change in the definition has been made to add optometrists to the listing in accordance with the statutory change made by section 902(a) of Pub. L. 94-484. With respect to the statutory listing of facilities and institutions in which health care is provided, the phrase "but not limited to," has been added to the definition to emphasize that the listing of types of facilities and institutions is similarly not intended to be an exhaustive list. However, the phrase "substance abuse treatment facilities" has been added to the list of facilities since this change has been mandated by Pub. L. 94-237. In addition, several minor revisions have been made to the definition of provider of health care to conform to the definition contained in the health systems agencies final regulation (42 CFR 112.1(o)).

One person suggested that the term "same household" should refer only to those individuals physically residing in the same household as the direct provider or, in the case of students not physically residing with the direct provider, to such individuals only if they are dependents of providers. The Secretary thinks that the word "reside" means physically reside, and that this definition is as restrictive as necessary to carry out the intent that individuals who have close family relationships with providers are classified as indirect providers. Accordingly, no revision has been made.

Lastly with respect to this definition, one commenter felt that the word "articles" used in the definition of indirect provider of health care, literally interpreted, could include anything manufactured, thereby extending the categorization of indirect provider to practically everyone. The commenter suggested that inserting the term "primary" would have the desired limiting effect. The Secretary believes that the term "articles," which was intended to cover such things as medical devices and equipment, is sufficiently limited by the reasonable application of the statutory phrase "for individuals or entities for use in the provision of or research into or instruction in the provision of health care" included in the proposed regulations, and therefore the suggested addition has not been made.

Although no revision in the proposed regulations was requested, a number of invividuals requested clarification of the effect of the definition of "provider of health care" in classifying a variety of individuals including county commissioners, members of advisory or policy boards and staffs of health systems agencies. The effect of this provision on particular individuals must be determined on a case by case basis. By way of general guidance, county commissioners and other public officials who exercise authority over the budgets of local health facilities through overall legislative or administrative responsibility for a health care institution or service are not "providers of health care" under the definition in § 123.1. However, any county commissioner or other public official who holds a fiduciary position with respect to an entity engaged in the provision of health care as defined under § 123.1(k)—that is, where the individual acts with respect to an institution in a manner analogous to an officer or a member of a board of directors (e.g., an individual who has responsibility for the policies and/or day-to-day operation of a health care institution)—would be considered a provider of health care. Further, while the decisions of the staff of a health systems agency may have a significant impact on the health care system, employment by a health systems agency does not in itself result in an individual's classification as a provider of health care under the statutory definition.

One commenter suggested that the State Agency Director should have the final authority to resolve each question of consumer/indirect provider status on an individual basis as it relates to health systems agency governing body nominations to the Statewide Health Coordinating Council (hereinafter the "SHCC"). The Secretary notes that it is the responsibility of the State to constitute its SHCC to conform to the mandated categories of the statute and that the State should in this regard exercise authority regarding the resolution of conflicts resulting from the application of the definition of provider of health care.

A commenter requested that a definition be added in § 123.1 of the term "health maintenance organization." The Secretary has added definitions for "health maintenance organization" and "health care facility" to § 123.1 as these two terms are now included in the final regulations at §123.104(b)(11). It is noted that these definitions are identical to the definitions of these terms in 42 CFR Part 123, Subpart E. One commenter suggested the inclusion of a definition of the term "minority" based on the view that one of the primary purposes of Pub. L. 93-641 is to improve the delivery of health services to the poor and minorities. The Secretary has not accepted this suggestion, even though he agrees with the need for more effective health planning for poor and minority populations, since this term is not used in the regulations or the statute.

Subpart B—Designation of State Health Planning and Development Agencies

§ 123.101 Purpose and scope

Several comments were received regarding the purpose and scope of State Agency activities as set forth in this section. One commenter expressed concern that the performance by a State Agency of both the physical and mental health planning and development functions for the State limits the Governor's discretion to assign functions to other agencies of State government. While both the physical and mental health needs of the State must be addressed in accomplishing the health planning and development functions required by Pub. L. 93-641, the latitude to assign functions to other agencies of State government is left to the discretion of each State within statutory constraints imposed under section 1523(b)(1) of the Act.

One commenter recommended that a new subsection be added to this section to indicate that the language of this section does not prevent a State from developing a program of State health planning with additional functions or with modifications appropriate for individual State needs not inconsistent with Federal laws. The regulations in this Part do not preclude a State from taking on additional functions or performing functions not inconsistent with Federal statutes and regulations.

Accordingly, the Secretary does not think that any such statement needs to be made explicit, and the suggested addition has not been made. The Secretary wishes to point out, however, that although the statute and regulations do not preclude a State Agency from performing additional functions other than those prescribed, they do preclude the use of section 1525 grant funds for the performance of the other functions.

One commenter recommended that the term "mental health planning" be changed to "behavioral health planning." The Secretary does not believe that the suggested change improves or provides further clarification to the language already in the regulations, and no change has been made.

§ 123.103 CONTENTS OF APPLICATIONS

There were numerous comments received regarding the contents of an application for designation.

One comment suggested that the application for designation of a State Agency should have appended to it the endorsements of providers in the State. The Secretary believes that a reasonable opportunity will be afforded providers and other interested parties in the State to make their comments known on the acceptability of the State administrative program through the requirement for a public meeting under § 123.104 of the regulations and the requirement that a summary of the comments made at the meeting be appended to the application. Accordingly, no specific requirement for the endorsement of providers has been included.

Several commenters recommended that § 123.103 be amended to require that the State Agency application address the relationship of the State Agency to the health systems agencies in the State, specifically, with regard to the coordination of their planning activities. It is the Secretary's view that such an amendment is unnecessary. Under § 123.103(a) the application must contain a State administrative program. This program, in describing how the State Agency will perform its functions, must reflect the State Agency's interfaces with health systems agencies on matters requiring both State Agency and health systems agency action; e.g., the development of a preliminary State health plan and the review of new institutional health services. The proposed amendment has therefore not been made.

One commenter felt that the requirement of § 123.103(c) that a State provide assurances satisfactory to the Secretary that the State Agency selected by the Governor has the authority to administer the State administrative program can be interpreted as dictating the precise content of State enabling legislation. This section of the regulations reflects section 1521(b)(1)(B) of the Act, which states that the Secretary cannot enter into a designation agreement unless he has satisfactory assurance of the State Agency's authority to carry out the State administrative program. It is not the Secretary's intent to interpret this language as authorizing him to dictate the precise content of State authorizing legislation, but only that the State Agency must have the authority to perform the functions required under the Act and this Part. Therefore, the Secretary does not think any change in the regulation is necessary, and none has been made. Finally, § 123.103(d) has been revised to clarify that an application for full designation will not be approvable unless it contains a description of the manner in which the SHCC that has been established for the State is functioning. In the Secretary's view, a SHCC is not established until its members have been appointed in accordance with the requirements of section 1524 of the Act and Subpart D of Part 123.

Several commenters suggested deletion of the requirement in proposed § 123.103(e) that the application contain a description of the existing State planning system, and that only a description of the way in which the State Agency proposes to perform its planning functions under Pub. L. 93-641 should be required. The Secretary thinks that these comments are well taken since his primary concern at the outset of the planning process is with the proposed plans of the new State Agency, not with an account of the State's experience in the health planning area. Accordingly, the requirement has been modified to require only a description of the "proposed" health planning and development activities of the State.

Several commenters suggested that § 123.103(e) be amended to require that the application not only include a description of how the State Agency will relate to State health manpower activities but also how it will relate to other key health activities of the State such as Medicaid, establishment of professional and institutional licensure standards, health insurance regulations, and the activities of those agencies responsible "for health care and preventive health including health education, nutrition and disease prevention." The Secretary agrees that the issue is important but believes that the language of the regulation as proposed includes these agencies under the phrase "other agencies of State government responsible for health programs of the State," and the suggested revisions have not been made. The list of examples of such agencies in the regulation is not intended to be exhaustive but is included to highlight some of the agencies with which the State Agency is likely to have relationships which must be addressed in its application.

One commenter questioned the requirement implicit in § 123.103(f) that the State Agency must administer the State medical facilities plan if it intends to participate in the program authorized by Title XVI of the Public Health Service Act. The comment states that this should be a function which may be performed under § 123.107 by an agency of the State other than the State Agency. This suggestion has been rejected as inconsistent with the statute. Specifically, in contrast to section 1523(b)(1), which permits the performance of a State Agency function described in section 1523(a) by another agency of the State, the statute contains no provision permitting delegation of the State Agency's responsibility under section 1603(a)(1) to "administer or supervise the administration of the State medical facilities plan." Accordingly, the Secretary has concluded that he has no legal authority to permit such a delegation. However, for purposes of clarity, § 123.103(f) and § 123.206 have been revised to repeat the language of section 1603(a)(1) by the addition of the words "or supervise the administration of such plan," which did not appear in either the proposed or interim regulations.

§ 123.104 STATE ADMINISTRATIVE PROGRAM

A large number of comments were received requesting clarification and more specificity on the requirements of the State administrative program. These have been summarized according to paragraphs of the section.

§ 123.104(a)(3)

Several comments suggested deletion of the requirements for a public meeting on the State administrative program and/or for publication of a newspaper notice prior to the meeting. The commenters observed that most States have established procedures for the publication of policy decisions and public meetings, including giving public notice of such meetings. Another commenter requested that if the requirement for public notice is retained, it should be modified by permitting notice by other than newspaper or by removing the prohibition on use of legal notice or classified advertisements. One commenter suggested that copies of the State administrative program should be duplicated by the State Agency and provided to the public upon request rather than only made available to members of the public for inspection and copying at their own expense.

Section 1522(a) of the Act provides that the Secretary may not approve the State administrative program

unless the Governor has afforded to the general public of the State a reasonable opportunity for the presentation of views on the program. The Secretary concluded that the requirements in the proposed regulations for public notice and a public meeting are both realistic and necessary to accomplishing the statutory purpose of public participation in the planning process and the requirement has been retained. It should be noted that the interim regulations for the designation of State Agencies did not contain this requirement. With respect to the comment that the State Agency should be required to make copies of the State administrative program available upon request rather than only making it available to the public for inspection and copying at their own expense, it is the Secretary's view that such additional requirement, with the attendant financial expense to State Agencies, is not necessary in order to comply with the statutory requirement that the public be given a reasonable opportunity for the presentation of its views. The requested change has therefore not been made.

In order to ensure the adequacy of public notices, the Secretary has retained the requirements that notices, at a minimum, must contain the time, place and purpose of the meeting and the requirement that notice be given at least two weeks prior to the meeting on the State Program. The requirements as to the method for making the notice public and the prohibition on publication of the notice in certain sections of the newspaper have been removed from the final regulation, since the Secretary agrees that it is unnecessary to dictate the exact manner in which the notice to the public must be given.

One commenter noted that where SHCCs and State Agencies are responsible for notifying the public concerning their activities they should be required to notify each racial and national origin minority group within the State in the language used by the group. The same commenter suggested that all State Agency procedures and criteria as well as the State health plan and other documents be translated, printed, and copies made available to those racial/national origin minority groups.

The Secretary has declined to accept this suggestion, thereby leaving it up to the State Agencies and SHCCs to decide the best methods for giving public notice to the population of the State. The Secretary has concluded that the States are in the best position to select methods to provide notification and information to their populations.

§ 123.104(b)(1)

One commenter recommended that this section be modified to require that the State administrative program include a requirement that the State Agency promote the overall goal of improving health status and emphasize the priorities of prevention and health education. The requirements for an approvable State administrative program are contained in section 1522(b) of the Act and the Secretary has no authority to add additional requirements by regulation. Moreover, it is through the development of the preliminary State health plan and consideration of the Statewide health needs as well as in the implementation of those parts of the final State health plan which relate to the government of the State that the concerns expressed by the commenter must be addressed.

Another comment on this provision maintained that State Agency functions should be performed by a citizen's commission or board composed of consumer and provider representatives. This option is available to a Governor provided that such a commission is an agency of State government whose designation is in conformance with the provisions of the statute and the regulations.

Another commenter requested clarification that the State Agency is solely responsible for management of the State administrative program. Proposed § 123.104(a) clearly states that the State administrative program is the program for the performance within the State by the State Agency of the functions described in section 1523 of the Act and, therefore, the Secretary has rejected the comment.

§ 123.104(b)(2)

Two commenters urged deletion of the requirement that States submit copies of applicable State laws, regulations, and Executive Orders and descriptions of State organizational systems as supporting evidence of the State Agency's authority to carry out its functions. The Secretary agrees that submission of such evidence may involve a massive volume of supporting documents and that a statement that such authority exists, provided by the Governor, together with citations to the appropriate authorities will fulfill the statutory requirements. Section 123.104(b)(2) has been revised accordingly. This provision is consistent with the language in the interim regulations, but with the additional requirement that citations of authorities be included.

§ 123.104(b)(3)

Two commenters pointed out that the requirement for a complete budget for the operation of the State Agency should apply only to the Federal portion of the State Agency's budget. These comments have been rejected. The Secretary must know the total operating costs of the State Agency (as well as any agency designated to perform functions under section 1523(b)(1)) in performing its functions under its designation agreement and in administering the State medical facilities plan to enable the Secretary to comply with the requirement under section 1525 of the Act that the Federal grant under that section not exceed 75 percent of the total operating costs of the State Agency, as determined under regulations of the Secretary. (See § 123.204.)

§ 123.104(b)(4)

One commenter objected to the requirement that the State Agency demonstrate that authority exists for the SHCC by including in its application copies of existing or proposed State laws, regulations, or Executive Orders providing such authority. The Secretary agrees that the submission of copies of the actual enabling documents is unnecessarily burdensome and that the requirement of section 1522(b)(3) that the State administrative program provide for authority for the SHCC could be met by submission of a statement by the Governor that such authority exists together with citations of the appropriate authorities. Section 123.104(b)(4)(ii) has been revised accordingly.

One commenter cited the need for a definition of "adequate consultation" with the SHCC. Another commenter suggested clarification as follows: "provide for adequate consultation with the SHCC for review of the State Program." Under section 1522(b)(3) the State administrative program must provide for adequate consultation with the SHCC on all the functions required by section 1523 of the Act. This is an area where the Secretary thinks States can best develop flexible arrangements responsive to their own needs and, therefore, further regulation is unnecessary. However, the nature and scope of such consultation may be affected by the SHCC's organizational structure and relationships to the Governor and State Agency. Therefore, the requirement for a description of these matters, contained in § 123.305 of the proposed rulemaking, has been included in § 123.104(b)(4) of the final regulation. If the Secretary determines after experience and consultation with the State Agencies and SHCCs that the meaning of "adequate consultation" requires further clarification, the issuance of guidelines or additional regulations will be considered.

§ 123.104(b)(5)

Numerous comments were received concerning this section of the pro-

posed regulations. Several commenters suggested that this section be revised to delete the requirements that the staff be "in adequate numbers" and "at adequate compensation" on the grounds that the Secretary should not interfere in the internal structure of the State Agency and that this is better left to each Governor. Under section 1521(b)(1)(B) of the Act the Secretary may not designate a State Agency unless the Secretary has satisfactory assurance that the agency (in addition to other requirements) has the resources to administer the State administrative program and to carry out the health planning and development functions prescribed by section 1523 of the Act. In the Secretary's view, part of this determination must be an evaluation that the staff of the proposed agency, whether their salaries are paid for out of Federal or other funds, is adequate to perform the functions in a responsible manner. Therefore, the Secretary has decided to retain the language of this section as proposed. In recognition of the variety of organizational structures and methods of management which States may wish to use, however, the Secretary does not intend to prescribe specific sizes or qualifications for State Agency staff. The Secretary intends instead to review each State administrative program to determine whether the proposed staffing is adequate in terms of the proposed health planning and resources development efforts of that State. This review will be conducted in consultation with appropriate State officials.

Several commenters requested clarification of the requirement that the State Agency have a professional staff for planning and a professional staff for development. This requirement comes directly from the statute (section 1522(b)(4)(A)). While the intent of Congress is clear that there be totally separate staffs for planning and development, the categorization of the Title XV functions which a State Agency must perform as either discrete planning or development activities is a difficult distinction to make. The Secretary does not intend to mandate which section 1523 functions are to be assigned to a particular staff within the State Agency but by way of guidance suggests that activities which generally are considered to be planning in nature include the development of the preliminary State health plan and the State medical facilities plan; the establishment of standards and criteria for certificate of need and project reviews; review and comment on other State health plans and regulations for consistency with the activities of the State Agency and the State health plan; data acquisition and analysis; the provision of staff support and training to the SHCC; and technical assistance to health systems agencies. Activities which are considered to be developmental in nature include the preparation of Statewide strategies for plan implementation and the monitoring of these efforts; the development of agreements with other State agencies and private consumer and provider organizations to facilitate plan implementation; and research on service delivery. While not a Title XV function, the administration of the State medical facilities plan for the development of facilities within the State under Title XVI of the Act would also be considered a developmental activity. It should be emphasized that this is not intended to represent a comprehensive listing or categorization of State Agency functions.

One commenter recommended that this section be amended to require that the State Agency recruit and hire professional and nonprofessional minority personnel in numbers proportionate to the minority group's population representation in the State. In all Department programs providing Federal financial assistance, the recipient of such assistance, in this case State Agencies, must comply with the provisions of Title VI of the Civil Rights Act of 1964 (§ 123.207 of the final regulations). The Secretary believes this provision adequately addresses the commenter's concern.

§ 123.104(b)(6)

Two commenters requested clarification as to whether the merit system only applies to persons employed by the designated State Agency carrying out the State Program or whether it also applies to such entities as an independent commission (when established as an agency of State government) to which the Governor may wish to delegate certain functions. It is the Secretary's view that all staff, whether employees of the State Agency or employees of another agency of the State, performing a State Agency function under section 1523 of the Act must be subject to merit system requirements unless exempted from merit system coverage by 45 CFR Part 70. 45 CFR Part 70 requires that all personnel engaged in the administration of Federally aided programs, irrespective of the source of funds for their individual salaries, must be covered by personnel standards established on a merit basis. Exceptions may be made for certain positions under criteria set forth in 45 CFR Part 70.

The U.S. Civil Service Commission suggested changes to ensure consistency between the language of this section and the language used to apply merit system requirements in other Federal regulations. This included revision of the proposed section to permit States to provide citations to the appropriate merit system references in the State administrative program rather than requiring the actual submission of copies of the materials which provide the appropriate documentation. The Department has revised the section as suggested by the Commission. While the interim regulations deleted the requirement for submission of copies of supporting documentation, the final regulations require States to provide citations to achieve the consistency explained above.

Another commenter expressed concern that a literal interpretation of this section's language could extend its application to anyone with a degree of responsibility for the State administrative program, including the Governor or members of the State legislature. With regard to this comment, it is noted that State merit systems exclude publicly elected officials.

§ 123.104(b)(7)

One commenter recommended the addition of the phrase "applicable State law, not inconsistent with Federal law" to the language already in the section relating to the requirement that the State Agency follow procedures and criteria meeting the requirements of section 1532 of the Act. As previously indicated with respect to the scope of Part 123, the requirements of this Part do not preclude a State from performing its responsibilities in a manner appropriate under its State law not inconsistent with Federal statutes and regulations. The Secretary does not think it necessary to include such a statement in the regulations.

§ 123.104(b)(8)

Section 123.104(b)(8) provides that the State administrative program must require the State Agency to conduct its business meetings in public. The proposed regulations merely repeated the statutory language and did not define the term "business meetings." Public comment on the proposed regulations and the department's operational experience have indicated the need for further definition of this statutory term. Accordingly, § 123.104(b)(8) has been revised to provide that a "business meeting" means in the case of a State Agency headed by a collegial body, any meeting of the body heading the State Agency to carry out its responsibilities and functions under the Act. With respect to State Agencies under the direction of a single individual with the assistance of staff, the term "business meeting" is limited by these regulations to meetings between the State Agency director and outside parties in the course of a State Agency review. Frequent and informal meetings between such State Agency head and personnel under his

or her direction for the purpose of assisting in carrying out the director's duties are not "business meetings" within the scope of this regulation. To broaden the scope of "business meetings" to include meetings of the latter type would, in the Department's view, seriously and unnecessarily hamper the efficient operation of the State Agency. It is the Department's view that the provision of the regulation discussed above, coupled with the public's opportunity to observe and participate in State Agency reviews through the procedures provided for in section 1532 of the Act, amply meet the Congressional purpose of assuring that the business of the agency will be conducted in public.

§ 123.104(b)(9)

A number of comments were received regarding the requirement in the regulations that the State Agency adopt a policy for making its records and data available to the general public. The main thrust of those comments was that care should be taken to avoid placing an unreasonable burden on agencies in making records available for copying. The issues raised by these comments are dealt with in the discussion of § 123.109, "Access of the public to State Agency records and data." Another commenter suggested that the word "aggregate" be inserted before the word "data" to ensure protection of the confidentiality of the data made available to the public. Section 1522(b)(7) of the Act provides that the State administrative program must require that the State Agency make its records and data available upon request. The issues relating to the public's right and need to know as opposed to selected protection of data were debated by the Congress in its consideration of Pub. L. 93-641. While the House bill included a provision which would have allowed the Secretary, by regulation, to establish certain classes of information that could be held confidential, the Congress concluded that this authority should not be given the Secretary (H.R. Rep. No 93-1640, 68 (1974)). The apparent basis for this decision was that to ensure an open planning process the public should have access to the same information and records as are available to the health planning agencies in making policy and program decisions. In light of this explicit legislative history and the language of the statute, the Secretary has concluded that the suggestion must be rejected. It might be noted, however, that nothing in the Act or regulations requires agencies to obtain information beyond that necessary for the performance of their functions. Thus, to the extent that data identifiable to individuals or particular institutions is not necessary, agencies need not collect it.

One comment suggested that the regulations contain a provision for sanctions if the State Agency fails to implement a policy for making its data available. Additional language to this effect is not considered necessary by the Secretary. Where a State Agency does not comply with or effectively carry out the provisions of its designation agreement, such as implementing a policy for making data available, § 123.108 provides that the Secretary may terminate the designation agreement with that State's Governor.

§ 123.104(b)(10)

One commenter stated that the requirement contained in § 123.104 (b)(10) that the State Agency enter into a written agreement with each agency or organization in the State which has an agreement with the Secretary to participate in the Cooperative Health Statistics System (hereinafter "CHSS") under section 306(e) assumes significantly wider implementation of section 306(e) of the Public Health Service Act than is the case. The commenter was concerned that States which do not have such agreements or who have agreements which cover only one or two subject areas (for example, vital statistics, manpower facilities) would not have available to it the data needed for health planning. The commenter requested that States be afforded greater discretion in implementing their responsibility for data coordination. The Secretary is aware that the number of operational components of the CHSS varies among States. However, under the requirement of § 123.104(b)(10) State Agencies must enter into agreements with those agencies for which a component is presently established and additional agreements must be made as the remaining components become part of the CHSS under section 306(e) agreements with the Secretary. For those agencies for which agreements do not yet exist and for those subject areas for which there are not CHSS components, States may adopt a wide range of approaches to acquire the data necessary for the performance of their activities. It is expected that the State Agency will make such data available to health systems agencies on a timely basis.

One commenter suggested that the State Agency application contain the name of each agency or organization in the State which has entered into a section 306(e) agreement with the Secretary. The regulations require that the State Agency application describe the relationships between the State Agency and other agencies of State government responsible for health programs, which should include those agencies of State government involved in CHSS as well as other key sources of information. The suggested change is therefore unnecessary and has not been made.

One commenter noted that the requirement for making data available to health systems agencies will necessitate the allocation of additional funds to the National Center for Health Statistics to enable it to contract with the State for CHSS data components not presently funded. While the Department is accelerating its investment in the CHSS and increasing the amount of technical assistance in the areas of data analysis and use to improve the utilization of existing systems for data collection and survey data, the Secretary recognizes that some planning data will not be available to State Agencies, and consequently to health systems agencies, for some time. Further guidance in devising improved methods for tapping existing data systems and developing multipurpose sources for information, in concert with other users, will be provided in guidelines and technical assistance material.

§ 123.104(b)(11)

A large number of comments were received concerning the provisions contained in this section. Many commenters recommended that a guarantee of confidentiality should be required concerning patient and hospital records. As discussed above with respect to § 123.104(b)(9), further adoption of confidentiality restraints by the Secretary would be unauthorized.

One commenter wanted to know how the provisions of this section relate to the Privacy Act regulations. Since the Privacy Act covers only Federal agencies and contractors which operate records systems on behalf of Federal agencies to accomplish a Federal function, the Privacy Act and its implementing regulations are not relevant to State functions under Pub. L. 93-641.

Further reactions to this section fall into two general categories: concern about the open-endedness of the statement that the State administrative program must require providers to make such reports as the Secretary may from time to time require; and concern over the absence of any penalties for failure to provide such reports. State Agencies were especially concerned about being held accountable for requiring such reports without having any way to enforce the requirements.

The Secretary recognizes and appreciates the concerns expressed about the open-endedness issue. Accordingly, the phrase "or as the Secretary may from time to time prescribe" has been omitted in the final regulations. The Secretary does not intend at this time to mandate or specify further the manner in which this function is to be performed. It is recognized that this is

an area where States should be afforded some latitude in identifying their data requirements and in developing the system necessary for collection of data. With respect to penalties, while neither the statute nor the regulations require the imposition of specific penalties for failure of providers to provide reports required by the State Agency, it should be noted that the State administrative program must effectively provide for the requiring of reports, and States are certainly not precluded from imposing penalties upon providers as one means of effectively requiring reports.

Commenters also suggested that the State Agency be required to justify requesting such data from providers and indicate the relevance of the reports and data requested. Requirements of this type could be imposed on the State Agencies by individual States if they so desire. The Secretary has determined that in the absence of any substantial evidence that regulation is needed, no Federal requirements will be added at this time. However, it is the intention of the Department, through the publication of guidelines on data acquisition, to encourage State Agencies to use to the extent feasible data already being collected by existing sources.

Clarification was requested regarding which party, State Agency, health systems agency, or provider, is to bear the financial responsibility for data acquisition and maintenance. The statute is silent on this matter, and in general the Secretary would encourage States to work out cost sharing arrangements which are equitable to all involved parties and take into account varying local circumstances. In the Secretary's view it is reasonable to expect that the costs associated with the acquisition of data by the State Agency on behalf of both the State Agency and health systems agencies should be shared in a fair manner by all of the involved planning agencies. However, health systems agencies should not be expected to bear the burden of paying for data which are already needed to meet other State responsibilities and are not acquired solely for health planning activities, such as licensure and renewal information. Planning agencies may need selected data from State or other administrative data systems, and additional costs associated with producing the data in a form useful for planning purposes would be considered allowable costs for health systems agencies and State Agencies to share.

With regard to the costs incurred by providers in making reports to State Agencies, agencies may want to consider reimbursement for extra costs associated with special requests for data or studies which are not routinely or periodically stored, compiled or reported by providers. For example, if an agency requested that data routinely collected by a provider be aggregated or crosstabulated in a different manner, the agency might want to consider sharing or completely supporting the costs associated with the request.

Several commenters requested clarification as to the scope of the requirement in § 123.104(b)(11) that the State administrative program must require "providers of health care doing business in the State" to make reports to the State Agency, and were of the opinion that this provision should apply only to health care facilities and health maintenance organizations and not to indirect providers. While section 1531(3) of the Act contains a definition of the term "provider of health care," this definition relates only to individuals while the thrust of State Agency activities under section 1523 relates to institutional providers. To utilize the satutory definition then would in the Secretary's view not only be anomolous but would fail to further the obvious Congressional intent in having State Agencies gather data necessary to their health planning decisions. At the same time, however, the Secretary does not want to unduly constrain State Agencies in obtaining data needed for the performance of its functions under title XV. Accordingly, the final regulations require pertinent reports from, at a minimum, health care facilities and health maintenance organizations. In order to maintain consistency between this reporting requirement and the section 1523 functions being performed by the State Agency, the definition of "health care facility" and "health maintenance organization" is that utilized for certificate of need and review of new institutional health services (42 CFR Part 123 Subpart E). While the Secretary does not intend by regulation to specify further what is to be reported and at what intervals, the following information, provided by way of guidance, should be considered by States as appropriate: The type of control or ownership and size of the institution (e.g., beds by the several modes of counting); the type and capacity of services provided by the institution; the geographic location of the institution; the geographical origins of the patients; the number of patient days (e.g., total and by service for selected diagnostic groups and selected surgical operations and procedures); the number and type of patient admissions/discharges (e.g., total and by service for selected diagnostic groups and selected surgical operations and procedures); the number and type of outpatient visits; the operation of post graduate physician training programs, including fellowships and residencies; the costs of and charges for services offered; the expenditures, liabilities and revenues incurred by the institution in the aggregate and by cost centers.

§ 123.104(b)(12)

Several commenters requested delineation of the requirement concerning evaluation of "economic effectiveness" on the ground that this kind of evaluation is very difficult. Two other commenters requested a definition of the term "economic effectiveness" and one recommended development of guidelines for assessing "economic effectiveness." It is noted that this section repeats the statutory requirement (section 1522(b)(8)) that a State administrative program provide for an evaluation by the State Agency of the performance of its functions and of their economic effectiveness. This evaluation will require each State Agency to assess the effectiveness of the functions it performs, such as certificate of need, review of new institutional health services, and the review of all institutional health services being offered in the State respecting their appropriateness. While the Secretary is aware that there will be considerable varience in the expertise and capability of States to perform this evaluation during conditional designation, States must begin to establish their methodology for this activity and begin to collect appropriate data, in terms of supply, utilization, and cost data, necessary to fulfill this responsibility. The initiation of such activities should eventually assist the State Agency in evaluating the performance of its functions in terms of restraining increases in the costs of health care. With regard to the comment that the Secretary develop guidelines for the performance of this evaluation, the Secretary intends to compile the various models adopted by States, as described in their State administrative programs, as a way of identifying the various approaches used by States to assess their economic effectiveness.

§ 123.104(b)(17)

Numerous comments expressed concern about the requirement that the State administrative program must provide for an appeal, consistent with State law governing the practices and procedures of administrative agencies, to an agency of State government (other than the State Agency) of certain State Agency decisions. The appeal mechanism would be available where the health systems agency requests a review of a State Agency decision concerning the State medical facilities plan, section 1122, certificate of need, review of new institutional health services, periodic review for appropriateness, or title XVI of the Act which is inconsistent with the health systems agency recommendation made under section 1513 (f), (g), or (h) of the Act.

Several commenters noted that there may be a conflict between the requirement that an appeal mechanism be "consistent with State law governing practices and procedures of administrative agencies" and the requirement that the review be conducted "by an agency of the State (other than the State health planning and development agency)." Other commenters requested that the latter requirement be deleted altogether. The requirement that the appeal agency must be an agency of the State other than the State health planning and development agency is statutory (section 1522(b)(13) of the Act) and cannot be deleted by regulation. A mechanism for review which provides an appeal to the State Agency will not meet the statutory requirements even though the procedures may be consistent with State law governing the practices and procedures of administrative agencies.

It is noted, however, that if a section 1523 function is performed by another agency of State government pursuant to section 1523(b)(1) of the Act, the appeal agency would have to be an agency other than the agency performing the section 1523 function. In these situations the State Agency itself, however, could be designated to serve as the appeal agency with respect to the function which is being performed by another agency of State government.

One commenter requested confirmation that State courts could serve as the appeal agency when State law provides this role for the courts. It is the opinion of the Secretary that State courts may serve in this role when such a designation has been made by the Governor and is consistent with State law governing the practices and procedures of administrative agencies.

One commenter requested clarification as to whether the SHCC may serve as the appeal body for certificate of need decisions. The designation of the SHCC as the appeal body for certificate of need as well as for the other decisions for which an appeal is provided under section 1522(b)(13) of the Act is considered unacceptable by the Secretary as it would be inconsistent with the SHCC's role of advising the State Agency on the performance of its functions. The regulations have been revised to include this prohibition.

Several comments were received which requested that this section be broadened to allow a health systems agency to appeal any inconsistency between its recommendations and State Agency decisions, while another commenter suggested that providers as well as health systems agencies be afforded the right to appeal a decision of the State Agency which is inconsistent with a health systems agency recommendation. The Secretary has not accepted either of these suggestions since the Secretary has no authority to add additional provisions by regulation to the statutory requirements for an approvable State administrative program. It should be noted, however, that an opportunity for providers to appeal adverse State Agency decisions on certificate of need or review or new institutional health services is provided in § 123.407(a)(10).

Another commenter recommended that this section be revised to exclude from membership on the appeal body any individual currently serving with a health systems agency or State Agency to avoid a conflict of interest. The statute requires only that the appeal agency be an agency of State government other than the State Agency and that the appeal mechanism be consistent with State Law governing the practices and procedures of administrative agencies. To the extent that a specific State's law deals with the issue of conflict of interest such practices would be followed with respect to appeals from State Agency decisions. However, the Secretary has no authority to require that any additional procedures for such appeal mechanism be part of the required State administrative program. The suggestion, therefore, cannot be accepted.

Although not directed at the appeal mechanism itself, one commenter recommended that the State Agency be permitted to overrule a health systems agency recommendation only if it has been demonstrated that the health systems agency has acted arbitrarily, capriciously, and without any substantial evidence in making its recommendation. While the Secretary has no authority to restructure by regulation the statutorily assigned roles and responsibilities of the health systems agencies and State Agency in the manner suggested by the commenter, it is noted that 42 CFR part 123, subpart E, of the regulations governing review procedures and criteria prescribed under section 1532 of the Act, requires that the State Agency give consideration to the recommendations of the health systems agencies. For example, one of the criteria the State Agency must address is the relationship of the project to the health systems plan of the health service area. When a State Agency makes a decision not in accord with the health systems plan, it must give a detailed written statement of the reason for its decision to the health systems agency.

§ 123.105 CONDITIONAL DESIGNATION AGREEMENTS

Numerous comments were received regarding the responsibility of a conditionally designated State Agency for the performance of statutorily mandated review functions. Under § 123.105(b), a conditionally designated State Agency is required to perform such section 1523 health planning and development functions as the Secretary determines it capable of performing, but must perform the functions related to conducting the health planning activities of the State, preparing the preliminary State health plan, reviewing the need for new institutional health services, and, immediately upon the establishment of the SHCC, assist it in the review of the State medical facilities plan and in the performance of its functions generally. One commenter recommended that a conditionally designated State Agency be prohibited from reviewing the appropriateness of existing health services. The Secretary sees no reason to impose such a restriction on the State Agencies. While the review of the appropriateness of existing health services is not one of the minimum functions required of a conditionally designated State Agency, a State Agency is not precluded from performing such a review if in the judgment of the Secretary it is capable of performing this added function.

The Secretary has carefully considered suggestions concerning which functions should be performed by conditionally designated agencies and at what time, and has concluded that requiring performance of the minimum cluster of functions included in the proposed regulations is necessary in order to ensure that agencies concentrate their initial efforts on plan development. The Secretary recognizes that it may seem somewhat inconsistent with this approach to require that the State Agency undertake its responsibilities regarding new institutional health services, perhaps before a State health plan has been developed. However, as noted in the legislative history of the statutory provision requiring these reviews (H.R. Report No. 93-1382, September 26, 1974, p. 79), it was the Congress' intent that, in order "to emphasize that the review of new institutional health services is not simply a regulatory activity but also a planning activity," the States should undertake these reviews as soon as possible, not just when certificate of need or section 1122 reviews are underway. For these reasons the final regulations, like the proposed rules, require the State Agency to perform the review of new institutional health services during the period of conditional designation. It is noted that the interim regulations did not require performance of this function during conditional designation as it was considered inappropriate by the Secretary to do so until the final regulations on minimum requirements concerning the review of new institutional health services, including those for certificate of need, had been published. These regu-

lations were published on January 21, 1977, in the FEDERAL REGISTER (42 FR 4028-4032). The exact nature of this function and the procedures and criteria to be employed in its performance are addressed in those regulations. However, the secretary wishes to point out that the performance of this function will not necessarily require States to seek new statutory authority since this function is essentially a planning function and does not require any sanction where there is a finding that a proposed new institutional health service is not needed.

One commenter suggested that the requirement that the State Agency assist the SHCC not be applicable until the SHCC is formed. The Secretary notes that § 123.105(b) already requires that such function is to be performed upon the establishment of the SHCC, and hence no revision to the regulation is necessary.

Two commenters requested that this section be amended to require the Secretary to consult with the Governor of the State before reaching a final decision as to additional functions which the Secretary determines the State Agency capable of performing. In determining whether a State Agency is capable of performing additional functions the Secretary intends to confer with the Governor or his or her designee. By and large, the timing of the progressive assumption of functions by the State Agency will be determined in the designation agreement which is itself negotiated between the Governor and the Secretary. There does not appear, therefore, to be any real need for the amendment suggested by the commenter, and the suggestion has not been accepted.

One commenter expressed concern that the requirement in the proposed regulations that the conditional designation period not exceed twenty-four months may not provide sufficient time for the State Agency to undertake all the functions necessary for full designation, especially in those instances when the State must seek State enabling legislation. Section 6 of Pub. L. 95-215 (The Health Professions Education Amendments of 1977) changes section 1521(b)(2)(B) of the Act to the effect that the total period of conditional designation for a State Agency may not exceed thirty-six months. The Secretary believes this extension addresses the concern of the commenter.

Finally, a decision not to renew a State's designation agreement may not be made until late in the term of the current designation agreement. In order to allow an orderly phase out of the Agency's activities, a provision has been added to § 125.105(a) to allow the Secretary to extend the term of a conditional Designation Agreement for that purpose. Even with this extension, however, the period of conditional designation cannot exceed thirty-six months.

§ 123.106 FULL DESIGNATION AGREEMENT

§ 123.106(b)(1)

Numerous comments requested clarification of the term "implement" as used in the requirement that the State Agency implement those parts of the State health plan and the plans of the health systems agencies which relate to the government of the State. The policy and program analyses conducted by the State Agency in the development of the preliminary State health plan and in its evaluation of the plans of the health systems agencies located in the State will identify State and area health status and health systems goals and the resource allocation necessary to achieve these objectives. Accordingly, the State Agency should use the analyses to determine actions required to implement those parts of the State health plan and the plans of the health systems agencies which relate to the government of the State. Such actions may include the development of recommendations for new State legislation and the identification of needed improvements in the State health system which require changes in State regulations.

One commenter suggested that this section be amended to reflect that the State Agency is responsible for implementing the State health plan rather than systems plans since the implementation of a health systems plan would create for State Agencies a role reserved for the health systems agency rather than the partnership role envisioned by the statute. In conducting the health planning activities of the State, the State Agency is required by section 1523(a)(1) of the Act to implement the plans of health systems agencies which relate to the government of the State. Since this is a statutory requirement, the suggestion by the commenter to limit the State's role in this area cannot be adopted.

One comment suggested that this section be amended to provide that the State Agency may only begin to perform its functions when the majority of health systems agencies within that State have been designated. This suggestion has not been accepted. Section 1521 of the Act permits a State Agency to be designated independent of health systems agency designations. Further, it should be noted that the State Agency has functions to perform independent of health systems agencies.

Several commenters suggested that the language "health planning activities of the State" be clarified to indicate that the State Agency should serve as the planning arm not only for its own regulatory and developmental activities, but also for other agencies of State government making health systems regulatory and developmental decisions. These commenters urged that the final regulations make clear that this phrase specifically refers to planning services to be furnished by the State Agency to all departments of State government whose activities have a direct impact on the operation and costs of the health care delivery system. In the Secretary's view the inclusion of the provision requested by these commenters is unnecessary. As discussed in detail below, the State Agency will be providing such planning input through its activities relating to the State health plan.

Numerous comments requested a definition of the State health plan. As provided by section 1524(c)(2) of the Act, the State health plan consists of the health systems plans prepared by each health systems agency with revisions necessary to achieve appropriate coordination of the health systems plans and to deal more effectively with Statewide health needs. The State health plan should be the result of systematic integration of these area level plans and State level policy analysis and planning. State level planning and policy analysis undertaken by the State Agency in the development of the preliminary State health plan will require a number of activities including an inventory of existing Federal and State health policies and programs; a summary of the health status of the population of the State; a review of planned, proposed, or emergent policies and programs; an articulation of goals and objectives reflected in the plans of other health and related programs; an analysis of Statewide forecasts of resource supplies; Statewide forecasts of demand for health services and their supportive resources; and State economic impact analysis of current and proposed regulatory activity and programs in the health field or changes in health care financing.

The large investment of State and Federal governments in health care in the States and the requirement that the SHCC review other State plans, make it essential that the State Agency, in the conduct of its State health policy analysis, incorporate an examination of State and Federally sponsored programs operating in the State. This should include an analysis and review of the magnitude, expenditures, utilization, availability, impact, goals, and objectives of these State and Federal programs. The analysis should result in a measurement of the adequacy of both public and private policies and programs in the State and estimates of their effectiveness and efficiency in assuring the accessibility, acceptability, availability, continuity, and quality of health services; re-

straining increases in the cost of care; and preventing unnecessary duplication of health resources.

To plan effectively the health activities of the State, the State health plan should serve as a coordinating mechanism and a comprehensive statement of health policies. Therefore, the State Agency should include in the preliminary State health plan the health policies and priorities of the State as reflected in the programs sponsored or operated by other State-level health agencies or organizations.

In this regard, the State Agency, through the development of the preliminary State health plan, is encouraged to solicit the active participation of the numerous health agencies and organizations whose planning and program activities impact on the health status and health systems within the State. Although this broad level of participation is not mandated, the development of appropriate formal or informal coordinative relationships would serve to build consensus of opinion around the State health plan as adopted by the SHCC and should foster cooperation among these other health-related agencies to ensure their support for the implementation of the State health plan.

The State health plan should provide guidance to these programs and at the same time reflect the goals and address the Statewide health needs as identified by these programs. Coordinative activities of the State Agency with other federally-sponsored State-operated programs should be aimed at eliminating duplicative services and developing goals and long-range actions consistent with the health priorities of the State.

Beyond the performance of these activities, it is the prerogative of the Governor, the State Agency and the SHCC to determine the extent to which they will exercise a coordinative function with the other agencies of State government responsible for health programs of the State in order to accomplish the desired immediate and long-term health goals of the health systems agencies and the State.

§ 123.106(b)(2)

Many comments contained suggestions which would place additional limitations on the proposed revisions a State Agency, through its recommendations to the SHCC, could make to a health systems plan. One commenter recommended that the State Agency, when preparing the preliminary State health plan, consult a health systems agency before revising that agency's health systems plan. In a similar vein, two commenters felt that the health systems agency should be permitted to participate in the preliminary revision made by the State Agency to its health systems plan. Finally, one commenter recommended that the health systems agency should have the right to appeal if it disagrees with the preliminary revision made by the State Agency to its health systems plan.

It is noted that the preliminary revisions made by the State Agency are limited to the two conditions set forth in sections 1523(a)(2) and 1524(c)(2)(A) of the Act: (1) To achieve their appropriate coordination, and (2) to deal more effectively with statewide health needs. There is no basis for the Secretary to limit further by regulation the statutory roles given to the State Agency and SHCC as requested by the various commenters. An affected health systems agency can participate in the development of the State health plan through participation at the required public hearing on the State health plan; through its representatives on the SHCC; and as a result of ongoing discussions and interaction with State Agency staff in the development of plan development guidance.

One commenter expressed concern that the lack of National Guidelines for Health Planning (mandated in section 1501; proposed Guidelines were offered for public comment in the September 23, 1977 FEDERAL REGISTER) precludes both State Agencies and health systems agencies from adopting legally sufficient plans. It is the Secretary's view that agencies can adopt plans which meet the requirements of the Act in the absence of final guidelines but once final guidelines have been issued, the health systems agencies must review the health systems plans and revise them as necessary to give appropriate consideration to the recommended guidelines for health planning policy and to take into account and be consistent with the National Guidelines with respect to supply, distribution, and organization of health resources and services. Appropriate revisions to the State health plan should then be recommended to the SHCC by the State Agency based on the revisions made to health systems plans within the State.

Several commenters expressed concern that the process for the development of the State health plan set forth in the regulations does not provide for a cohesive planning effort between health systems agencies and the State Agency. One commenter suggested that the State Agency prescribe a minimum framework for health systems plans. The final regulations have been amended at § 123.306 to require that the SHCC, after consultation with the State Agency and health systems agencies, establish a consistent analytical approach for developing health systems plans and prescribe a uniform format for the plans. The Secretary considers these changes necessary to permit SHCCs to require a common form of organization for health systems plans; to facilitate certain types of data and information being displayed in a standardized format; and to promote systematic integration of information and analytical bases in the development of State wide health plans.

Two comments suggested that the State Agency should also be given the authority to make revisions to annual implementation plans in order to achieve appropriate coordination or to deal more effectively with State- wide health needs. This comment has not been adopted as the regulation reflects the statute, which does not provide any authority for the State Agency in this area. Moreover, it is a function of the health systems agency to make revisions to its annual implementation plan which are necessitated by the revisions mandated by the SHCC to its health systems plan, since under section 1513(b)(3) the annual implementation plan must be amended as necessary to describe objectives which will meet the goals of the health systems plan. Discussion of the SHCC's role in this process is contained in the discussion of § 123.306.

Several comments were received relating to the provision that a State Agency may establish a health systems plan for any health service area without such a plan. Generally, the commenters recommended deletion of this section as they felt it takes away a prerogative of health systems agencies. One commenter requested deletion of the requirement for the Secretary's approval before the State Agency could undertake the development of a health systems plan and another commenter requested that the time frame and other criteria for assessing the failure of a health systems agency to produce a plan be specified. The provision for the State Agency to develop a health systems plan for a health service area without such a plan was included in the proposed regulations in an effort to prevent delays in the State health planning process due to the lack of area plans. In light of the comments received, and since health systems agencies have now been designated for virtually every health service area, the Secretary has removed this section from the final regulations as was also done in the interim regulations. While the Secretary no longer thinks it appropriate for the State to develop the health systems plan for a local health service area, he does recognize the need for the State Agency to make additions where necessary in the development of the State health plan in order to fill in gaps which occur due to the lack of health systems plans. However, it is noted that such additions should be limited to those which are necessary to reflect statewide health needs. Due to a con-

tinuing concern that the lack of health systems plans not contribute to a delay in the State health planning process, the regulations require that the SHCC establish time schedules for the plan development process taking into consideration the timeframes described below. This requirement was not included in either the proposed or interim regulations.

New requirements have been added to the final regulations at § 123.103 concerning the time schedule for establishing the State health plan. Those States which have been conditionally designated for 24 months or less at the time they enter into a full designation agreement shall submit a preliminary State health plan as part of their next application for full designation. Those States which apply for full designation after 24 months of conditional designation shall submit a preliminary State health plan as part of their application for full designation. The State health plan prepared and adopted by the SHCC shall be submitted as part of the State Agency's next application for full designation following submission of the preliminary State health plan.

The establishment of a specific time limit for the preparation of the preliminary State health plan and for the preparation and adoption of the State health plan by the SHCC addresses the concern of several commenters that the process prescribed in the proposed and interim regulations was too open-ended. It is anticipated that the majority of health systems agencies will have adopted health systems plans to permit their incorporation into the preliminary State health plan without delaying the State planning process. The Secretary is concerned that if a specific time period for adoption of the State health plan is not required it would have a detrimental effect on the other functions to be performed by the State Agency, particularly plan implementation activities.

§ 123.106(b)(3)

One commenter suggested this section be revised to require that the State Agency assist the SHCC through the provision of adequate full-time staff rather than the requirement in the proposed regulations that the staff need only be "adequate." Another commenter suggested that the regulations require the SHCC to hire an independent staff. The Secretary feels it is inappropriate to specify what constitutes adequate staff in terms of it being either "full-time" or "independent," and that the exact staffing pattern should be the prerogative of each State. Determinations as to whether the State Agency is providing adequate staff support to the SHCC will be based upon the Secretary's review of the State Agency application and his evaluation of the SHCC's performance in accordance with section 1535 of the Act.

One commenter suggested that the reference to appropriate training programs be revised to require that the programs be developed in cooperation with health systems agencies and that such training be a joint effort for orientation of health systems agencies' governing bodies, SHCCs and agency staff. It is assumed that some training, such as general orientation to the requirements of Pub. L. 93-641, might be best be undertaken as a joint effort among health systems agencies, State Agencies, and SHCCs, under, for example, the auspices of the Centers for Health Planning supported under section 1534 of the Act. It is recognized by the Secretary, however, that there will be other instances in which the State Agency and SHCC identify training needs unique to their situations and might, therefore, not want to include the health systems agencies in this endeavor. Accordingly, the specific suggestion proposed by the commenter to require joint training efforts has not been adopted.

§ 123.106(b)(5)

One commenter suggested that the review of new institutional health services be made an optional function in States without a certificate of need program satisfactory to the Secretary. The review of new institutional health services is a statutory requirement and cannot be made optional. The Secretary is, however, sensitive to the argument that establishing this review now in a State which does not have a certificate of need program could detract from efforts to develop a satisfactory certificate of need program. For this reason the Secretary wishes to reiterate here that the requirements governing the review of new institutional health services, which were published on January 21, 1977, in the FEDERAL REGISTER (42 FR 4028-4032), can be met by the States without the need to develop new statutory authority, and therefore without detracting from States' efforts to put in place satisfactory certificate of need programs.

§ 123.106(b)(6)

A number of comments were received with respect to the requirement that State Agencies review the appropriateness of existing institutional health services on a periodic basis as required by section 1523(a)(6) of the Act. The Secretary will issue proposed rules in the future concerning this function, and the comments received will be considered in the development of these regulations.

§ 123.107 PERFORMANCE OF FUNCTIONS BY OTHER THAN THE STATE AGENCY

Numerous comments requested deletion of the requirement for specified groupings of functions as proposed in this section when a State Agency enters into an agreement with another agency of the State for the performance of any functions under section 1523. The main concern raised by commenters was that this requirement limits the flexibility of States to establish a workable health planning system, and they questioned the legislative basis for the Secretary prescribing this requirement. Other comments noted that the functions of periodic review and certificate of need should not be required to be assigned together on the grounds that periodic review is a planning function and certificate of need is a regulatory one. The Secretary's main concern about the performance of one or more State Agency functions by another agency of State government is to ensure that all health planning and resource development functions are performed in an integrated fashion. Thus, except as discussed below with respect to serving as the designated planning agency for purposes of section 1122 and administering a certificate of need program, the Secretary has deleted this restriction from the final regulations. With respect to serving as the designated planning agency for purposes of section 1122 and administering a certificate of need program, it is the Secretary's view that these functions can only be properly performed when by the same agency, and therefore the regulations prescribe that these functions must be assigned together, if at all. Furthermore, the Secretary has issued a policy statement which contains the minimum elements required in agreements established under proposed subparagraph (c) of this section. Those elements have been included in the final regulations as part of this section as it has been rewritten. The major components of the policy are that the other agency of State government will perform all the activities relating to the function; that the function will be performed in accordance with the appropriate requirements of the State administrative program; that the agreement will specify how the budget, staff, and activities of the other agency and those of the State Agency will relate; that the agreement will provide that the other agency will consult with the State Agency and the SHCC on the performance of the separate function; and that the other agency will provide information to the State Agency and the SHCC on the performance of the separate function.

This agreement is to be incorporate as part of the designation agreement with a State Agency. The Secretary has concluded that the provisions for such agreements contained in § 123.107 as revised are necessary to guarantee that the function to be performed by another agency will be sufficiently co-

ordinated with the other activities of the State Agency so as to foster an integrated State health planning effort. Therefore, the Secretary beliefves that the incorporation of these provisions in final regulations adequately addresses the concern of one commenter that agreements for the performance of functions specifically require coordination between the agencies involved in the agreement.

With respect to the procedures for delegation of functions, one comment suggested that the section be amended to provide that "all functions of State Agencies may be performed by another agency of the State government upon designation by the State legislature." Another comment suggested that the lead paragraph be revised to read "Notwithstanding any other provisions of this subpart may be performed by another agency of the State government up written request submitted by the Governor in a format prescribed by the Secretary."

Section 1523(b)(1) of the Act requires that such function may be performed by another agency of State government at the request of the Governor and if there is an agreement satisfactory to the Secretary. Therefore, the Governor of a State is significantly involved in the process since he or she makes the request as to which other agencies of State government shall perform a section 1523 function. However, in order to achieve the statutory purpose concerning integrated planning, the Secretary must retain the right to review each proposed agreement on a case-by-case basis to ensure an integrated and coordinated health planning system in each State. Therefore, the suggested modifications, which would make the execution of agreements solely the prerogative of the States, have not been made.

§ 123.108 RENEWAL AND TERMINATION OF AGREEMENTS

One commenter requested clarification as to whether funding continues during the hearing process, pending an "appeal" of a preliminary decision by the Secretary to terminate the designation agreement. It is noted that under § 123.108 there is no "preliminary decision," and therefore the termination of a designation agreement does not occur until the hearing process has been completed and a decision rendered.

One comment suggested that a fully designated State Agency, as well as a conditionally designated State Agency, should have its agreement terminated if it fails to comply with the terms of the agreement. The Secretary believes that the regulation adequately covers this concern in that it states, with respect to fully designated State Agencies, that "the Agreement may be terminated by the Secretary prior to the expiration of its term if he determines * * * that the State Agency * * * is not complying with or effectively carrying out the provisions of the Agreement." Accordingly, no revision in the final regulations has been made.

Two comments were received regarding the renewal of agreements with fully designated State Agencies. One commenter recommended that the regulations be amended to read that "a full designation agreement may be renewed for a period of from one to three years upon application by a Governor," as a multi-year designation would be advantageous in providing for long-term continuity of program activities. Since section 1521(b)(4) of the Act provides that an agreement for full designation may be renewed for a term not to exceed 12 months, this suggestion has been rejected.

One commenter requested clarification as to whether a conditionally designated agency might be extended for an additional period beyond its initial designation period for purposes of closing down its operation. The Secretary has concluded that it is reasonable to extend the conditional designation agreement of an agency for an additional period for the sole purpose of closing out the agency, provided that the entire period of conditional designation may not exceed the statutory maximum of 36 months. This would be justified in the Secretary's opinion to provide for an orderly closing down of the State Agency's operation when the Secretary has determined not to renew the conditional designation agreement with a State Agency or enter into a full designation agreement with an agency that has a conditional designation agreement. Section 123.105(a) has been revised accordingly.

One commenter requested the Secretary to include in the regulations guidelines for the renewal of a full designation agreement which would mandate a simplified application process. As currently written, the application requirements for initial designation also apply for the renewal of such designation, and the present regulations do not make a distinction between the requirements for initial application and renewal. However, following the review of State Agency performance mandated by section 1535 of the Act, the Department will assess the information required as part of the application process to determine its value for evaluating agency performance. Consideration will be given at that time to deleting any information requirements not pertinent to assessment of agencies in keeping with the Department's policy to streamline application procedures.

§ 123.109 ACCESS OF THE PUBLIC TO STATE AGENCY RECORDS AND DATA

A very large number of comments were received concerning the provisions of this section, many of which expressed concern that there are no assurances of confidentiality of patient data information contained in this section. Several commenters suggested that a requirement be added to remove all personal identifiers from the information. The issues concerning confidentiality and the statutory constraints are addressed in the discussion of § 123.104(b)(9).

Many commenters expressed concern that the provision is too broadly stated and could result in an "administrative nightmare." Some suggested that access to records should "conform to existing State statutes, regulations and policies." One commenter recommended that data specifically protected from disclosure by State statute should be excluded from the regulations. Section 1522(b)(6) of the Act provides that the State administrative program must require that the State Agency make its records and data available, upon request, to the public. The statute does not provide any basis on which the Secretary could limit this provision by regulations in the manner suggested by the commenter. This provision is intended to provide the public with access to the information and records used by the State Agency to make its policy and program decisions. The term "records and data" encompasses any information and materials acquired by the State Agency and used in the performance of its functions. Therefore, the Secretary has not accepted the comments.

The Department received several comments on the requirements contained in paragraph (b) regarding the publication of the policy adopted by the State Agency for making data available to the public for inspection and copying. One commenter recommended that when a policy for making data available to the public has been established by the State Agency, a public notice should be published; however, the State Agency should not be required to print the entire policy in the newspaper notice. One commenter suggested the deletion of the prohibition on the use of legal notices. The Secretary has adopted these comments because the original requirements, upon review, appear burdensome. Therefore, the language of the final regulations has been amended to require the publication of a notice that a policy for making information available to the public has been established by the State Agency. Such notice must contain a statement that the policy is available for public inspection and copying. This revision conforms to the approach used in other portions of regulations implementing Title XV such as the publication of a notice of the availability of the health systems plan and annual implementation plan as well as section

1532 procedures and criteria. In addition, the requirement that the policy be published in at least two newspapers of general circulation and the prohibition on the publication of the policy in the legal notices or classified sections of newspapers have been deleted in recognition that such requirements may potentially be in conflict with State statutes and procedures on these matters. The Secretary thinks it unnecessary to dictate the exact manner in which such notice to the public must be given. Accordingly, the Secretary has rejected a comment recommending that the notice requirement be retained with the addition that notices should be run for at least three consecutive weeks.

Several commenters recommended that the time frame for the establishment of a data policy by a State Agency be lengthened to permit the development of an adequate data management plan and completion of a data inventory. Suggestions were made to change the time period for compliance from three months to six months or one year. The Secretary notes that the requirement of the section is for a State Agency to adopt and publish a policy for making information available to the public, not that it complete its data inventory within a three-month period. This section was not a requirement of the interim regulations. This requirement, however, will only apply with respect to designation agreements entered into after the date of the publication of these regulations, so State Agencies will have adequate lead time to develop their data policy.

One commenter requested clarification as to the frequency required for publication of information on revisions to the policy. Under § 123.109, the policy information must be publicized when adopted and need only be further publicized when substantial revisions to the policy are adopted.

One commenter requested clarification as to whether records and data of previous health planning agencies which are transferred to the State Agency become part of the inventory of data which the State Agency must index and make accessible to the public. To the extent that such records and data are used by the State Agency in performing its functions under its designation agreement they would be covered by the requirements of this section.

§ 123.110 SPECIAL PROVISIONS FOR CERTAIN STATES-SECTION 1536 OF THE ACT

One comment suggested that the Department publish a separate set of regulations as a new subpart to encompass all provisions relating to section 1536 States. The Secretary regrets any confusion which has arisen from the publication of these provisions in three separate sections. The Secretary has, in accordance with this suggestion, included as Subpart F those special provisions concerning section 1536 States.

One commenter requested clear delineation in a new subpart as to how a section 1536 State can conduct section 1513 functions within the framework of a State Agency. The commenter further requested that this explanation be in language appropriate to the dual-purpose responsibilities of a 1536 State Agency, not in either health service area or health systems agency terminology as was done in the proposed regulations or in the context of sections 1513 and 1523. As discussed previously, the Secretary has established a new subpart concerning section 1536 States. However, section 1536 of the Act clearly states that a section 1536 State may perform section 1513 functions and, therefore, the Secretary considers it appropriate to use section 1513 terminology to describe these functions whether they are performed by a section 1536 State or a health systems agency. Moreover, while a request for designation as a section 1536 State is approved by the Secretary on the basis of the State carrying out its health planning functions under a unified Statewide system, section 1536 States receive a grant award under section 1525 for the performance of State Agency functions; and, in addition, if a section 1536 State elects to perform health systems agency functions, it receives a grant award under section 1516 for the performance of these functions. Since there are certain clearly identified functions required to be accomplished for the receipt of each of the grant awards, it has been necessary to retain references to section 1513 and section 1523 functions in the final regulations. The suggested changes have, therefore, not been made. It should be noted that the receipt of two grant awards, however, does not dictate the way a State Agency may organize to accomplish section 1513 functions in addition to its State Agency responsibilities under section 1523. For instance, a section 1536 State may request a waiver of the staffing requirements placed on all health systems agencies. A State Agency, however, may not delegate the performance of section 1513 function to another agency of State government.

Several comments suggested a revised § 123.110 regarding section 1536 States, which would state that in the continued absence of county and/or municipal public health departments, the State must provide for meaningful participation in the health planning system by providers, consumers, government officials, and private nonprofit planning agencies. The concern of the commenters is that § 123.110 creates serious doubts as to whether private nonprofit planning agencies will be used in the planning effort in section 1536 States, a participation which was explicitly encouraged during the congressional debates on this provision.

While there is no provision for a health systems agency in a section 1536 State because of the Statewide nature of the health planning system, it is recognized by the Secretary that the groups cited by the commenters should make a significant contribution to the planning effort of the State. It was for this reason, among others, that the Secretary mandated in proposed § 123.307 (new § 123.503) that the SHCC composition in a section 1536 State mirror the composition requirements of a governing body of a health systems agency. While the Secretary does not intend to dictate further the precise manner in which these groups should be involved in a section 1536 State, the Secretary notes that, at a minimum, an opportunity for participation by the various groups should be ensured through the public hearing process on the State health plan and through the requirement that State Agency and SHCC business meetings be open to the public.

Several commenters requested clarification as to the authority of section 1536 States when performing health systems agency functions to subcontract (using Federal funds) with private health planning agencies. In the Secretary's view there is no prohibition against a State Agency contracting with private health planning agencies to assist it in carrying out section 1513 functions. While the State Agency in a section 1536 State may not contract for the performance of an entire 1513 function, the agency may contract for the performance of activities related to the performance of a function. Furthermore, in a section 1536 State, as in all States, a section 1523 function may be performed by another agency of State government under an agreement established in accordance with § 123.107.

One commenter recommended the addition of a new section on section 1536 States to change the language of the proposed regulations so that the State Agency in a section 1536 State "may" instead of "shall" perform functions contained in section 1513 normally performed by a health systems agency. The language of the final regulation has been revised to reflect the statutory language that, in addition to section 1523 functions, a section 1536 State "may" in addition perform the functions prescribed by section 1513 and make application for a section 1516 grant award to support the performance of these functions. The proposed rules and interim regulations had mandated that a section 1536 State "shall" perform section 1513 functions.

In the Secretary's view, this change (which makes the performance of section 1513 functions and an application for a section 1516 grant optional for a section 1536 State) is consistent with permitting section 1536 States maximum flexibility in developing a unified Statewide health planning program. There is considerable similarity between the functions of State Agencies and health systems agencies, especially in terms of plan development, data collection and analysis, and review activities. In recognition of the similiar nature of the agencies' review responsibilities, the proposed rules exempted section 1536 States from performing those functions required by sections 1513 (f), (g) and (h) relating to review of new institutional health services; periodic review of all institutional health services; and recommendation of projects for modernization, construction and conversion of medical facilities. If a section 1536 State determines that their particular circumstances do not warrant the receipt of additional grant funds to perform the remaining section 1513 functions, it may choose not to make application for the additional grant.

It should be emphasized, however, that in order to receive a section 1516 grant award a State Agency must be responsible for the performance of all the section 1513 functions as prescribed in Subpart F. This is necessary because receipt of the grant award clearly requires performance of the functions for which the grant is made. While some of these functions may be carried out as part of a unified Statewide approach to planning, certain functions are unique to section 1513, such as the development of agreements with PSROs and A-95 agencies, coordination with health systems agencies in the standard metropolitan statistical area and the receipt of Area Health Services Development Funds under section 1640. Language has been added to the final regulations to require that an application for a section 1516 grant award shall include a detailed description of how a section 1536 State proposes to carry out section 1513 functions. (§ 123.501(a))

For States which elect not to perform section 1513 functions the final regulations have been amended at § 123.504 to indicate that the preliminary State health plan in these States is a plan comparable in scope to the health systems plan required by 42 CFR 122.107(c)(2) for health systems agencies. The SHCC is to conduct a public hearing on its proposed State health plan after it has reviewed and made revisions as appropriate to the preliminary State health plan. It is noted that in those States which perform section 1513 functions, the preliminary State health plan shall be deemed to be the health systems plan for the State for the purpose of carrying out its responsibilities and review activities.

Several commenters recommended that this section prescribe a definite role for subarea advisory councils in section 1536 States and that additional funding should be provided for these councils. Section 1512(c) of the Act pertains to the establishment of subarea advisory councils by health systems agencies only and the establishment of these councils by health systems agencies is voluntary. The Secretary cannot by regulation mandate the establishment of subarea advisory councils in section 1536 States or provide additional funding solely for such councils. However, a section 1536 State is not precluded from establishing subarea health planning councils or advisory groups of concerned citizens to advise the State Agency or the SHCC on the performance of its functions. While the specific role of these councils must be determined by each State, the Secretary recognizes that the establishment of councils might be one way to encourage local participation in the health planning process. The statute requires that subarea advisory councils of health systems agencies conform to the composition requirements for a health systems agency's governing body. While these composition requirements would not apply in a section 1536 State, the Secretary believes it would be desirable if at least one-half of the membership of any advisory council in a section 1536 State were consumers in keeping with the basic composition requirements for advisory bodies under the Act. Funding for councils in a section 1536 State may be from the basic grant awards received by the State under either section 1516 or 1525 of the Act; from other funds available to the State; or any combination thereof.

Several commenters expressed concern that there is an apparent inconsistency between the SHCC advisory function and its approval or disapproval role in section 1536 States. These commenters requested clarification as to the responsibilities of a SHCC in a section 1536 State. The functions of a SHCC in a section 1536 State are the same as for a SHCC in a non-section 1536 State, with the addition of the opportunity for review and comment upon the following actions of the State Agency, where applicable, before they are made final: Establishment of an annual implementation plan, the development of plans and projects to achieve the objectives of the annual implementation plan, the use of the Area Health Services Development Fund, and the review and approval or disapproval of the proposed uses of Federal funds under section 1513(e). The additional review and comment responsibilities of a SHCC in a section 1536 State relate to those functions performed by the State Agency which are performed by health systems agencies in other States. The SHCC's involvement provides for a second level review so that the State Agency in a section 1536 State is not making decisions with regard to the activities described above based only on its own evaluations. This review and comment responsibility thereby provides an opportunity for SHCC input where the section 1536 State Agency is undertaking section 1513 operational functions, and in the Secretary's view substantially addresses the major concerns of one commenter that the State Agency in a section 1536 State should only perform section 1513 functions after consultation with the SHCC.

One comment expressed concern that the regulations fail to mandate a section 1536 State Agency to coordinate its planning efforts with the health systems agencies within the appropriate standard metropolitan statistical area. It is noted that a section 1536 State Agency which performs health systems agency functions is required to coordinate its activities and seek to enter into written agreements with health systems agencies within appropriate standard metropolitan statistical areas in accordance with § 122.107(c)(12) of the final Health Systems Agencies Regulations.

Subpart C—Grants to State Health Planning and Development Agencies

§ 123.204 GRANT AWARD

A number of comments were received recommending changes in § 123.204(b) as proposed. Several commenters suggested that the minimum grant authorized by this section be reduced to one percentum of the amount available for grants under section 1525 in order to provide more funds to the most populous States, while other commenters expressed concern that any reduction in the minimum grant would result in many States (those with smaller populations) having inadequate resources to carry out the functions required by the Act. Comments on another aspect of the proposed grant formula indicated that population alone should not be the basis for allocating funds, but that other factors such as geographic area, number of health systems agencies in the State, and the scope of activities to be undertaken by the State should also be considered. In developing the formula in the proposed rules, the Secretary gave consideration to a number of factors and various alternatives. Deliberations occurred both within the Department and with interested parties outside the Department. It was determined that to fund State Agencies intially using population as the only cri-

terion together with a proviso for a minimum grant award was the most equitable formula for distribution of the available funds. The application of this formula resulted in levels of funding for State Agencies compatible with the support provided their predecessor comprehensive health planning agencies and the support to States for activities under section 1122 of the Social Security Act. The decision is to retain the grant allocation formula as proposed since there is not yet a sufficient history of agency performance upon which to base a change in approach. However, as agencies acquire more operational experience and the impact of the formula on agency operations can be assessed, the Secretary will consider modifying the formula. When an analysis of the formula is initiated, the recommendations of the commenters will be considered.

One commenter suggested that the use of population estimates by State Centers, which are established in each State for providing population estimates to the Bureau of the Census, would give more accurate population data for purposes of computing the grant award. With regard to this comment, the Secretary notes that not all States have the capacity to produce accurate estimates. Rather, each State currently provides raw data to the Bureau of the Census which refines this data in making its estimate. In addition, Office of Management and Budget Circular A-46 requires that the data on total population used in determining the amount of a grant award shall be the most current and comprehensive published by the Bureau of the Census.

The suggested revisions have, therefore, not been accepted. The Secretary will, however, make available and publish annually in the FEDERAL REGISTER a list of all States and their populations as determined for purpose of this section. Language to this effect has been added to the final regulations.

Several commenters suggested deleting the provision contained in § 123.204(b)(3)(ii) that the Secretary can make a determination as to a lesser grant award on his estimate of the operating costs of the State Agency during the grant period. A related comment suggested deleting § 123.204(b)(3)(ii) and substituting a new subparagraph which would read, "The Secretary's review of the State Agency should be limited to an assessment of the proposed work, it should not deal with the State Agency's determination of the costs of doing its work." The Secretary must retain the prerogative of reviewing applications and making determinations of funding levels to preclude awarding grants in excess of the amounts actually needed for the operation of State Agencies. Moreover, section 1525(a) of the Act requires that the amount of any grant shall be determined by the Secretary and may not exceed 75 percentum of a State Agency's operating costs. The suggested revisions, therefore, have not been made.

In determining the amount of the grant award in accordance with the criteria established by this section, the Secretary will make a full twelve-month allocation of the grant award amount when a State has made application for a twelve-month Designation Agreement. In those instances where a State has made application for a Designation Agreement for a period of less than twelve months, the amount of the grant will be proportionately reduced. Section 123.204 has been reviewed to provide for this situation.

§ 123.205 GRANT PAYMENTS

One comment suggested adding the requirement that Federal grant payments must be made during the fiscal year in which the expenses were incurred or within 90 days thereafter. The Secretary notes that all grants to State agencies are made in accordance with the Department's Federal Assistance Financing Systems (DFAFS) which uses either letter of credit or cash request as the payment mechanism for State agencies. The primary objective of DFAFS is to facilitate cash availability to grantees while controlling the flow of cash withdrawals from the U.S. Treasury. Under the monthly cash request method, the recipient forecasts his monthly cash needs in advance and is provided cash monthly to cover these anticipated disbursements. The letter of credit document is a commitment certified by DFAFS, indicating a dollar amount available to a designated recipient based on their average monthly disbursements. The monthly amount established is available for drawdown by the recipient as needed during the month by processing a payment voucher through the recipient's local commercial bank to a Federal Reserve Bank or one of its branches. In light of this, the Secretary sees no need to add the suggested language.

§ 123.206 USE OF GRANT FUNDS

A number of questions have been raised by State governments and others concerning the availability of funds granted under section 1525 of the Act to assist States in carrying out their continuing responsibilities for monitoring assurances (including "reasonable volume" and "community service" assurances) provided by facilities in connection with assistance (grants, loans, and loan guarantees) provided under Title VI of the Act. The Secretary has concluded that the cost of such activities, when carried out by a State agency of a State which participates in the Title XVI program, may be paid from section 1525 funds. Section 1525 grants are made to State agencies "to assist them in meeting the costs of their operation" (section 1525(a)). The legislative history of Pub. L. 93-641 clearly indicates that such costs may include, in addition to the costs of carrying out the functions described in section 1523, the costs to the State agency of "administering the program required under" Title XVI (see H. Rept. No. 93-1382, 93rd Cong., 2d Sess. (September 26, 1974) on pp. 79 and 83). Section 1602(6) of the Act requires the issuance by the Secretary of regulations which, inter alia, prescribe the manner in which entities assisted under either Title VI or Title XVI "shall be required to comply with the assurances required to be made at the time such assistance was received." In light of the pre-existing obligation of States to enforce Title VI assurances, section 1602(6) provides authority for the Secretary to prescribe, by regulation, the manner in which States must carry out that obligation. Thus, to the extent that the monitoring and enforcement of assurances is performed or supervised by the State agency pursuant to such regulations, such activities will be considered part of the administration of the Title XVI program, and their cost may be paid from the section 1525 grant. Section 123.206(a) has been revised accordingly. Further guidance on the performance of this responsibility by State agencies is contained in Program Letter 76-07, issued on June 30, 1976, by the Bureau of Health Planning and Resources Development.

§ 123.207 NONDISCRIMINATION

One commenter expressed concern that there was no mention of sex or age in the nondiscrimination section. This was an oversight in the drafting of the proposed regulations not corrected in the interim regulations. Appropriate language has been added in the final regulations to prohibit discrimination on the basis of age, sex, creed, or marital status.

Another concern expressed by the commenter was that the regulation should contain a brief statement regarding the requirements of 45 CFR Part 80 concerning the development of affirmative action plans. Affirmative action plans are required only when a determination is made that a State is not in compliance with 45 CFR Part 80. The Secretary thinks it would be unwise to include in these regulations a brief statement, which by its very nature would be an incomplete description of requirements for affirmative action plans under 45 CFR Part 80, and, therefore, the suggested addition has not been made. All State agencies must, of course, comply with the requirements of 45 CFR Part 80.

§ 123.208 GRANTEE ACCOUNTABILITY

One comment suggested that the wording of this section be changed to require only an accounting for the non-Federal funds used to match the grant award. The Secretary believes that this provision must be retained as stated (i.e., requiring an accounting for all funds, both Federal and non-Federal, expended in carrying out the approved activities) in order to determine that the requirements for the expenditure of non-Federal funds, both as they relate to State agency expenditure of matching funds and maintenance of effort requirements under § 123.203(b)(2), have been met. However, States need account only for non-Federal funds used in carrying out the approved activities related to Pub. L. 93-641.

§ 123.210 ADDITIONAL CONDITIONS

Numerous comments were received concerning the authority for the imposition of additional conditions on grant awards contained in § 123.210. In summary, the commenters felt that the language of this section provides the Secretary with open-ended authority to prescribe additional conditions and is too broad. They suggested either that this section be deleted or that changes be made in the language of the section. Section 1525(b) of the Act states that grants shall be made on such terms and conditions as the Secretary may prescribe. Section 123.210 is a standard provision included in grant programs administered by the Public Health Service. The purpose of the provision, which the Secretary has chosen to retain, is to indicate that other conditions consistent with the statute and regulations or for the purposes contained in this section (to assure or protect advancement of the approved activity, the interests of the public health, or the conservation of grant funds) may be added at the time or prior to the award. Such conditions will normally be the subject of prior discussions between Department staff and grantees.

§ 123.211 ADDITIONAL GRANTS TO CERTAIN STATE AGENCIES—SECTION 1536 OF THE ACT

To avoid the confusion which may arise from cross-referencing to § 122.208 of the final Health Systems Agency Regulations, a new section on the use of section 1516 grant funds by a section 1536 State has been added as part of § 123.501 of new Subpart F ("Special Provisions for Certain States—Section 1536 of the Act") of the final regulations which simply states that such funds must be used in accordance with the requirements of section 1516. The additional requirements applicable to a health systems agency's use of these funds found in § 122.208 concerning employment of consultants and contracting for services have also been deleted as the Secretary recognizes that to the extent feasible section 1536 States should be allowed to develop a unified system for carrying out their responsibilities under Pub. L. 93-641.

One commenter recommended that the State agency in a section 1536 State be permitted to submit a single unified budget covering both health systems agency and State agency functions, as this approach would be administratively more efficient. In general, the Secretary wishes to accommodate the point of this comment, and the procedures prescribed by the Department for such applications require one application and one budget. However, as part of the application, it is necessary for States to provide a breakdown in their budgets describing the amount to be expended for health systems agency functions and the amount for State agency functions. This specificity by function is necessary because, among other things, the grant to be made to the State agency under section 1525 of the Act may not exceed 75 percent of the cost of operation for State agency activities pursuant to section 1523 (as well as costs associated with Title XVI activities).

However, with respect to accounting for the expenditures of funds received under section 1516 and section 1525, a section 1536 State may adopt a unified accounting system. Those expenditures which are clearly attributable to an identifiable activity, such as preparation of the State medical facilities plan, should be charged against the appropriate section's funds. For those activities which contribute to the performance of the total planning effort and cannot be identified as either health systems agency or State agency functions *per se*, an estimated percentage may be used to allocate the funds between the two grants. Since both grants support one program activity, professional staff salaries need not be prorated but may be charged for accounting purposes against either grant.

SUBPART D—STATEWIDE HEALTH COORDINATING COUNCILS

§ 123.301 PURPOSE AND SCOPE

One comment requested clarification of the relationship between the State agency and the Statewide Health Coordinating Council, especially their respective roles in the approval or disapproval of applications for the use of (certain) Federal funds. The statute (section 1524(c)(6)) mandates that the SHCC review annually and approve or disapprove any State plan and any application submitted to the Secretary as a condition to the receipt of certain Federal funds under allotments made to States under the Public Health Service Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970. Preceding the initiation of the review function, each SHCC will be required to develop its own review procedures and criteria for this activity. While the statute does not prescribe a role for the State agency in terms of approval or disapproval of State plans and applications, the SHCC may wish to request the review and comment of State agency staff on the State plans and applications submitted to the SHCC. Functions of SHCC's in section 1536 States have been discussed in connection with comments received on § 123.110. Further in this regard, the predecessor agencies to States agencies, section 314(a) CHP agencies, had authority by both statute and regulation to review and comment upon certain proposed actions pertinent to the disbursement of Federal funds under allotments. It should be noted that section 5(c)(1) of Pub. L. 93-641, by providing that any reference in law or regulation to a section 314(a) agency will be considered a reference to a State agency designated under section 1521, continues to provide an opportunity for review and comment by State agencies as successors to the CHP agencies where enabling legislation or regulations prescribe this role for CHP State agencies.

§ 123.302 ESTABLISHMENT OF STATEWIDE HEALTH COORDINATING COUNCIL

One commenter suggested that this paragraph, which provides that a SHCC may not be established until health systems agencies for one-half or more of the health service areas in the State are designated, should read "conditionally designated" rather than "designated." The Secretary does not see the need to change this language since the term "designated" applies to both conditional and full designation.

Some comments suggested that SHCC's not be established and final regulations on SHCC's not be published until all health systems agencies are designated and performing their functions. The commenters were concerned that if the SHCC becomes operational prior to designation of all health systems agencies, major decisions will occur at the State level without significant participation from all local areas. Another suggestion received was that the SHCC not be established until the State agency has been designated. The Secretary is concerned that adoption of these recommendations would delay the development and implementation of the State health plan and the suggested revi-

sions, therefore, have not been made. However, to ensure involvement of health systems agencies in the development of the State health plan, the Secretary has retained the requirement that a SHCC cannot be established until one-half or more of the health systems agencies in the State have been designated. It is noted that a SHCC must be established before the Secretary may enter into a full designation agreement with the Governor of a State. As previously indicated with respect to the clarification made in § 122.103, a SHCC will be considered by the Secretary to be "established" when its members have been appointed in accordance with the provisions of section 1524 of the Act and Subpart D of Part 123.

One commenter requested clarification as to whether another entity of the State may perform SHCC functions in the absence of a formally constituted SHCC. As noted above, there is not authority under the statute for delegation of any SHCC functions.

§ 123.303 COMPOSITION OF SHCC

Numerous comments were received which related to the nominations made by health systems agencies to the SHCC. Several commenters suggested that requirements be added which would make the nominations more representative of the constituency of the health service area. These included suggestions that the nominees must be individuals who reside in the health service area and/or that they must be members of the health systems agency's governing body, as well as suggestions that they must be broadly representative of the social, linguistic, and racial populations of the area. Several commenters, however, made suggestions which would preclude individuals who were members of the health systems agency governing body from being nominated to the SHCC. These commenters observed that there is an inherent conflict of interest if health systems agency governing body members also serve on the SHCC which has review and oversight responsibilities relating to health systems agency functions. Generally, these commenters suggested prohibiting altogether or severly limiting the nomination of health systems agency governing body members or staff.

Another large group of comments requested that representation of various providers, including providers of mental health, drug and alcohol abuse services, and health maintenance organizations be required.

The Secretary is concerned that no one portion of the health care provider community or of the general public dominate the SHCC and, therefore, encourages health systems agencies in their nomination procedures and the Governor in his or her selection procedure to establish a SHCC which represents a variety of interests. However, the Secretary has declined to regulate in this area because he views it as interference with the internal workings of the organization created pursuant to the Act. In addition, the necessity for further regulation in this area has not been demonstrated in the relatively short history of SHCC development throughout the country. In the Secretary's view, the governing principle is that a health systems agency should be satisfied that its nominees will adequately represent its interests on the SHCC. Moreover, with respect to those comments concerning health systems agency governing body members on the SHCC, the Secretary wishes to point out that the legislative history of Pub. L. 93-641 indicates a clear intention on the part of Congress that health systems agency representatives be, in general, residents of the health service area and members of the health systems agency's governing body (H.R. Rept. No. 93-1382, 81 (1974)).

Further, the Secretary wishes to point out that in those instances where the health systems agency is a public regional planning body or single unit of general local government, the regular governing board of such agency may either exercise the authority to make nominations of the health systems agency representatives to the SHCC or delegate the authority to make the nominations to the governing body for health planning of the health systems agency.

Regarding the overall composition of the SHCC, several comments were received regarding the requirements for consumer and provider representation on the SHCC and several commenters suggested revisions in the percentage of members of the SHCC who must be consumers. The suggestions included several recommendations to increase consumer representation on the SHCC and a number of comments which stated that the proposed establishment of a sixty percent limit on consumer members imposes a mathematical obstacle for achieving the appropriate consumer/provider distribution in certain States. One commenter was concerned that the requirements for a consumer majority could lead to delay, confusion and complications because such individuals would be new to the health planning process.

In light of these comments the Secretary has decided to delete the percentage limitations added in the regulations, and revert to the statutory language which requires that no less than one-half of the representatives of a health systems agency must be consumers and that a majority of appointments made by the Governor must be consumers. While the Secretary has decided to retain only the statutory provisions in the final regulations, it should be emphasized that the original intent of the limitation on consumer members, to ensure that both providers and consumers would be represented on the SHCC, has not changed. If further experience indicates that SHCCs are grossly imbalanced in terms of either provider or consumer members, the Secretary will reconsider the need to regulate on this matter.

With respect to the comment that a consumer majority on the SHCC will lead to delay and confusion, it is noted that there is a requirement for the orientation of all SHCC members under § 123.106(b)(3). In addition, consumer representation on the SHCC was considered by the Congress to be essential to the successful implementation of the health planning process.

One commenter stated that the addition of the phrase "under this paragraph" to the provision contained in § 123.303(b)(2) that a majority of the appointments made by the Governor to the SHCC shall be consumers is more restrictive than the statutory requirement in this regard (section 1524(b)(1)(B)). Since the requirement that a majority of persons appointed by the Governor be consumers is part of a limitation on the Governor's appointments in paragraph (b)(1)(B) of section 1524, dealing with appointments in addition to those from nominees of the health systems agencies, it is clear in the Secretary's opinion that the limitation of section 1524(b)(1)(B)(ii) applies only to the Governor's appointments under that paragraph. This provision has, therefore, been retained in the final regulations.

Several comments, regarding the requirement that health systems agencies submit to the Governor a list of at least five nominees, ranged from the suggestion that the requirement for a list be deleted and the Governor not be given any discretion in the selections of health systems agency representatives, to the suggestion that the health systems agency should be free to nominate to the SHCC whomever it pleases within the legal requirements but that the Governor should be allowed to suggest guidelines and reject nominees. The requirement for a list of at least five nominees submitted to the Governor by each of the health systems agencies entitled to representation is a statutory provision (section 1524(b)(1)(A)) which is designed to provide the Governor some choice in establishing the SHCC, and the requirement, therefore, cannot be deleted. An attempt has been made, however, to clarify an apparent contradiction noted by some commenters between the statutory requirement and the requirement in the proposed regulations, which was also in the interim regulations, that each health systems agency shall submit to the Governor a

list of nominees numbering at least twice the number of representatives to which the agency is entitled. The latter was added by regulation in order to provide flexibility to the Governor in appointing the SHCC, especially where health systems agencies would be entitled to more than five representatives. The language of the final regulations has been clarified to require that each health systems agency shall submit to the Governor a list of nominees numbering at least twice the number of representatives to which the agency is entitled or a total of five, whichever is greater.

In addition, the final regulations have been revised to permit a Governor of a State to request the health systems agency to nominate less than the number of nominations required under the regulations where the Governor decides that the larger number of nominations is unnecessary.

One comment suggested that the ex-officio Veterans' Administration member on the SHCC should be a nonvoting member. The requirement for a Veterans' Administration representative on the SHCC is statutory where two or more hospitals or other health care facilities of the Veterans' Administration are located in a State. While an ex-officio member serves, by virtue of his or her office, there is nothing either in the concept of ex-officio or in the statute to indicate that this representative is not entitled to all of the privileges of membership on the SHCC. The suggested change has, therefore, not been made. The Veterans' Administration representative on the SHCC must have all the privileges of a regular SHCC member including a vote. It should be noted that under section 1524(b)(1)(D) of the Act, the Veterans' Administration representative, although considered a provider of health care, is not included as either a health systems agency representative or in the forty percent of appointments which the Governor can make in addition to these representatives.

Another comment requested clarification as to the appointment of other ex-officio members of the SHCC in addition to the Veterans' Administration representative. There is no provision in either the law or regulations which precludes the appointment of additional ex-officio members to the SHCC. However, unlike the Veterans' Administration representative, the appointment of other ex-officio members to the SHCC would be limited to the forty percent of additional SHCC members which the Governor may appoint under § 123.303(b) of the regulations. In addition, the appointment of such ex-officio members must be in accordance with the consumer/provider distribution prescribed by the statute, and such members must be entitled to the same privileges including a vote and be subject to the same restrictions as other appointed SHCC members.

Several comments were received regarding the State residency requirements for SHCC members, especially with respect to its effect on interstate health systems agencies and physicians who practice in one State but who reside in a different State. The Secretary believes that the residency requirement for health systems agency representatives to the SHCC constitutes an unnecessary restriction on the prerogative of the health systems agency to nominate to the SHCC those individuals which it believes will best serve its interests. Accordingly, the residency requirement which was in both the proposed and interim regulations has been deleted in the final regulations.

One comment requested clarification of the procedure for nominations to the SHCC for a health service area for which a health systems agency has not yet been designated. The Secretary notes that the regulations make no provision for representatives to be nominated for a health service area which does not yet have a designated health systems agency, and in the Secretary's view it would be inappropriate to prescribe a policy which would take away the prerogative of the health systems agency, once it has been designated, to make the required nominations to the Governor. In those instances where the Governor does not wish to defer the establishment of the SHCC until all health systems agencies are in place, he may elect to establish a SHCC once one-half or more of the health systems agencies in the State have been designated. This must be accomplished, however, in compliance with the statutory requirements that a SHCC have no fewer than sixteen health systems agency representatives and that each health systems agency have the same number of representatives, with a minimum of two. There are a variety of approaches which a State might adopt to establish a SHCC, in accordance with the statutory requirements, before all the health systems agencies in the State have been designated. One approach would be to make some SHCC appointments on an interim basis with terms for some appointments to expire upon the establishment of other health systems agencies and their submission of nominations for the SHCC to the Governor. This approach would enable the SHCC to eventually revert to the membership size it would have been if all the health systems agencies had been designated at the same time. A second approach would be for the Governor to retain an expanded SHCC by keeping all the health systems agency representatives previously appointed and requesting each additional health systems agency, as it becomes designated, to make nominations for a number of representatives equal to the number of representatives already appointed from each health systems agency previously designated.

§ 123.304 CHAIRMAN AND TERMS OF MEMBERSHIP

Many comments expressed concern regarding the limitation on length of terms (no longer than three years) and number of consecutive terms (no more than two) included in the proposed regulations, and suggested changes by commenters ranged from requiring no limitations to prescribing a limit of one three-year term. Two commenters noted that the establishment of a SHCC of odd-numbered size would make it impossible to comply with the requirement for staggered terms since not more than one-third of the members' terms may expire in a single year. Another commenter requested that the membership of provider members should be on a rotational basis. After reviewing all the comments and the experience with SHCCs established to date concerning this matter, the Secretary has decided that it is unnecessary to prescribe by regulation the specific length of office for SHCC members. Therefore, the final regulations simply require that SHCC members serve terms of fixed length. While the decision has been made to delete these requirements to prevent unnecessary hardships on States in organizing their SHCCs, it remains the opinion of the Secretary that there is considerable value in States establishing terms of office for SHCC members of reasonable length and staggering the terms in a manner which results in approximately an equal number of SHCC members being replaced each year. The application of these two principles should permit the SHCC to be broadly representative of the constituency of the State while providing a degree of continuity to the SHCC membership.

§ 123.305 BYLAWS

Several commenters suggested that the bylaws section be retitled, with one commenter specifically stating that the term "bylaws" refers only to self-governance by non-governmental entities. Since the term "bylaws" connotes the internal operating procedures for a private nonprofit entity, the Secretary has retitled this section "SHCC Rules" which is considered a more descriptive term.

Many comments were received concerning the manner in which the rules governing the SHCC should be developed. Several commenters felt that the SHCC should develop its own rules subject to the approval of the Governor; others suggested that this section should make a distinction between those rules the Governor may estab-

lish for the SHCC and those that should be self-generated.

After careful consideration of this matter, the Secretary has concluded that while it is appropriate for the Department to mandate certain minimum rules which must govern the SHCC's activities, which are discussed below, it is unnecessary for the Secretary to mandate the manner in which these rules are established. Thus, the final regulations simply require that the SHCC shall be governed by written rules which set forth the policies and procedures for the functioning of the SHCC, and provided that certain minimum rules must be developed. If the Secretary determines, based upon a review of the performance of SHCCs throughout the country, that SHCC performance of the statutorily mandated functions is being adversely affected by this approach, the Secretary will revise these regulations.

With respect to the minimum rules themselves, the Secretary has decided as previously discussed that the requirement in proposed § 123.305(a) relating to the SHCC's organizational structure and relationship to the Governor and the State agency is more appropriately included as part of the State administrative program requirement that the State program provide for adequate consultation with, and authority for, the SHCC (section 1522(b)(3)). Accordingly, § 123.104 (b)(4) of the final regulations has been revised to include this requirement.

Several comments were also received requesting clarification of the term "business meetings" as it relates to the requirement that SHCC business meetings be open to the public. The final regulations have been revised to define "business meetings" as meetings at which the SHCC acts to carry out its functions under the Act. This definition is substantially identical to that for health systems agency operations (42 CFR 122.109), which are governed by a similar statutory requirement.

The language of the proposed regulations concerning requirements for conflict of interest has also been revised to provide that they must be designed to preclude use of membership on the SHCC for purposes which are or give appearance of being motivated by private gain. Again, this makes the SHCC rules in this regard comparable to those applicable to health systems agencies (42 CFR 122.104(b)(1)(ix)).

The Secretary wishes to point out that the listing of areas that must be included in the SHCC operating rules is only a minimum, and wishes to encourage the development of more extensive operating rules covering such areas as procedures for giving notice to the public of business meetings, quorum requirements, and scheduling of meetings.

Finally, several comments requested clarification of the role of standing or executive committees in the functioning of a SHCC. One commenter recommended that the SHCC should be able to delegate to an executive committee the authority to take any action the SHCC is authorized to take except approval of the State health plan and the State medical facilities plan. It is the Secretary's view that while such committees can be established to provide recommendations to the SHCC in carrying out its responsibilities under the Act, there is no statutory basis for the SHCC delegating substantive decisionmaking authority concerning its responsibilities to these committees. The recommended changes, therefore, have not been made.

§ 123.306 FUNCTIONS

Concerning the functions of a SHCC, several commenters stated that the proposed regulations were not clear as to whether the SHCC should be an advisory or a policy council. The regulations, however, simply reflect the dual roles assigned by the statute to the SHCC, some of which are advisory and others which are policy decisions. For example, it is the SHCC's responsibility to advise the State agency generally on the performance of its functions, which would include the areas of planning policies, plan formats, training activities and the development of review procedures and criteria. On the other hand, the SHCC has by statute the responsibility to review and approve or disapprove certain State plans required for Federal allotment programs; to establish the State health plan; and to make a determination as to whether the proposed State medical facilities plan is consistent with the State health plan.

Several commenters suggested that this section should be amended to state that the SHCC, "assisted by the State Health Planning and Development Agency," shall perform certain functions. The State agency's responsibility to assist the SHCC is already contained in § 123.106(b)(3) of the regulations and inclusion of a similar reference is § 123.306 would be duplicative. Therefore, no revision to the regulations has been made.

One commenter requested clarification as to the functions to be performed by a SHCC where a State agency has entered into a Conditional Designation Agreement. In setting forth the functions to be performed by the SHCC, section 1524 of the Act does not differentiate between a conditionally or fully designated State agency. While the types of functions to be performed by the SHCC are thus identical whether a State agency is conditionally or fully designated, it is noted that the scope of the functions, particularly the SHCC's advisory function under section 1523(c)(5), may be significantly affected by the number of functions being performed by the State agency.

One commenter recommended that States be given the option of assigning SHCC functions to currently existing State agencies to avoid the proliferation of health planning agencies. A related comment recommended that the Secretary waive the requirement for a SHCC in States with a single health systems agency to avoid the creation of another review level. The establishment of a SHCC and the functions it is to perform are prescribed by the statute and, therefor, no such change in the regulations can be made. Further, it is noted that the SHCC and health systems agency have distinct functions prescribed by the statute.

§ 123.306 (a) AND (b)

Many comments were concerned with the role of the SHCC in the preparation, review, and revision of the State health plan. Several commenters requested that a definition of "State health plan" be incorporated into the regulations, with one commenter suggesting that the State health plan be defined as "a detailed statement of goals." Other commenters suggested that the State health plan be defined as the culminating document of the approved State medical facilities plan and health systems plans. The Secretary recognizes the need to clarify further the elements of a State health plan, and guidelines, previously offered for public comment, are currently being finalized by the Department. They set forth the purpose of the State health plan and provide guidance on the process involved in the development of the plan. The State health plan is to be composed of the health systems plans of the health systems agencies as appropriately revised and as such is a statement of goals describing a healthful environment and health systems in the State which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the State. It should also be noted that the State medical facilities plan must be consistent with the State health plan.

Several commenters felt that when a health systems agency disagrees with a decision by the SHCC on the State health plan, the health systems agency should have the right to appeal the decision. While the statute does not provide for such an appeal and the Secretary cannot require it by regulation, it is noted that the statute provides for health systems agency involvement in the development of the State health plan through the representation of these agencies on the SHCC. Furthermore, the SHCC is re-

quired to conduct a public hearing on its proposed State health plan which provides a forum for affected health systems agencies as well as other interested parties to express their concerns.

Two comments suggested that the regulations should spell out the degree of revision that the SHCC may make to health systems plans and the criteria and standards to be used in making such revisions. By statute, revisions may only be made if they are required to deal more effectively with statewide health needs or to achieve appropriate coordination of the health systems plans. The Secretary notes that the State agency prepares the preliminary State health plan for submission to the SHCC, and has the authority to recommend changes in health systems plans to the SHCC, which may either accept or reject the recommendations. Only the SHCC has the authority to remand a health systems plan to a health systems agency for revision. The Secretary has decided not to include in these regulations the criteria to be utilized by the SHCC in revising the preliminary State health plan because guidance on this matter is part of the guidelines on State health plan development.

One commenter recommended that the regulations require the annual Federal review of all State plans, including the State health plan, to achieve conformance with the National Guidelines for Health Planning. While the Secretary does not have the authority under Pub. L. 93-641 to review all State plans, the adequacy of the State health plan will be reviewed by the Secretary pursuant to section 1535 of the Act.

One comment recommended that the SHCC should be required to be involved with the State agency in the preparation of the preliminary State health plan to avoid possible later conflicts. The SHCC is required under section 1523 of the Act to advise the State agency generally on the performance of its functions. The Secretary expects this will result in cooperation between the State agency and the SHCC and the development of good working relationships between the two entities with respect to all State agency functions, expecially with regard to those functions where the State agency and SHCC interface most directly such as the preparation of the State health plan. At this time, before substantial operational experience has occurred, the Secretary does not think it prudent to mandate by regulation the manner in which these efforts should be coordinated.

Several comments were received requesting clarification on the role of the SHCC with respect to its responsibility for coordinating the annual implementation plans of health systems agencies. Section 1524(c)(1) of the Act requires that the SHCC review annually and coordinate the health systems plan and annual implementation plan of each health systems agency within the State and report its comments to the Secretary for the purposes of his review of HSA performance under section 1535(c). As part of this coordination function, it is the Secretary's view that based on the review of health systems plans as well as annual implementation plans, the SHCC would be responsible for recommending revisions to annual implimentation plans to ensure the consistency of these plans with the revised health systems plans. However, although the SHCC may recommend revisions to the annual implementation plan, it will be the responsibility of the health systems agency to make the revisions required in the annual implementation plan because of mandated revisions in the health systems plan. After some operational experience with the development of health systems plans and annual implementation plans, and after the Secretary has conducted his reviews under section 1535 of the Act, the Secretary will consider the necessity for further regulation in this area. Finally, in the opinion of the Secretary, revisions to the annual implementation plans would more appropriately take place after the State health plan has been established and the health systems plans revised according to SHCC recommendations.

Several commenters requested that the regulations specify that the SHCC develop the State health plan subject to the approval of the Governor. These commenters expressed concern that the authority of the SHCC to establish a State health plan is inconsistent with the policymaking and implementation authorities of State government. The argued that this is so because the selection process for the SHCC creates the SHCC as an independent body not accountable directly to the Governor.

The statutory language of section 1524 precludes transferring the authority to approve the State health plan to the Governor by regulation. Therefore, the Secretary has not adopted this comment as it would establish a role for the Governors inconsistent with the statutory role of the SHCC.

Numerous comments related to the provisions contained in this section governing the procedures for public hearings on the State health plan. Two commenters suggested that the phrase "public hearing" be changed to "public meeting" to avoid the legalistic implications of the term. One commenter indicated his opposition to any change in the requirement for a public hearing. In this regard it is noted that the term "public hearing" is statutory language and having such a hearing is required by the statute. The Secretary notes, however, that there is no Federal requirement that a hearing be formal; only that the hearing be conducted in a manner which ensures that the public is given an opportunity to express its views on the State health plan. For purposes of clarification, it is noted that the public hearing is on the proposed State health plan, which is the SHCC's version of the plan following its consideration and revision as appropriate of the preliminary State health plan developed by the State agency.

Several commenters requested that the regulations be amended to provide the Governor 30 days for review prior to adoption of the proposed State health plan. It is considered by the Secretary that the current provision that the Governor be provided a copy of the proposed State health plan 15 days prior to publication of the notice of the public hearing on the State health plan affords the Governor reasonable opportunity for comment. Since the notice of the hearing is required to be published 30 days prior to the actual hearing date, this allows the Governor 45 days prior to the public hearing in which to review and comment on the plan.

One commenter requested that the prohibition on the use of legal notices to announce the holding of the required public hearing be removed. The requirement that notices appear in other than the legal notices or classified advertisement sections of newspapers is not a statutory requirement. Consistent with the approach taken in the final regulations regarding the notice for a public meeting on the State administrative program (see the discussion concerning § 123.104(a)(3)), the Secretary has deleted the prohibition on the use of legal notices from this section of the final regulations.

One comment recommended that Statewide Professional Standards Review Organizations be specifically provided a copy of the State health plan and be identified in the regulations as one of the "interested persons" to whom the opportunity should be given for comment on the plan. Unless experience indicates that individuals or groups with a vital interest in plan development are being excluded from participation in the process, the Secretary considers it inappropriate to designate specifically by regulation Professional Standards Review Organizations or any other entities as interested persons. It is generally assumed that groups such as Statewide Professional Standards Review Organizations will afford themselves the opportunity for comment through the requirements which have been established in the regulations for a public hearing process. It is further assumed that State agencies

will seek to establish coordinative working arrangements with Statewide Professional Standards Review Organizations and similar groups which will ensure that their concerns are considered in the statewide health planning process.

§ 123.306(e)

Several comments addressed the role of the SHCC in advising the State agency generally on the performance of its functions. One commenter requested that the term "advise" be defined or covered in guidelines. Another commenter suggested that the criteria set forth in section 1535(d)(6) be adopted as the basis for the SHCC evaluation of the State agency and the performance of its functions. Another comment suggested that the State agency be required to justify its action to the SHCC when it does not follow the SHCC's advice. It is recognized by the Secretary that while it is most important for the State agency and the SHCC to develop a satisfactory working relationship, this process must be an evolving one addressed within the context of each individual State, and the Secretary considers it inappropriate to establish national requirements in this regard. However, it is noted as a general matter that in its role of generally advising the State agency, it is the responsibility of the SHCC to provide guidance on planning priorities, plan formats, the need for training activities and staff development. In addition, in order for the SHCC to adequately perform this function it must be afforded an opportunity to review and comment on the State agency's application for designation. Language to this effect has been added to § 123.306(e) of the final regulations.

§ 123,306(f)

Numerous comments recommended that the annual review and approval or disapproval of State plans and applications should be consistent with the State health plan. The proposed regulations do not contain criteria or standards for this process, and several commenters cited the requirement of Title XVI that the State medical facilities plan must be found by the SHCC to be "consistent with the State health plan." The Department currently is drafting separate regulations governing criteria and procedures for the reviews prescribed by section 1513(e) and section 1524(c)(6). The specific recommendations suggested by the various commenters will be considered by the Department in the drafting of these regulations.

§ 123.307 SPECIAL PROVISION FOR MEMBERSHIP OF CERTAIN SHCC'S—SECTION 1536 OF THE ACT

One commenter expressed concern that there is no provision for a representative of the Veterans' Administration on the SHCC in a section 1536 State and requested that the regulations be amended to include such a representative. Under proposed § 123.307 (§ 123.503 of the final regulations) the membership on a SHCC in a section 1536 State must meet the composition requirements for a health systems agency governing body set forth in 42 CFR 122.109(b). This section requires that a representative of the Veterans' Administration be on the SHCC if there are one or more hospitals or other facilities of the Veterans' Administration located within the State. Accordingly, no amendment to the regulations as suggested by the commenter is necessary.

Another commenter was concerned that this section is unclear as to the responsibility of a SHCC in a section 1536 State as it relates to advising the State agency on the performance of section 1513 functions, which are functions normally performed by a health systems agency. The additional functions of a SHCC in a section 1536 State were set forth in § 123.110(a)(3) of the proposed rulemaking, which has previously been discussed. In summary, the regulations require that the SHCC in a section 1536 State be given a reasonable opportunity to review and comment on the section 1513 functions performed by the State agency. In order to further clarify this matter, however, § 123.306 of the final regulations has been revised to cross-reference the additional roles of SHCCs in section 1536 States.

Two commenters recommended that the 30 member ceiling on SHCC membership in section 1536 SHCCs be removed to make the SHCC more comparable to the governing body of a health systems agency and that SHCCs in section 1536 States be permitted to establish executive committees. The Secretary has reevaluated the requirement for a limit on the membership size for a SHCC in a section 1536 State and has determined that imposition of such a requirement is not necessary. Accordingly, the upper membership limit contained in both the proposed and interim regulations has been deleted from new § 123.503 of the final regulations. As revised, this section now only requires that a SHCC in a section 1536 State have a membership of not less than 16. This approach makes the membership requirement for the SHCC in a section 1536 State compatible with SHCCs in non-1536 States. It permits the Governors in section 1536 States flexibility in establishing a Council of the size most appropriate for that individual State. Further, it is noted that it is the prerogative of a SHCC, whether in a section 1536 State or not, to establish an executive committee. The role of executive committees in the functioning of a SHCC has been discussed previously under § 123.305.

In addition, a number of editorial and technical changes have been made in the regulations as proposed. Accordingly, 42 CFR Part 123 is amended in the manner set forth below.

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

Dated: December 13, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: February 27, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart A—Definitions

Sec.
123.1 Definitions

Subpart B—Designation of State Health Planning and Development Agencies

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Subpart D—Statewide Health Coordinating Councils

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Subpart E—[Reserved]

Subpart F—Special Provisions for Certain States—Section 1536 of the Act

123.501 Additional grants to State Agencies.
123.502 Additional requirements of State Agencies.
123.503 Special provisions for memberships of Statewide Health Coordinating Councils.

AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); Secs. 1521-25, 1532, 1536, of the Public Health Service Act; 88 Stat. 2242-49.

Subpart A—Definitions

§ 123.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Conditionally designated State Agency" means an agency of the government of a State which has been designated as a State health planning and development agency on a conditional basis pursuant to section 1521(b)(2) of the Act.

(c) "Designation agreement" means an agreement entered into or renewed pursuant to section 1521 of the Act.

(d) "Fully designated State Agency" means an agency of the government of a State which has been designated as a State health planning and development agency pursuant to section 1521(b)(3) of the Act.

(e) "Governor" means the chief executive officer of a State or his designee.

(f) "Grant period" means the period with respect to which assistance is provided under Subpart C of this part.

(g) "Health care facility" means a health care facility as defined in Part 100 of this title.

(h) "Health maintenance organization" means a health maintenance organization as defined in Part 100 of this title.

(i) "Health service area" means an area designated by the Secretary pursuant to section 1511 of the Act as a health service area.

(j) "Health systems agency" means a conditionally or fully designated health systems agency designated pursuant to section 1515 of the Act and 42 CFR Part 122.

(k) "Provider of health care" means an individual—

(1) Who is a direct provider of health care (including (but not limited to) a physician, dentist, nurse, optometrist, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including but not limited to hospitals, long-term care facilities, substance abuse treatment facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration, or

(2) Who is an indirect provider of health care in that the individual:

(i) Holds a fiduciary position with or has a fiduciary interest in, an entity described in paragraph (i)(2)(ii) (B) or (D) of this section; (for purposes of this paragraph, a "fiduciary position or interest" as applied to any entity means a position or interest with respect to such entity affected with the character of a trust, including members of boards of directors and officers, majority shareholders, agents and attorneys); or

(ii) Receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

(A) Fees or other compensation for research into or instruction in the provision of health care;

(B) Entities or associations or organizations composed of entities or individuals engaged in the provision of health care or in such research or instruction;

(C) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; and

(D) Entities or associations or organizations composed of such entities or individuals engaged in producing drugs or such other articles; or

(iii) Is a member of the immediate family of an individual described in paragraph (i)(1) or paragraph (i)(2) (i), (ii), or (iv) of this section (for purposes of this paragraph, "immediate family" as applied to any individual includes only his parents, spouse, children, brothers and sisters who reside in the same household); or

(iv) Is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

(l) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(m) "State" means any one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa and the Northern Mariana Islands.

(n) "State health planning and development agency" or "State Agency" means an agency of State government selected by the Governor and designated in an agreement entered into pursuant to section 1521 of the Act to carry out the State's health planning and development program.

(o) "Statewide Health Coordinating Council" or "SHCC" means the body established pursuant to section 1524 of the Act to advise the State health planning and development agency.

Subpart B—Designation of State Health Planning and Development Agencies

§ 123.101 Purpose and scope.

(a) Section 1521 of the Public Health Service Act authorizes the Secretary to enter into an agreement with the Governor of each State for the designation of a State health planning and development agency for such State for the purpose of the performance within the State of the physical and mental health planning and development functions prescribed by section 1523 of the Act. Each such State health planning and development agency shall administer the State administrative program prescribed by section 1522 of the Act and shall, except as authorized under § 123.107, perform within the State the functions prescribed by section 1523 of the Act.

(b) The regulations of this subpart are applicable to agreements, pursuant to section 1521 of the Public Health Service Act, for the conditional or full designation of a State health planning and development agency for a State.

§ 123.102 Application.

The Secretary may not enter into a designation agreement under this subpart unless an application has been submitted to the Secretary for such an agreement. The application shall be submitted by a State at such time and in such form and manner as the Secretary may prescribe and shall be executed by the Governor.

§ 123.103 Contents of applications.

In addition to such other information as the Secretary may require, an approvable application shall contain:

(a) *General. (1) A State administrative program which meets the applicable requirements of § 123.104 of this subpart.*

(2) In the case of an application for designation of a State Agency on a conditional basis pursuant to section 1521(b)(2) of the Act, a proposed plan for the orderly assumption and implementation of the health planning and development functions prescribed by section 1523 of the Act and § 123.106(b) of this subpart.

(3) Assurances satisfactory to the Secretary that the agency selected by the Governor as the State Agency has the authority and resources to administer the State administrative program of the State and to carry out the health planning and development functions prescribed by section 1523 of the Act (or, in the case of an application for designation of a State Agency on a conditional basis pursuant to section 1521(b)(2) of the Act), that such agency will have such authority and resources as may be required to implement its approved plan for the orderly

assumption and implementation of such functions.

(4) In the case of an application for full designation pursuant to section 1521(b)(3) of the Act, a description of the Statewide Health Coordinating Council, which has been established for the State under section 1524 of the Act and Subpart D of this part, including a description of the manner in which the SHCC is organized and functions.

(5) A description of the proposed health planning and development activities of the State and a description of the proposed relationships between the agency selected by the Governor as the State Agency and other agencies of State government responsible for health programs of the State, including the agencies responsible for programs in alcoholism, drug abuse, mental health, and health manpower education and training (such as the Board of Higher Education or Commission on Education), and the manner in which planning for these programs will be coordinated with long-range health service needs within the State.

(6) A statement as to whether the State intends to develop a State medical facilities plan for the purpose of participating in the program authorized by Title XVI of the Act, and, if the State does so intend, a description of the manner in which the State Agency will administer or supervise the administration of such plan.

(b) *State health plan.* In addition to the requirement of paragraph (a), a State Agency must submit:

(1) A copy of its preliminary State health plan as part of its application for full designation, except that a State Agency which will have been conditionally designated for 24 months or less at the time that it enters into a full designation agreement need not submit a preliminary State health plan until it next applies for full designation; and

(2) A copy of the State health plan prepared and adopted by the SHCC as part of the State Agency's next application for full designation following the submission of the preliminary State health plan required in paragraph (b)(1) of this section, and as part of each subsequent application for designation.

§ 123.104 State administrative program.

(a) *General.* A State administrative program (hereinafter referred to as the "State Program") is a program for the performance within the State by its State Agency of the functions prescribed by section 1523 of the Act and § 123.106(b). The Secretary may not approve a State Program for a State unless it:

(1) Meets the applicable requirements of paragraph (b) of this section;

(2) Has been submitted to the Secretary by the Governor of the State as part of the application for a designation agreement; and

(3) Has been submitted to the Secretary only after the Governor of the State has afforded to members of the general public of the State a reasonable opportunity to express their views on the proposed State Program both in writing and at a public meeting sponsored by the State. At a minimum, notice of the time, place, and purpose of such meeting shall be given to members of the public at least two weeks prior to such meeting and at least 30 days prior to the date of submission of the application to the Secretary. Such notice shall also provide that a copy of the proposed State Program will be available for public inspection and copying at a specified address, and shall invite written comments thereon by members of the public. A summary of the comments made at the public meeting and copies of any written comments of members of the public shall be appended to the application.

(b) *Program requirements.* To be approved by the Secretary under this subpart, a State Program must

(1) Provide for the performance within the State (after the designation of a State Agency and in accordance with the designation agreement) of the functions prescribed by section 1523 of the Act and § 123.106(b) and specify the State Agency of the State as the sole agency for the performance of such functions; *Provided,* That:

(i) Subject to the limitations of § 123.107, any such functions may be performed by another agency of the State government upon request of the Governor under an agreement with the State Agency; and

(ii) In the case of a State Agency designated on a conditional basis, the State Program shall provide for the performance of such functions in accordance with the plan for the orderly assumption and implementation of the health planning and development functions contained in the application;

(2) Contain or be supported by a statement by the Governor that the State Agency has under State law the authority to carry out the functions described in paragraph (b)(1) of this section, together with citations to pertinent authorizing statutes, ordinances or executive orders;

(3) Contain a complete budget for the operation of the State Agency during the period of the proposed designation agreement. Where the State Agency proposes to administer or supervise the administration of the State medical facilities plan approved by the Secretary pursuant to Title XVI of the Act, such budget shall include expenditures to be incurred in the administration of such plan;

(4) Provide for adequate consultation with the Statewide Health Coordinating Council in carrying out the State Program, and contain a description of the Statewide Health Coordinating Council's structure and relationship to the Governor and the State Agency, together with

(i) In the case of a State Agency designated on a conditional basis in a State which has no such Council at the time of such designation, a plan for the establishment of the Council in accordance with Subpart D of this Part demonstrating to the satisfaction of the Secretary that the Council will have the requisite authority; or

(ii) In the case of a fully designated agency, a statement by the Governor that there is authority under State law for such Council, together with citations to pertinent authorizing statutes, ordinances or executive orders.

(5) Set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibilities in the performance of the functions described in § 123.106(b) and the State Program and the salary structure for such personnel, and require the State Agency to have a professional staff for planning and a professional staff for development, in adequate numbers, at adequate compensation, so organized and with sufficient expertise to enable the State Agency to carry out its State Program;

(6) Provide methods of administration appropriate for the proper and efficient administration of the functions described in § 123.106(b) and the State program, including the establishment and maintenance of personnel standards on a merit basis for persons employed by the State in carrying out the State Program, *Provided,* That;

(i) Methods of personnel administration will be established and maintained in the State Agency administering the program in conformity with the Standards For a Merit System of Personnel Administration, 45 CFR Part 70, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards.

(ii) Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State Program. Citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the Standards in 45 CFR Part 70 must be submitted to the U.S. Civil Service Commission in accordance with 5 CFR Part 900 for determination as to adequacy. Copies of the material cited must be furnished to the Secretary or the U.S. Civil Service Commission on request.

(7) Require the State Agency to perform its functions in accordance with

procedures and criteria established and published by it, which procedures and criteria shall, with respect to any reviews of proposed or existing health services, conform to the requirements of section 1532 of the Act and the applicable regulations of the Secretary;

(8) Require the State Agency to conduct its business meetings in public and give adequate notice to the public of such meetings. For purposes of this paragraph the term "business meetings" means: (i) In the case of a State Agency headed by a collegial body, any meeting of the body to carry out the State Agency's responsibilities and functions under the Act; and (ii) In the case of a State Agency headed by an individual, any meeting of such individual with persons directly affected by a State Agency review (as defined for the purpose of providing written notification of the beginning of the review), concerning a State Agency review conducted pursuant to section 1523 of the Act during the course of such review;

(9) Require the State Agency to adopt a policy for making its records and data available to the general public in accordance with the requirements of § 123.109;

(10) Provide that the State Agency will enter into a written agreement with each agency or organization in the State which has entered into an agreement with the Secretary under section 306(e) of the Act so as to assure that the State Agency has the data needed on a timely basis for health planning and resources development in the State, and that such data will be made available to all health systems agencies designated for health service areas located in whole or in part within the State;

(11) Require providers of health care doing business in the State to make to the State Agency such statistical and other reports of information related to health and health care as the State Agency finds necessary to the performance of its functions under this subpart, and make such reports available to the health systems agencies for the respective health service areas in which such providers are located. For purposes of this paragraph, "providers of health care" include, at a minimum, health care facilities and health maintenance organizations.

(12) Provide, in accordance with methods and procedures approved by the Secretary, for the evaluation, at least annually, of the performance by the State Agency of its functions and of their economic effectiveness;

(13) Provide that the State Agency will from time to time, and in any event not less often than annually, review the State Program and submit to the Secretary required modifications;

(14) Require the State Agency to make such reports, in such form and containing such information concerning its structure, operations, performance of functions, and other matters as the Secretary may from time to time require, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports;

(15) Require the State Agency to provide for fiscal control and fund accounting procedures, consistent with applicable requirements of Subpart C of this Part, as the Secretary may require to assure proper disbursement of, and accounting for, funds received by the State Agency under section 1525 of the Act;

(16) Permit the Secretary and the Comptroller General of the United States, or their representatives, to have access for the purpose of audit and examination to any books, documents, papers, and records of the State Agency pertinent to the disposition of amounts received from the Secretary under section 1525 of the Act; and

(17) Provide that if the State Agency makes a decision in the performance of a function under section 1523(a) (3), (4), (5) or (6) or Title XVI of the Act which is inconsistent with a recommendation made under section 1513 (f), (g) or (h) of the Act by a health systems agency for a health service area located in whole or in part within the State—

(i) Such decision (and the record upon which it was made) shall, upon request of such health systems agency, be reviewed, under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies, by an agency of the State (other than the State health planning and development agency or the Statewide Health Coordinating Council) designated by the Governor, and

(ii) The decision of the reviewing agency shall for purposes of Titles XV and XVI of the Act be considered the decision of the State Agency.

§ 123.105 Conditional Designation Agreements.

In accordance with section 1521 (b)(2) of the Act and this subpart, the Secretary may enter into an agreement (hereinafter referred to as the conditional Designation Agreement) with a Governor for the Designation of an agency (selected by the Governor) of the government of that State as the State Agency on a conditional basis with a view to determining the State Agency's ability at the end of the period of its conditional designation to meet the requirements and perform the functions of a fully designated State Agency under the Act and this subpart. Such agreement shall provide that:

(a) The agency is designated as the conditionally designated State Agency for the State for a term not to exceed 12 months, beginning on a date specified in the agreement, except that the term of the agreement may be extended by the Secretary at the request of the Agency for the sole purpose of closing out the activities of the State Agency. In no case, however, may the entire period of conditional designation exceed 36 months.

(b) During the period of conditional designation, the Secretary shall require the State Agency to perform only such of the functions prescribed by section 1523 of the Act and § 123.106(b) as he determines such State Agency to be capable of performing; *Provided*, That the State Agency must perform at least the functions described in § 123.106(b) (1), (2), and (5) and, immediately upon the establishment of a Statewide Health Coordinating Council for the State, the functions described in § 123.106 (b)(3).

(c) During the period of conditional designation the numbers and types of requirements and functions may, in accordance with paragraph (b) of this section, be progressively increased as the State Agency, in the judgment of the Secretary, becomes capable of added responsibility.

(d) The State Agency shall meet the requirements of the Act, this subpart, and any additional conditions set forth in the Conditional Designation Agreement.

§ 123.106 Full Designation Agreements.

In accordance with section 1521 (b)(3) of the Act and this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Full Designation Agreement) with a Governor for the designation of an agency (selected by the Governor) of that State as the State Agency for the State. Such Full Designation Agreement shall provide that:

(a) The agency is designated as the State Agency for the State for a term not to exceed 12 months, beginning on a date specified in the agreement.

(b) The State Agency shall, subject to § 123.107 perform within the State the following functions:

(1) Conduct the health planning activities of the State and implement those parts of the State health plan prepared by the Statewide Health Coordinating Council pursuant to section 1524(c)(2) of the Act and Subpart D of this Part and, except for States to which Subpart F of this part is applicable, the plans of the health systems agencies within the State which relate to the government of the State;

(2) In accordance with a schedule established by the Statewide Health Coordinating Council of the State, prepare, review, and revise as necessary (but at least annually), and submit to the Statewide Health Coordinating

Council of the State for approval or disapproval and for use in developing the State health plan referred to in paragraph (b)(1) of this section, a preliminary State health plan which shall, except as provided in Subpart F of this Part, be made up of the Health Systems Plans (hereinafter referred to as "HSP's") of the health systems agencies within the State. Such preliminary plan may, as found necessary by the State Agency, contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs.

(3) Assist the Statewide Health Coordinating Council of the State, through the payment of its operating expenses and the provision of adequate staff support and appropriate training programs in health resources planning and development for members of the Council, in the review of the State medical facilities plan required under section 1603 of the Act, and in the performance of its functions generally;

(4) (i) Serve as the designated planning agency of the State for purposes of section 1122 of the Social Security Act and in accordance with 42 CFR Part 100, if the State has entered into an agreement with the Secretary pursuant to such section 1122; and (ii) administer a State certificate of need program which meets the requirements of Subpart E of this Part; *Provided,* That the requirement of clause (b)(4)(ii) hereof shall not apply to a State Agency of a State until the expiration of the first regular session of the legislature of such State which begins after January 4, 1975;

(5) After consideration of recommendations submitted by Health Systems Agencies under section 1513(f) of the Act respecting new institutional health services proposed to be offered within the State, make findings as to the need for such services in accordance with section 1532 of the Act and Subpart E of this Part;

(6) Review on a periodic basis (but not less than often than every five years), in accordance with section 1532 of the Act and applicable regulations of the Secretary, all institutional health services being offered in the State and, after consideration of recommendations submitted by health systems agencies pursuant to 42 CFR 122.107(c)(15) respecting the appropriateness of such services, make public its findings; *Provided,* That such findings with respect to any health service area in the State shall be made not more than one year following the date on which the health systems agency for such area submits its recommendations to the State Agency.

(c) The State Agency shall meet the requirements of the Act, this subpart, and any additional conditions set forth in the Full Designation Agreement.

§ 123.107 Performance of functions by other than the State Agency.

(a) Notwithstanding any other provision of this subpart, any function described in § 123.106(b) of this subpart may be performed by another agency of the State government upon request of the Governor under an agreement with the State Agency satisfactory to the Secretary except that the functions described in § 123.106(b)(4) must be performed by the same agency of the State.

(b) Any agreement entered into by the State Agency for the performance of one or more functions described in § 123.106(b) of this subpart by another agency of the State must at a minimum:

(1) Specify which other agency will perform the function, which function it will perform, and that the other agency will perform all the activities relating to the function;

(2) Provide that the other agency will perform the function in accordance with the appropriate requirements of the State Program and in compliance with the relevant provisions of the Act and applicable regulations of the Secretary including those set forth in this Part;

(3) Set forth the manner in which the budget, staff, and activities of the other agency in the performance of the function will relate to the activities of the State Agency;

(4) Provide that the other agency will consult and coordinate with the State Agency and the SHCC on the performance of the function and provide information to the State Agency and the SHCC on the performance of the function;

(5) Set forth the manner in which the other agency will relate to the health systems agencies whose health service areas are located in whole or in part within the State;

(6) Set forth the conditions under which the agreement may be terminated by either agency; and

(7) Set forth the conditions under which the agreement may be renewed.

§ 123.108 Renewal and termination of agreements.

(a) *Conditionally designated State Agencies.*

(1) *Renewal.* A Conditional Designation Agreement may, at the option of the Secretary and based upon the Secretary's review of the State Agency's performance and its application for renewal, be renewed for an additional term not to exceed 12 months, but in no case may the total period of conditional designation of a State Agency exceed 36 months. Where the Secretary determines not to renew such agreement, the Governor will be notified in writing of the reasons for such determination.

(2) *Termination.* A Conditional Designation Agreement may be terminated by the Governor prior to the expiration of its term upon 90 days written notice to the Secretary which shall set forth the reasons for such termination and its effective date. The Secretary may terminate the Conditional Designation Agreement prior to the expiration of its term upon his determination, after having given the Governor at least 90 days written notice of the State Agency's deficiencies and the corrective actions required and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the State Agency is not complying with the provisions of the Agreement or is incapable of progressively assuming more functions and responsibilities.

(b) *Fully designated agencies.*

(1) *Renewal.* A Full Designation Agreement may be renewed for a period not to exceed 12 months, upon the application by the Governor for renewal, if upon review by the Secretary (as provided in section 1535 of the Act) he determines that the State Agency has fufilled, in a satisfactory manner, the functions of a State Agency as prescribed by section 1523 of the Act and the applicable provisions of this subpart. A determination by the Secretary not to renew the Agreement will be made only after he has provided the Governor with written notice of the reasons for such failure to renew and of the opportunity for a hearing before an officer or employee designated for such purpose by the Secertary.

(2) *Termination.* A Full Designation Agreement may be terminated by the Governor prior to the expiration of its term upon 90 days written notice to the Secretary which will set forth the reasons for such termination and its effective date. The Agreement may be terminated by the Secretary prior to the expiration of its term if he determines, after having given the Governor at least 90 days written notice of the State Agency's deficiencies and the corrective actions required and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the State Agency is not complying with or effectively carrying out the provisions of the Agreement.

§ 123.109 Access of the public to State Agency records and data.

(a) Each State Agency shall adopt a policy for making its records and data available to the public for inspection and copying in accordance with sections 1522(b)(6)(C) and 1532(b)(10) of the Act, which shall include a procedure for the submission of requests to the agency by members of the public, the agency's procedure for handling such requests, and a uniform fee

schedule for copying such material which shall be limited to reasonable costs. For purposes of this paragraph, "records and data" include publications, brochures, pamphlets, punch cards, magnetic tapes, minutes, staff manuals, slides, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the State Agency in connection with the performance of the agency's functions under its designation agreement and retained by the agency as evidence of the agency's function, policies, decisions, procedures, operations, programs, or other activities.

(b) Each State Agency is required to maintain and make available for public inspection and copying an index of the records and data of the agency and must publish a notice that a policy for making information available to the public has been established setting forth the policy adopted pursuant to paragraph (a) of this section. The notice must contain a statement that the full policy is available for public inspection and copying. Where subsequent to the publication of such notice the State Agency substantially revises its policy (which must remain consistent with paragraph (a) of this section) for making information available to the public the State Agency must publish a notice that such revisions have been made.

Subpart C—Grants to State Health Planning and Development Agencies

§ 123.201 Applicability.

The regulations of this subpart are applicable to grants under section 1525 of the Public Health Service Act (42 U.S.C. 300m-4) to State health planning and development agencies designated under section 1521 of the Public Health Service Act (42 U.S.C. 300m) to assist them in meeting the costs of their operation, including costs incurred in the administration of the State medical facilities plan under Title XVI of the Act.

§ 123.202 Eligibility.

Any conditionally or fully designated State Agency is eligible for a grant under this subpart.

§ 123.203 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe, and shall be executed by an officer or employee of the State officially authorized to act for the applicant agency and to assume on behalf of the agency the obligations imposed by the Act, the regulations of this subpart, and any additional terms or conditions of the grant.[1]

(b) The application shall contain the following: (1) A full and complete budget (i) of expenditures to be incurred by the applicant agency in carrying out its approved State administrative program in accordance with section 1522 of the Act and the terms and conditions of the designation agreement entered into by the Secretary and the Governor of the State pursuant to Subpart B of this Part (including expenditures to be incurred in assisting the Statewide Health Coordinating Council in the performance of its functions), and (ii) where the State Agency is administering or supervising the administration of the State medical facilities plan approved by the Secretary pursuant to Title XVI of the Act, of expenditures to be incurred in the administration of such plan.

(2) An assurance satisfactory to the Secretary that the State Agency will expend in performing the functions prescribed by section 1523 of the Act during the fiscal year for which the grant is sought an amount of funds from non-Federal sources which is at least as great as the average amount of funds from non-Federal sources expended for such purposes (excluding expenditures of a non-recurring nature) in the three fiscal years immediately preceding the fiscal year for which the grant is sought, by the State for which such State Agency has been designated. Such assurance shall be supported by the following:

(i) An itemized statement showing the amount of funds from non-Federal sources expended by the State for carrying out functions described in section 1523 of the Act in each of the three fiscal year immediately preceding the fiscal year for which the grant is sought, excluding expenditures of a non-recurring nature; and

(ii) A description of the amount and sources of non-Federal funds which will be expended by the State Agency in carrying out the functions described in section 1523 of the Act under the designation agreement during the grant period; and

(3) A statement of the amount of grant funds requested.

§ 123.204 Grant award.

(a) The Secretary will award a grant under this subpart to each agency which

(1) Is designated as a State Agency under a designation agreement;

(2) Has provided the assurance required by § 123.203(b)(2); and

(3) Otherwise meets the applicable requirements of the Act and of this subpart.

[1] Applications and instructions may be obtained from the Regional Health Administrator in the Regional Office of the Department of Health, Education, and Welfare for the region in which the State is located.

(b) The amount of any grant under this subpart will be computed as follows:

(1) The Secretary will allocate to each State the product of (i) the percentage which the State's population (as determined by the Secretary from the latest available estimate from the Department of Commerce) bears to the total of the populations of all the States (as so determined) and (ii) the amount of appropriated funds determined by the Secretary to be available for grants under this subpart, *Provided*, That (A) where the amount allocated to Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands as a result of such computation is less than one-half of one percent of the amount available for grants under this subpart, such allocation shall be increased to one-half of one percent of such amount and the allocation to other States reduced accordingly; and (B) where the amount allocated to any State not listed in clause (A) above as a result of such computation is less than one and one-fourth percent of the amount available for grants under this subpart, such allocation shall be increased to one and one-fourth percent of such amount and the allocations to other States reduced accordingly. The Secretary will make available and publish annually in the FEDERAL REGISTER a list of all the States and their populations as determined for purposes of this subpart.

(2) On the basis of the budget contained in the application and his estimate of the amount required by the State Agency to carry out its approved State administrative program under the designation agreement, and the cost of administration of the State medical facilities plan under Title XVI of the Act, the Secretary will estimate the operation costs of the State Agency during the grant period.

(3) The amount of each grant to a State Agency shall be the lesser of: (i) the amount of the allocation computed pursuant to paragraph (b)(1) of this section for the State for which such State Agency has been designated;

(ii) 75 percent of the estimated operation costs of the State Agency as determined by the Secretary pursuant to paragraph (b)(2) of this section; or

(iii) the amount requested by the State Agency in its application, *Provided*, That any appropriated funds remaining after the application of paragraph (b)(3) of this section shall, on a proportional basis, be applied to increase the grants of those State Agencies with respect to which the amount described in paragraph (i) is less than either of the amounts described in paragraphs (ii) and (iii), *Provided further*, That no State Agency may receive a grant which ex-

ceeds either 75% of its estimated operation costs or the amount requested in its application.

(4) Where a designation agreement with a State is entered into or renewed for a period of less than 12 months, the grant under this subpart will be an amount which bears the same ratio to the amount determined for such State in accordance with paragraph (b)(3) of this section as the period of such agreement bears to 12 months.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the State Agency.

§ 123.205 Grant payments.

The Secretary will from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved activity.

§ 123.206 Use of grant funds.

(a) Any funds granted pursuant to this subpart, as well as other funds required as a condition of the grant to be used in performance of the approved activity, shall be expended solely for the administration or the supervision of the administration of the State medical facilities plan under Title XVI of the Act and applicable regulations of the Secretary, for monitoring and enforcing assurances provided to the State by hospitals and other medical facilities which receive Federal assistance under Title VI of the Act, and for carrying out the State administrative program in accordance with Title XV of the Act, the applicable provisions of this Part, the designation agreement, any additional terms and conditions of the grant award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Funds granted pursuant to this subpart shall be available for obligation only during the period of the State Agency's designation agreement.

§ 123.207 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular, section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80). Nor shall any person be denied employment in or by the program or activity supported by a grant made pursuant to this subpart on the grounds of age, creed, sex, or marital status.

(b) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing section 504, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 84).

§ 123.208 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for non-Federal funds.* The agency shall account for all non-Federal funds expended during the grant period in carrying out the approved activities in accordance with procedures prescribed by the Secretary.

§ 123.209 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart.

§ 123.210 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of the award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interests of the public health, or the conservation of grant funds.

Subpart D—Statewide Health Coordinating Councils

§ 123.301 Purpose and scope.

Section 1524 of the Public Health Service Act provides that each State health planning and development agency shall be advised by a Statewide Health Coordinating Council. The regulations of this subpart are applicable to the establishment and operation of SHCC's.

§ 123.302 Establishment.

A SHCC may not be established in a State until health systems agencies have been designated for one-half or more of the health service areas which are located in whole or in part in the State.

§ 123.303 Composition.

Except as authorized by § 123.503, a SHCC shall be composed in the following manner:

(a) A SHCC shall have no fewer than 16 representatives appointed by the Governor of the State from lists of at least five nominees submitted to the Governor by each of the health systems agencies designated for health service areas which fall, in whole or in part, within the State.

(1) Each such health systems agency shall be entitled to the same number of representatives on the SHCC.

(2) Each such health systems agency shall be entitled to at least two representatives on the SHCC.

(3) Of the representatives of any health systems agency, not less than one-half shall be individuals who are consumers of health care and who are not providers of health care.

(4) Each such health systems agency shall submit to the Governor a list of nominees numbering at least twice the number of representatives to which the health systems agency is entitled, or five, whichever is greater; except that any health systems agency may, at its option and if the Governor so requests, submit a lesser number of nominees.

(b) In addition to the appointments made under paragraph (a) of this section, the Governor may appoint such persons (including State officials, public elected officials, and other representatives of governmental authorities within the State) to serve on the SHCC as he deems appropriate; except that

(1) the number of persons appointed to the SHCC under this paragraph may not exceed 40 per centum of the total membership of the SHCC; and

(2) a majority of the persons appointed by the Governor under this paragraph shall be consumers of health care who are not providers of health care.

(c) Not less than one-third of the providers of health care who are members of the SHCC shall be direct providers of health care.

(d) Where two or more hospitals or other health care facilities of the Veterans Administration are located in a State, the SHCC for such State shall, in addition to the other members appointed pursuant to this section, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans Administration shall have designated as a representative of such facilities. Such individual shall be considered a direct provider of health care for purposes of paragraph (c) of this section.

§ 123.304 Chairman and terms of membership.

(a) The SHCC shall select from among its members a chairman.

(b) The terms of SHCC members shall be of fixed length.

§ 123.305 Statewide health coordinating council rules.

The SHCC shall be governed by written rules which set forth the policies and procedures for the functioning of the SHCC and which, at a minimum:

(a) Provide that the SHCC will meet not less than once in each calendar quarter for the purpose of performing one or more of the functions described in § 123.306;

(b) Provide that all business meetings of the SHCC shall be open to the public. For purposes of this paragraph, "business meetings" are meetings at which a SHCC acts to carry out its functions under the Act;

(c) Set forth the manner in which members of the SHCC will be selected and replaced, which shall be consistent with the requirements of section 1524 of the Act and which shall include provisions for (1) removal of members for good cause only; and (2) replacement of members in the event of resignation, death, or removal; and

(d) Set forth requirements relating to conflict of interest, which shall be designed to preclude use of membership on the SHCC for purposes which are, or give appearances of being, motivated by private gain on the part of any individual.

§ 123.306 Functions.

A SHCC shall perform the following functions:

(a) Review annually the Health Systems Plan ("HSP") and Annual Implementation Plan ("AIP") of each health systems agency of a health service area located in whole or in part within the State and report to the Secretary, for purposes of his review under section 1535(c) of the Act, its comments on such HSP and AIP, at such times and in such form and manner as the Secretary may direct. The SHCC, after consultation with the State Agency and health systems agencies located in whole or in part within the State, shall establish a uniform analytical approach and format for HSPs.

(b) Prepare, and review and revise as necessary (but at least annually), a State health plan which shall be made up of the HSP's of the health systems agencies within the State. Such plan may, as found necessary by the SHCC, contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs. Where the State health plan does contain revisions of an HSP, the SHCC shall return the affected HSP to the appropriate health systems agency together with a statement of the revisions of the HSP that must be made by the agency.

(1) In the preparation and revision of the State health plan, the SHCC shall review and consider the preliminary State health plan submitted by the State Agency under section 1523(a)(2) of the Act and § 123.106(b)(2) and shall conduct a public hearing on the plan as proposed by the SHCC and shall give interested persons an opportunity to submit their views orally and in writing.

(i) Not less than 30 days prior to any such hearing, the SHCC shall publish in at least two newspapers of general circulation in the State a notice of its consideration of the proposed plan, the time and place of the hearing, the place at which interested persons may consult the plan in advance of the hearing, and the place and period during which to direct written comment to the SHCC on the plan.

(ii) At least 15 days prior to such publication, the SHCC shall provide a copy of the plan to the Governor for purposes of his review and comment.

(2) At such time and in such form and manner as the Secretary may prescribe, the SHCC shall provide to the Secretary a copy of its current State health plan.

(c) Following adoption of the State health plan, as part of its coordination of AIPs review the AIP of each health systems agency located in whole or in part within the State and recommend revisions to the AIP to ensure consistency with revisions of the HSP required by the SHCC.

(d) Review annually the budget of each health systems agency located in whole or in part within the State and report to the Secretary, for purposes of his review under section 1535(a) of the Act, is comments on such budget, at such time and in such form and manner as the Secretary may direct.

(e) Review applications submitted by such health systems agencies (or, in the case of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, the Northern Mariana Islands, and any other State which has been determined by the Secretary to meet the requirements of section 1536(a) of the Act, by the State Agencies of such States) for grants under sections 1516 and 1640 of the Act and report to the Secretary, at such time and in such form and manner as the Secretary may direct its comments on such applications.

(f) Advise the State Agency generally on the performance of its functions, including review and comment to the State Agency on its application for designation prior to its submission to the Secretary.

(g) Review annually and approve or disapprove any State plan and any application (and any revision of a State plan or application) submitted to the Secretary as a condition to the receipt of Federal funds, made available under allotments, in accordance with section 1524(c)(6) of the Act and applicable regulations of the Secretary.

(h) Review and approve or disapprove the State medical facilities plan prepared by the State Agency pursuant to section 1603 of the Act, on the basis of whether such State medical facilities plan is consistent with the State health plan prepared in accordance with paragraph (b) of this section.

(i) Where applicable, review and comment on State Agency actions described in § 123.502(a)(2) before such actions become final.

Subpart E [Reserved]

Subpart F—Special Provisions for States—Section 1536 of the Act

§ 123.501 Additional grants to certain State agencies

In addition to grants pursuant to section 1525 of the Act, a State Agency designated for the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, the Northern Mariana Islands, or any other State determined by the Secretary to meet the requirements of section 1536(a) of the Act may, where the State Agency agrees to meet the requirements of § 123.502, receive a grant under section 1516 of the Act and this subpart.

(a) *Application.* An application for a grant under this section must conform to the requirements of 42 CFR 122.203 and in addition shall include a detailed description of the functions under section 1513 of the Act which the applicant will perform during the period of the designation agreement, and the manner in which the State Agency proposes to carry out such functions.

(b) *Amount of the grant.* (1) Where a State Agency has entered into a Conditional Designation Agreement under § 123.105, the amount of the grant to the State Agency will be computed in accordance with 42 CFR 122.204(b) as if the State Agency were a conditionally designated health systems agency.

(2) Where a State Agency has entered into a Full Designation Agreement under § 123.106, the amount of the grant to the State Agency will be computed in accordance with 42 CFR 122.204(b) as if the State Agency were a fully designated health systems agency.

(c) *Population.* For purposes of determining the amount of the grant under this section, the population of a State will be determined by the Secretary in accordance with 42 CFR 122.205.

(d) *Assurance of expenditure of non-Federal funds.* A State Agency which qualifies for a grant under this section may receive an increased amount of grant funds in accordance with section

1516 of the Act and 42 CFR 122.204 where the State Agency provides assurance in accordance with 42 CFR 122.206 that it will expend or obligate non-Federal funds during the grant period for the purposes for which grants under this section may be made.

(e) *Grant payments.* Payments to a grantee of a grant award will be made in accordance with 42 CFR 122.207.

(f) *Use of grant funds.* Funds granted pursuant to this section, as well as other funds required as a condition of the grant to be used in performance of the approved activity, shall be expended in accordance with section 1516 of the Act, terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74. Such funds shall be available for obligation only during the period of the State Agency's designation agreement current at the time of the grant award.

(g) *Nondiscrimination.* The provisions of 42 CFR 122.209 shall apply to grants made under this section.

(h) *Grantee accountability.* The provisions of paragraphs (a) and (b) of 42 CFR 122.211 shall apply to grants made under this section.

(i) *Applicability of 45 CFR part 74.* The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants made under this section.

(j) *Additional conditions.* The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

§ 123.502 Additional requirements for State agencies.

In addition to the other provisions of this Part, the provisions of this section shall apply to a State Agency which receives a grant under section 1516.

(a) *Additional functions*—(1) *Conditional designation.* In the case of a State Agency designated pursuant to a Conditional Designation Agreement, the State Agency shall perform such of the functions prescribed by section 1513 of the Act and 42 CFR 122.107(c) as the secretary, in writing, directs it to perform in accordance with 42 CFR 122.106 (b) and (c), as though the State were a health service area and the State Agency a health systems agency for such area.

(2) *Full designation agreement.* In the case of a State Agency designated pursuant to a Full Designation Agreement, the State Agency shall perform the functions prescribed by section 1513 of the Act and 42 CFR 122.107(c), as though the State were a health service area and the State Agency a health systems agency for such area.

Provided, That: The requirements of section 1513(b)(2) of the Act and 42 CFR 122.107(c)(2) (relating to the development of a health systems plan); section 1513(f) of the Act and 42 CFR 122.107(c)(14) (relating to the review of new institutional health services proposed to be offered or developed); section 1513(g) of the Act and 42 CFR 122.107(c)(15) (relating to periodic review of all institutional health services); and section 1513(h) of the Act and 42 CFR 122.107(c)(16) (relating to recommendation of projects for modernization, construction and conversion of medical facilities) shall not apply for purposes of this section.

(b) *Review and comment by SHCC.* The State Agency shall afford the SHCC for such State a reasonable opportunity to review and comment upon the following actions by the State Agency before such actions are made final:

(1) The establishment, annual review, and amendment of the annual implementation plan ("AIP") as described in 42 CFR 122.107(c)(3);

(2) The development and publication of specific plans and programs for achieving the objectives established in the AIP, as described in 42 CFR 122.107(c)(6);

(3) The making of grants and contracts from the Area Health Services Development Fund pursuant to section 1640 of the Act, as described in 42 CFR 122.107(c)(9);

(4) The approval or disapproval of each proposed use of Federal funds within the State, as described in 42 CFR 122.107(c)(17).

(c) *State agency staff.* Notwithstanding any other provisions of this Part relating to State Agency staff, a State Agency to which this section is applicable shall have a staff which meets the requirements of 42 CFR 122.110. The Secretary may, for good cause shown upon application by any such State Agency, waive the requirements of 42 CFR 112.110 in whole or in part with respect to such agency. The requirements of section 1522(b)(4)(B) of the Act and § 123.104(b)(6) (relating to personnel standards on a merit basis) shall apply to each State Agency under this section.

§ 123.503 Special provisions for membership for SHCCs.

The membership of the SHCC shall number not less than 16 and shall be appointed by the Governor of such State in accordance with the provisions of 42 CFR 122.109(b), relating to the composition of the governing body of a health systems agency; *Provided,* That: In the case of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, or the Northern Mariana Islands any of the requirements of 42 CFR 122.109(b) may be waived by the Secretary upon the written request of the Governor supported by evidence sufficient to satisfy the Secretary that such requirement cannot be met or would, under the circumstances, be inconsistent with the purposes of the Act.

§ 123.504 Preliminary State health plan.

(a) In the case of a State Agency designated for the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands and any other State determined to meet the requirements of section 1536 of the Act, the preliminary State health plan shall be established after appropriate consideration of the recommended National Guidelines for health planning policy issued by the Secretary under section 1501, and the priorities set forth in section 1502, and shall be a detailed statement of goals (1) describing a healthful environment and health system in the area which, when developed, will assert that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; (2) which are responsive to the unique needs and resources of the area; and (3) which take into account and are consistent with the National Guidelines for health planning policy issued by the Secretary under section 1501 of the Act respecting supply, distribution and organization of health resources.

(b) For purposes of this part, the preliminary State health plan prepared pursuant to this section shall be deemed to be the health systems plan for the State.

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federal register

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FRIDAY, MARCH 10, 1978
PART V

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

■

EMPLOYEE RETIREMENT INCOME AND SECURITY

Annual Reporting Requirements; Final Regulations

[4510-29]

Title 29—Labor

CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Annual Reporting Requirements; Final Regulations

AGENCY: Department of Labor.

ACTION: Final regulations.

SUMMARY: These final regulations relate to the annual report that an employee benefit plan must prepare and file under the Employee Retirement Income Security Act of 1974. The report is filed with the Internal Revenue Service and copies are forwarded to the Department of Labor. The annual report is designed to inform these agencies about the year-to-year activities of the plan, particularly its yearly financial operations. A summary of the annual report must be disclosed by the plan to its participants and beneficiaries. These regulations also include rules specifying the dates when annual reports must be filed. Regulations concerning the preparation and disclosure of the summary annual report are not included in this document but will be published separately at a later date.

EFFECTIVE DATE: These regulations are generally effective for plan years beginning in 1977 and thereafter.

FOR FURTHER INFORMATION CONTACT:

Joe Bodnar, 202-523-7901, for questions relating to these regulations, or Mervyn Schwedt, 202-523-8769, for questions relating to the annual return/report forms.

SUPPLEMENTARY INFORMATION: The supplementary information section is divided into two parts. Part I, "Description of the Regulations," is a general, nontechnical description of what the regulations require. It is specifically written for the reader who is not a professional or an expert in the field of employee benefit plans. Part II, "Technical Explanation of the Regulations and Findings by the Department," contains discussions of the background and major issues involved, of significant differences between the annual report regulations published in the FEDERAL REGISTER on August 3, 1976 as temporary and proposed regulations, and November 29, 1977 as proposed regulations and the final regulations published here, and of substantive public comments on the proposals, as well as findings required by statute and detailed technical explanations of certain requirements.

PART I—DESCRIPTION OF THE REGULATIONS

GENERAL

Under the Employee Retirement Income Security Act of 1974 (ERISA) an employee benefit plan must prepare an annual report for the fiscal reporting year of the plan. The annual report is the document which informs the Department of Labor about the financial condition and activities of a plan. A copy of the annual report must be made available by the plan administrator, usually at the administrator's office or at the work site, for inspection by plan participants and beneficiaries. Copies of the report must be furnished upon request, although a reasonable charge may be assessed. Also, a summary of the annual report that is filed with the Department must be furnished to plan participants and beneficiaries. Final regulations concerning preparation and disclosure of the summary annual report are not contained in this document but will be published separately at a later date.

PREPARATION AND FILING

Annual reports must be prepared by all employee benefit plans unless specifically exempted by regulations issued by the Secretary of Labor. ERISA requires a copy of the annual report to be filed with the Secretary of Labor. The Department of Labor and the Internal Revenue Service have made arrangements to permit plans that are required to file annual reports and returns with both the Department and the Service to make a single filing with the Internal Revenue Service, starting with the plan year 1977 filings and thereafter. Microfiche copies of annual reports filed with the Internal Revenue Service will be forwarded to the Department of Labor.

The regulations permit a plan with 100 or more participants to prepare the annual report using Form 5500, "Annual Return/Report of Employee Benefit Plan," which is issued jointly by the Internal Revenue Service, Department of Labor and Pension Benefit Guaranty Corporation. Certain pension plans with fewer than 100 participants that cover self-employed individuals may use Form 5500-K, while all other plans with fewer than 100 participants that are not exempted from the annual reporting requirements may use Form 5500-C.

The regulations include requirements for the date by which the annual report must be filed. That date is generally seven months after the close of the plan year. The plan year is the 12-month period on the basis of which the plan's records are kept.

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The information that is required to be included in the annual report is primarily of a financial nature, such as a statement of assets and liabilities and income and expenses. In addition to the information required on Forms 5500, 5500-C and 5500-K, plans are required to include certain financial schedules, among which are a schedule of assets held for investment, a schedule of certain transactions with persons who are "parties in interest" with respect to the plan, a schedule of obligations in default, a schedule of leases in default, and a schedule of "reportable transactions." Reportable transactions, which are defined in these regulations, are certain transactions that involve a significant portion of a plan's assets.

ERISA requires an employee benefit plan to engage an accountant to examine the plan's financial statements and to prepare a report containing an opinion with respect to the financial condition of the plan. The accountant's report must be included in the annual report. Under these regulations, the scope of the accountant's opinion is generally not required to extend to information certified by certain financial institutions such as banks and insurance companies. The accountant's report is waived for employee pension and welfare benefit plans with fewer than 100 participants. In addition, these regulations provide that certain pension plans funded through allocated insurance contracts, prusuant to which benefit payments are guaranteed by an insurance company, and certain welfare plans that are unfunded or fully insured, are not required to engage an accountant and are exempt from completing certain financial items on the annual report form.

Some banks and insurance companies maintain funds in which assets belonging to a number of plans—generally pension plans—are pooled for investment. Funds of this type maintained by banks are referred to as common or collective trusts, while those maintained by insurance companies are referred to as pooled separate accounts. These regulations provide simplified reporting of certain financial information concerning assets placed by a plan in a common or collective trust maintained by a bank or a pooled separate account maintained by an insurance company. For example, plans need only file a statement of assets and liabilities of the trust or account and disclose the value of the plan's units of participaion to satisfy the plan's reporting obligation regarding the assets held in such trust or account.

In order to prepare an annual report, a plan administrator may find

it necessary to collect information from a number of sources, such as banks, insurance companies and other organizations that provide services to employee benefit plans. The regulations provide that such organizations must furnish needed information to plan administrators to enable them to prepare their annual reports in a timely manner.

EXEMPTIONS

Under these regulations, certain welfare plans which are either unfunded or fully insured or are partially unfunded and partially insured and have fewer than 100 participants are exempt from all annual reporting requirements and certain other reporting and disclosure obligations. The exemption is available if certain conditions are met, including the requirement that benefits under these plans are paid directly from the general assets of the employer or employee organization maintaining the plan or are provided by an insurance company through an insurance contract or policy.

Some welfare plans are part of a group insurance arrangement under which fully insured benefits are provided to employees of more than one employer but premiums for the group insurance contracts or policies are collected by a trust or other entity, such as a trade association, which also holds the contracts or policies. If the trust or other entity filed an annual report on behalf of the participating plans in the arrangement and other conditions are met, the participating welfare plans are exempt from requirement to file an annual report. Such plans, however, are not exempt from the requirement to prepare a summary annual report and to furnish it to plan participants and beneficiaries.

DRAFTING INFORMATION

The principal drafter of these regulations was Roger J. Thomas of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor. However, persons from other offices of the Department participated in developing the regulation.

PART II—TECHNICAL EXPLANATION OF THE REGULATIONS AND FINDINGS BY THE SECRETARY

BACKGROUND

On August 3, 1976, regulations relating to the annual reporting requirements under the Act were published in the FEDERAL REGISTER (41 FR 32522). The regulations were both temporary regulations effective immediately for plan years beginning in 1975 and proposed regulations for final adoption. On May 6, 1977, the Department announced that the annual reporting regulations which were effective for 1975 plan years would also be effective for 1976 plan years (USDL 77-417). On November 29, 1977, the Department published in the FEDERAL REGISTER (42 FR 60899) proposed revisions in the annual reporting requirements that were designed to reduce certain reporting burdens.

The annual reporting regulations contained in this document are final regulations and, except where otherwise specifically noted, are effective for plan years beginning in 1977 and thereafter. Regulations relating to summary annual reports—§§ 2520.104b-10 and 2520.104b-11—which were published on August 3, 1976 as part of the annual reporting requirements are not contained in this document and will be published at a later date. It should be noted that §§ 2520.104-20 and 2520.104-21, which were published in final form in the FEDERAL REGISTER (40 FR 34526) on August 15, 1975, are also contained in this document because certain conforming changes have been made to those sections.

Certain sections of the annual reporting regulations are statutory interpretations of section 103 of the Act; the other sections of the regulations pertain to an alternative method of compliance for pension plans and to a limited exemption for welfare plans. Only plans which utilize the alternative method of compliance or limited exemption can rely upon those sections of the regulations which relate to the content of the annual report—§§ 2520.103-1, -2, -6, -10 and -11. Those sections of the regulations that do not relate to the content of the annual report are statutory interpretations which apply to all plans required to file an annual report. Plans following the statutory scheme of annual reporting in section 103 of the Act, rather than the alternative method or limited exemption set forth in the regulations, must comply with all the statutory reporting requirements.

§ 2520.103-1

Under this section, employee benefit plans with 100 or more participants are permitted to file an annual report in accordance with the provisions of section 103 of the Act, or in accordance with a limited exemption or alternative method of compliance authorized under sections 104(a)(3) and 110, respectively, of the Act. The content of the annual report (on Form 5500) for plans electing the limited exemption or alternative method of compliance is described in paragraph (b) of this section. Under the authority of section 104(a)(2)(A) of the Act, the section also provides that plans with fewer than 100 participants must file an annual report consisting of a Form 5500-C or 5500-K and any schedules required by the instructions to the forms, in accordance with § 2520.104-41.

The limited exemption or alternative method of compliance for plans with 100 or more participants permits such plans to fulfill their annual reporting obligation under section 103 of the Act by filing an annual report containing the following: A completed Form 5500, including applicable schedules of insurance or actuarial information and the schedules called for by Item 22(a) of Form 5500, a report by an independent qualified public accountant, and separate financial statements if prepared in order for the plan's accountant to form the opinion required by § 2520.103-1(b)(5).

In response to comments, § 2520.103-1 has been revised to make clear that the accountant may render an opinion with respect to the financial information in Form 5500 or in separate financial statements, but if separate financial statements are prepared, the financial information required by Items 13 and 14 of Form 5500 still must be completed by the plan administrator. If the plan's accountant chooses to prepare separate financial statements, the section also prescribes the content of those statements.

In those cases where a plan files separate financial statements, § 2520.103-1(b)(3) has been revised to include a requirement that the notes to the financial statements contain an explanation of the differences, if any, between the information in the separate financial statements and the information contained in Items 13 and 14 of Form 5500. The section also has been revised to make clear that the notes to the financial statements must be prepared whether the accountant's report is rendered with respect to the financial information in the Form 5500 or with respect to the separate financial statements.

The accountant's report must state whether the audit was made in accordance with generally accepted auditing standards and must designate any auditing procedures deemed necessary by the accountant which have been omitted and the reasons for their omission. In addition, the accountant's report must contain the opinion of the accountant with respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected in such report. The report must also contain the opinon of the accountant as to the consistency of the application of the accounting principles with the application of such principles in the preceding year, or as to any changes in such principles which have a material effect on the financial statements of the plan. Further, the accountant's report must identify any matters to which the accountant takes exception, and to

the extent practicable, the effect on the financial statements of the matters to which he has taken exception. Finally, the report must indicate whether the matters to which the accountant takes exception are the result of Department of Labor regulations.

The following findings, pursuant to section 110 of the Act, are made with respect to the promulgation of § 2520.103-1 as an alternative method of fulfilling the annual reporting requirements of section 103 of the Act for pension benefit plans:

1. The alternative method of compliance is consistent with the purposes of title I of the Act, and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. The essential information required by section 103 of the Act is reported and disclosed under the alternative method of compliance, while duplicative requirements are merged to provide a clearer portrayal of the financial activity and status of pension benefit plans.

2. The alternative method of compliance relieves plans subject to the annual reporting requirements from increased costs and unreasonable administrative burdens. The alternative frees plans which elect it from duplicative auditing requirements and simplifies the content of the annual report in general.

3. Finally, the alternative method of compliance is not adverse to the interests of participants and beneficiaries in the aggregate, because the alternative preserves all of the basic financial reporting features of section 103 of the Act, while at the same time restructuring the content to produce a more efficient and understandable report.

In accordance with the authority to promulgate a limited exemption for employee welfare benefit plans under section 104(a)(3) of the Act, the Secretary has found that the reporting and disclosure requirements of section 103 of the Act are inappropriate as applied to welfare benefit plans.

§ 2520.103-2

Under § 2520.104-43, welfare plans participating in a group insurance arrangement may be exempted from filing an annual report provided that the trust, trade association, or other entity which holds the insurance contracts and acts as a conduit for the insurance premiums files an annual report for the entire arrangement. Section 2520.103-2 prescribes the contents of the annal report to be filed by the trust, trade association, or other entity in order for a plan to be eligible for the exemption described in § 2520.104-43.

The annual report required to be filed under § 2520.103-2 must contain the following: A completed Form 5500 including the insurance schedule and the schedules necessary to complete Item 22(a) of Form 5500, a report by an independent qualified public accountant, and separate financial statements if prepared by the accountant in order to form the opinion required by § 2520.103-2(b)(5).

In response to comments, the section has been revised to make clear that the accountant may render an opinion with respect to the financial information in Form 5500 or in separate financial statements, but that if separate financial statements are prepared, the financial information required by Items 13 and 14 of the Form 5500 still must be completed by the plan administrator. Where the plan's accountant chooses to prepare separate financial statements in order to form the opinion required by § 2520.103-2(b)(5), the section also prescribes the content of those statements.

In those cases where a plan files separate financial statements, § 2520.103-2(b)(3) has been revised to include a requirement that the notes to the financial statements contain an explanation of the differences, if any, between the information in the separate financial statements and the information contained in Items 13 and 14 of Form 5500. The section also has been revised to make clear that the notes to the financial statements must be prepared whether the accountant's report covers the financial information contained in the Form 5500 or in separate statements.

The accountant's report must state whether the audit was made in accordance with generally accepted auditing standards. In addition, the accountant's report must contain the opinion of the accountant with respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected in such report. The report must also contain the opinion of the accountant as to the consistency of the application of the accounting principles with the application of such principles in the preceding year. Further, the accountant's report must identify any matters to which the accountant takes exception and to the extent practicable, the effect of the matters to which he has taken exception on the financial statements. Finally the report must indicate whether the matters to which the accountant takes exception are the result of Department of Labor regulations.

§ 2520.103-3

Pursuant to the authority granted in section 103(b)(3)(G) of the Act, § 2520.103-3 provides an exemption from certain annual reporting requirements relating to plan assets held in a common or collective trust maintained by a bank, trust company, or similar institution. Under § 2520.103-3, a plan with assets in such a trust need only include the following financial information in the annual report: The value of the plan's units of participation in the trust, transactions involving the acquisition and disposition by the plan of units of participation in the trust, if otherwise required to be reported, and a statement of the assets and liabilities of the trust. A plan administrator is not required to report any information with respect to transactions engaged in by the bank involving the assets of the trust.

Proposed § 2520.103-3 defined a common or collective trust as a trust maintained for the collective investment and reinvestment of assets contributed to such trust *by the bank in its capacity as trustee, executor, administrator or guardian.* (Emphasis added.) Comments noted that assets contributed to a common or collective trust may not necessarily be contributed by the bank in its capacity as trustee, executor, administrator, or guardian. In response to these comments, the italicized language has been deleted. In addition, certain changes have been made in § 2520.103-3 to make it clear that the statement of assets and liabilities of the common or collective trust that is required to be attached to the plan's annual report must relate to the fiscal year of the trust ending with or within the plan year for which the annual report is made. These changes are discussed more fully in the section of the preamble relating to § 2520.103-9.

Under § 2520.103-3 the annual reporting exemption applies only to assets held in a common or collective trust maintained by a bank, trust company, or similar institution regulated and supervised and subject to periodic examination by a State or Federal agency. The term "common or collective trust" is defined to mean a trust which consists of the assets of two or more participating entities, and plans of a controlled group of corporations are treated as a single participating entity in a common or collective trust.

Some of the comments received by the Department suggested that the annual reporting exemption for assets held in a common or collective trust should be extended to situations where assets of plans maintained by a single employer or by members of a controlled group of corporations are held in a single trust that is maintained by a bank, trust company, or similar institution. These suggestions were not accepted. Where a trust maintained by a bank consists solely of the assets of plans of a single employer or members of a controlled group of corporations, the likelihood that investment decisions regarding the assets held in such trusts will be

subject to the influence of the single employer or the controlled group is greater than where such a trust consists of assets of unrelated participating entities. Thus, where a trust consists solely of the assets of plans maintained by a single employer or by members of a controlled group of corporations, it would not be in the interests of plan participants to exempt such plans from the requirements to furnish detailed information regarding their financial activities. Other comments suggesting that § 2520.103-3 should apply to a pooled investment trust not maintained by a bank, trust company, or similar institution were also not accepted because such a trust is not covered by section 103(b)(3)(G) of the Act, which is the statutory basis for § 2520.103-3. The instructions accompanying the Annual Return/Report Forms, 5500 Series, however, provide guidance for plans with assets in a trust that includes assets of more than one plan of a single employer or members of a controlled group of corporations but does not meet the requirements for the exemption set forth in § 2520.103-3 (such as a so-called "master trust").

§ 2520.103-4

Under the authority of section 103(b)(3)(G), § 2520.103-4 provides an exemption from certain annual reporting requirements relating to plan assets held in a pooled separate account maintained by an insurance carrier. This exemption is similar to the exemption provided in § 2520.103-3 for plans whose assets are held in a common or collective trust. Under § 2520.103-4 a plan with assets in a pooled separate account need only include the following financial information in the annual report: the value of the plan's units of participation in the account; transactions involving the acquisition and disposition by the plan of units of participation in the account, if otherwise required to be reported; and a statement of the assets and liabilities of the account. Certain changes have been made in § 2520.103-4 to clarify the date as of which the statement of assets and liabilities of the pooled separate account that is required to be filed in conjunction with the plan's annual report must be prepared. These changes are discussed more fully in the preamble relating to § 2520.103-9.

Under § 2520.103-4 the annual reporting exemption applies only to assets held in a pooled separate account maintained by an insurance carrier regulated and supervised and subject to periodic examination by a State agency. Paragraph (b) of the section has been revised to define the term "pooled separate account" to mean an account which consists of the assets of two or more participating entities. This definition was added in response to comments to clarify that a pooled separate account need only contain the assets of two participating entities to meet the requirements of the section, which is consistent with the treatment of common or collective trusts in § 2520.103-3. Comments also requested clarification concerning the treatment of plans of a controlled group of corporations and suggested that such plans be treated under § 2520.103-4 in the same manner as they are treated under § 2520.103-3. Based on these comments, the definition provides that plans a controlled group of corporations are to be treated as a single participating entity in a pooled separate account.

Some of the comments received by the Department urged that the exemption from annual reporting should cover situations where the assets of a plan or plans maintained by a single or controlled group of employers are held in a separate account consisting solely of the assets of such plan or plans. These comments were not accepted. Where a separate account consists solely of the assets of plans maintained by a single employer or by members of a controlled group of corporations, the likelihood that investment decisions regarding the assets held in such an account will be subject to the influence of the single employer or the controlled group is greater than where such an account consists of assets of unrelated participating entities. Thus, where a separate account consists solely of the assets of plans maintained by a single employer or by members of a controlled group of corporations, it would not be in the interests of plan participants to exempt such plans from the requirements to furnish detailed information regarding their financial activities.

§ 42520.103-5

Section 2520.103-5 implements section 103(a)(2) of the Act. Section 103(a)(2) of the Act requires an insurance carrier or other organization which provides some or all of the benefits under a plan or holds plan assets, a bank or similar institution which holds plan assets, or a plan sponsor to transmit and certify to the accuracy and completeness of such information as is needed by the plan administrator to comply with the requirements of Title I of the Act.

Section 2520.103-5 sets forth the information which must be provided to the plan administrator and requires that the information be transmitted within 120 days of the close of the plan year.

Several comments suggested that requiring banks and insurance companies to certify as to the completeness of the information furnished may be interpreted to cover information not required by § 2520.103-5. The section has been revised to make clear that the certification as to accuracy and completeness only covers the information required to be reported by this section. It should be noted that the language suggested in the section for the certification is only an example. Any other signed statement which assures the accuracy and completeness of the information required by subparagraph (c) of the section may be used. The certification need not be sworn to or notorized.

To conform this section to current revisions in §§ 2520.103-3 and 2520.103-4 regarding the annual statement of assets and liabilities for a common or collective trust or pooled separate account required to be included in the plan's annual report or filed directly by the bank or insurer, the section has been revised so that the annual statement of assets and liabilities for the fiscal year of the account or trust shall be for the fiscal year that ends with or within the plan year for which the annual report is made.

§ 2520.103-6

This section is applicable to the schedule of reportable transactions required by item 22(a)(v) of Form 5500 as described in § 2520.103-10(b)(6). Plans which use the alternative method of compliance or limited exemption prescribed in § 2520.103-1(b) or §2520.103-2(b) must use the definitions in this section for purposes of preparing the above schedule.

Reportable transactions as defined in this section consist of four separate categories of transactions: first, a single transaction in excess of 3 percent of the current value of plan assets; second, a series of transactions with or in conjunction with the same person, involving property other than securities, which amount in the aggregate to more than 3 percent of the current value of plan assets; third, a series of transactions with respect to securities of the same issue which amount in the aggregate to more than 3 percent of the current value of total plan assets; and fourth, any transaction with respect to securities with or in conjunction with a person if a prior or subsequent single transaction has occurred with respect to securities with or in conjunction with that same person in an amount in excess of 3 percent of the current value of plan assets, unless specifically excluded by this section.

A number of comments were received with respect to the section as published on August 3, 1976, requesting clarification as to the applicability of the reporting requirements of this section to plans whose assets are held in a common or collective trust maintained by a bank or pooled separate account maintained by an insurance

company. Paragraph (a) has been revised and a new paragraph (c)(3) has been inserted to make clear that such plans are exempt from reporting individual transactions of the common or collective trust or pooled separate account.

In response to comments, an example has been added to paragraph (e)(3) to clarify that a simultaneous sale by a plan of property which is not a security (e.g., real estate) and a loan by the plan to the purchaser of the property is to be treated as two separate transactions that must be aggregated to determine whether a series of transactions with the same person exceeds 3 percent of the current value of plan assets.

On November 29, 1977, the Department proposed to reduce significantly the reporting of securities transactions triggered by a 3 percent transaction under § 2520.103-6(c)(1)(iv) (42 FR 60899). Except as noted below, the revisions have been adopted as proposed. The revised section eliminates the reporting requirements triggered by a 3 percent transaction if the 3 percent transaction or any prior or subsequent transaction involves certain types of temporary investments or the transaction which is triggered involves purchases or sales of listed and certain publicly traded securities. The changes are limited to triggered transactions covered by § 2520.103-6(c)(iv); the changes would not relieve plans of the reporting obligations set forth in § 2520.103-6(c)(1)(i)-(iii).

The reduced reporting burden is accomplished by narrowly defining the term "securities" solely for purposes of § 2520.103-6(c)(iv). The definition excludes from the reporting requirement of § 2520.103-6(c)(iv) investments involving transactions meeting two criteria: (1) The transactions must be effected through one of four enumerated categories of financial institutions subject to Federal and/or State regulation; and (2) the transactions must fall within one of seven enumerated categories of temporary investments. If a 3 percent transaction meets these two criteria, it must be reported but it will not trigger the reporting requirements of § 2520.103-6(c)(iv).

The section also contains a restricted definition of the phrase "with or in conjunction with a person" contained in § 2520.103-6(b)(3)(ii) solely for purposes of § 2520.103-6(c)(iv). The definition excludes from the category of transactions "with or in conjunction with a person" any transaction that meets the following three criteria: (1) The broker-dealer who engages in the transaction is registered under the Securities Exchange Act of 1934; (2) the security is listed on a national securities exchange or quoted on NASDAQ; (3) the broker-dealer does not purchase or sell the security for its own account or the account of an affiliated person. Thus, any 3 percent transaction in such security must be reported, but the transaction will not trigger the reporting requirements of § 2520.103-6(c)(iv) if the three conditions described above are met with respect to the other securities transactions effected for the plan by the same broker-dealer.

One comment requested that with respect to the excluded category in paragraph (2)(ii)(C) of "interests issued by a company registered under the Investment Company Act of 1940" (i.e., mutual fund shares), that the phrase "which invests primarily in securities with a maturity of not more than one year" be deleted. The comment indicated that many different types of mutual funds are suitable for short term investment and therefore the reduced reporting also should be available for mutual funds that do not invest in short term securities. The comment also noted that the limitation on fund investment for reporting purposes represented an unjustified disparity between the mutual fund industry and the banking and insurance industries because the section did not contain any limitation on the portfolio composition of bank common or collective trusts or insurance company pooled separate accounts. In response to this comment, the section has been revised so that the reduced reporting is equally available for any investment in mutual fund shares.

Several comments suggested that the categories of investments that do not trigger the reporting of other transactions be expanded to include such investments as bankers acceptances, time deposits, variable amount notes, commerical paper not rated in the highest category by two rating services, long term investments with a maturity of less than one year from the date of acquisition and mortgage backed pass through certificates issued by governmental entities. The Department has decided not to accept these comments at this time but does intend to monitor the reduced reporting provisions to determine whether additional changes should be made for subsequent plan years.

Several comments suggested that the revised reporting requirements provided under paragraph (c)(1)(iv) should be extended to the aggregation of securities transactions under paragraph (c)(1)(iii). These comments were not adopted. The revised requirements of paragraph (c)(1)(iv) are intended only to reduce the reporting of prior or subsequent transactions if a 3 percent transaction in securities with the same person has occurred and not to reduce or eliminate the reporting of a transaction or a series of transactions in securities which exceeds 3 percent of plan assets.

Another comment noted that financial institutions that collect information with respect to plan transactions and provide that information to plan administrators may not have sufficient time to revise their data processing systems in order to take advantage of the reduced reporting requirements for plan years commencing in 1977, and suggests that the changes not be effective for 1977 plan years. The Department will not delay the effective date of these changes. However, plan administrators can furnish, for the 1977 plan year, reportable transaction data which includes those transactions which would otherwise be excluded under the revised regulation.

Finally, paragraph sections of the regulation have been renumbered in accordance with the appropriate format for regulations.

New examples have been added in paragraphs (e) (4), (5), (6), and (7) to illustrate the operation of the revisions to these paragraphs.

It should be noted that with respect to both the interim regulations published on August 3, 1976, and these final regulations, the aggregation of transactions involving securities, which is required under § 2520.103-6(c)(1)(iii), is to be on the basis of issue rather than issuer. The Department believes that such aggregation would be more useful to the Department for purposes of monitoring plan activity under the Act, as well as less burdensome to plans and financial institutions. Reporting three percent series transactions involving securities of the same issue, rather than issuer, will also decrease the number of transactions reportable on the separate schedule because only purchases and sales of a particular type of security, e.g., XYZ common stock rather than all types of XYZ securities, will be aggregated.

Plans which report such securities transactions on the separate schedule need only provide certain aggregate information relevant to the series of securities transactions. The specific information to be furnished includes the total number of purchases of such securities made by the plan within the plan year, total number of sales, total dollar value of purchases, total value of sales, and the net gain or loss as a result of these transactions. This approach is simpler and less burdensome to plans while providing information which is relevant.

§ 2520.103-7

Section 2520.103-7 establishes special accounting rules for certain plans filing an annual report under the Act for the plan year beginning in 1975. This section remains unchanged from the temporary version. The special accounting rules prescribed by the section, which do not apply to plan years

beginning after 1975, vary according to the type of plan. Plans with 100 or more participants and trusts filing an annual report for a group insurance arrangement in accordance with §§ 2520.104–43 and 2520.104a–6 which file an annual report for the plan year beginning in 1975, may only use the special accounting rules described in this section if the plan has adopted the limited exemption/alternative method of compliance of §§ 2520.103–1(b) or 2520.103–2(b). Such plans are not required to: (1) Display at current value plan assets and liabilities in comparative form as of the end of the previous plan year or the beginning of the plan year subject to the initial annual report, (2) engage an accountant to examine the plan's financial statements for the preceding plan year, or (3) provide an accountant's opinion regarding the consistency of the initial plan year's financial statements with the preceding plan year's financial statements.

All plans with fewer than 100 participants which file an annual report for the plan year beginning in 1975 are not required to display at current value plan assets and liabilities in comparative form as of the end of the previous plan year or the beginning of the plan year which is covered by the initial annual report. (Plans with fewer than 100 participants are exempt under § 2520.104–46 from the requirement to engage an accountant to examine the plan's financial statements and prepare an accountant's report.)

The following findings are made with respect to the promulgation of § 2520.103–7 as an alternative method of compliance under section 110 of the Act for pension plans which cover fewer than 100 participants at the beginning of the plan year:

1. The special accounting rules are consistent with the purposes of Title I of the Act, and provide adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. Because plans filing an initial annual report for the plan year beginning in 1975 may not have previously maintained their financial books and records on the basis of current value, a requirement to include a statement of assets at current value as of the beginning of the plan year would be unduly burdensome.

2. Requiring small plans to obtain a current valuation of all plan assets for the beginning of the 1975 plan year would result in increased costs for an appraisal. These increased costs and the administrative burden of preparing beginning of the year balances at current value would be adverse to the interests of participants and beneficiaries in the aggregate.

§ 2520.103–8

Under section 2520.103–8, which interprets and implements section 103(a)(3)(C) of the Act, the examination and report of the independent qualified public accountant need not address any statement or information regarding plan assets held by a bank or insurance carrier, which is regulated and supervised and subject to periodic examination by a State or Federal agency, provided that the statement or information is transmitted and certified to the plan administrator in accordance with § 2520.103–5. Plan assets held in any type of bank or insurance carrier trust or account, including separate trusts, common or collective trusts, custodial accounts and pooled or individual separate accounts, are included.

Some comments indicated that the section is not clear with respect to the nature and extent of the information which may be excluded from the scope of an examination by an independent qualified public accountant. Section 2520.103–8 provides that an opinion that must be rendered by an accountant need not be expressed as to any statements required by § 2520.103–5, which are prepared and certified to by a bank or similar institution or insurance carrier regulated and supervised and subject to periodic examination by a State or Federal agency. Section 2520.103–5 sets forth the information that may be transmitted and certified to by a bank or similar organization or an insurance carrier. Information which is required to be provided under § 2520.103–5 and which is transmitted and certified to the administrator of a plan pursuant to that section need not be covered in the accountant's examination and report of that plan in the annual report.

Other comments requested clarification as to whether a plan is required to engage an independent qualified public accountant when all its assets are held and certified to by a bank or insurance company. If a plan is required under § 2520.103–1 to engage an accountant to render an opinion with respect to the financial statements of the plan, an exemption is not provided under § 2520.103–8 and section 103(a)(3)(C) of the Act from such requirements solely because the plan's assets are held by a bank or insurance company and certification has been provided under § 2520.103–5. However, the examination by the accountant and the scope of the accountant's opinion would, in such circumstances, be limited as a result of the applicability of this section.

Finally, comments requested clarification as to the applicability of this section to plans sponsored by a bank or insurance company for its own employees when the bank or insurance company prepares and certifies such information to the plan administrator. Section 2520.103–5 does not distinguish between plans of a bank or insurance company and plans of unrelated parties so long as the bank or insurance company is regulated by a State or Federal agency. Accordingly, the limitation provided by 2520.103–8 would apply to a plan of a bank or insurance company provided the requirements of § 2520.103–5 are satisfied. The Department, however, intends to monitor the operation of this limitation as it applies to plans of a bank or insurance company to determine whether there is a sufficient potential for abuse in such circumstances to justify making this limitation inapplicable to those plans.

§ 2520.103–9

Section 2520.103–9 implements section 103(b)(4) of the Act, which authorizes the Secretary to relieve plans with assets held in whole or in part in a common or collective trust fund or a pooled separate account from filing a statement of assets and liabilities of such trust or account as required under section 103(b)(3)(G) of the Act if the bank or insurance carrier files a statement of assets and liabilities of the trust or pooled separate account directly with the Secretary prior to the date on which the plan is required by § 2520.104a–5 or § 2520.104a–6 to file its annual report.

One comment urged clarification with respect to the requirement set forth in § 2520.103–9 that the annual statement of assets and liabilities of the common or collective trust or pooled separate account to be filed with the Secretary and furnished to the plan administrator be the most recent such statement. The comment stated that § 2520.103–9 could be interpreted in conjunction with section 103(a)(2) of the Act and § 2520.103–5 to require that in situations where the fiscal year of the common or collective trust or pooled separate account ends between the end of the plan year and the date on which the plan's annual report must be filed with the Secretary, the bank or insurance carrier maintaining the trust or account complete the annual statement and furnish it to the plan administrator within a shorter period than the 120-day period after the end of the plan year that is generally allowed under section 103(a)(2) and § 2520.103–5 for transmittal and certification by a bank or insurance carrier of information maintained by such bank or carrier. The same comment is also applicable to the exemptions from certain annual reporting requirements set forth in § 2520.103–3 and § 2520.103–4 for assets held in a common or collective trust and for assets held in an insurance company pooled separate account, respectively.

Sections 2520.103–3, 2520.103–4 and 2520.103–9 have been revised to make clear that the statement of assets and

liabilities of the common or collective trust or pooled separate account must relate to the fiscal year of such account or trust that ends with or within the plan year for which the annual report is made. Thus, the shortest period allowed for completion and transmittal to the plan administrator of the annual statement of the assets and liabilities of the trust or separate account is 120 days, in the situation where the plan year of the plan and the fiscal year of the trust coincide.

The statement of the assets and liabilities of the trust or account must be filed with the Secretary no later than the date on which the annual report of the plan must be filed under section 104(a)(1)(A) of the Act and § 2520.104a-5.

Conforming changes have been made in §§ 2520.103-1, 2520.103-2, and 2520.103-5.

Another comment suggested that the requirement of § 2520.103-9(b)(2)(i)(B) that the bank or insurance carrier maintaining the common or collective trust or pooled separate account must file with the Secretary a list of all plans, assets of which are held in the common or collective trust or pooled separate account, should be eliminated because of the administrative difficulties created by the preparation of such a list. This suggestion has been rejected because the list of plans with assets in the trust or account is necessary for the Department and the Internal Revenue Service to make effective use of the information in the annual statement of assets and liabilities of the trust or account. However, to assist the trustee or insurance carrier in preparing the required list, the section has been revised to require the administrator of a plan with assets in the trust or account to provide the trustee of the trust or the insurance carrier maintaining the account the plan number as on the Annual Return/Report Form and the name and EIN of the plan sponsor.

§ 2520.103-10

Section § 2520.103-10 details the format and content of the schedules which are necessary to complete Item 22(a) of Form 5500, and required to be included with the annual report pursuant to the limited exemption and alternative method of compliance prescribed in §§ 2520.103-1(b) and 2520.103-2(b). The format and content of the schedules are prescribed in § 2520.103-10 pursuant to authority granted by section 109(c) of the Act. An additional schedule of assets acquired and disposed within a plan year has been added to reflect the adoption of new § 2520.103-11.

§ 2520.103-11

Under section 103(b)(3)(C) of the Act, an employee benefit plan must include in its annual report a schedule of all "assets held for investment purposes * * *." No regulation has previously been adopted to interpret or implement this provision.

The 1975 Annual Report forms had provided that the schedule of "assets held for investment purposes" should include only those assets held for investment by the plan at the end of the plan year. This interpretation of the language in section 103(b)(3)(C) was criticized in comments on two grounds. First, the comments suggested that this interpretation did not comport with the legislative intent behind the reporting requirements of the Act. Second, the comments argued that plans could circumvent the reporting requirements of the Act by purchasing assets early in the plan year and selling those assets before the end of the plan year. The instructions for the 1976 Annual Report forms did not include the reference to plan assets held for investment at the end of the plan year.

The Department received comments which noted that the reporting of every investment asset held during the plan year imposed a heavy reporting burden on plans. The comments emphasized that under this interpretation of section 103(b)(3)(C), a plan would have to report all temporary investments used for the legitimate function of cash management and report investments already listed on other schedules in the annual report.

After consideration of these comments, the Department decided to revise the reporting of assets held for investment by proposing § 2520.103-11. The final regulation, which is unchanged, except as explained below, from the proposed version published on November 29, 1977, will require the reporting of all assets held for investment purposes by a plan at the end of the plan year, plus a limited category of assets purchased during the plan year and sold before the end of the plan year. These reporting requirements would be implemented by narrowly defining the phrase "assets held for investment purposes" in section 103(b)(3)(C) of the Act to exclude certain types of investments.

Under the final regulation, the investment transactions during the plan year that would not have to be reported would be purchases and sales of U.S. Government securities, instruments for short term money management, (such as interests in mutual funds and short term commercial paper ranked in the highest rating category), and securities listed on a national securities exchange or quoted on NASDAQ if purchased from a person registered as a broker-dealer under the Securities Exchange Act of 1934. The potential for abuse and the need for reporting appears to be relatively low for these investments because such investments are effected through financial institutions subject to recordkeeping requirements by Federal and/or State agencies and are in securities which are generally traded in established markets. On the other hand, these factors generally are not present in those cases where plans make investments such as real estate, mortgages, loans and securities which are not listed on a national securities exchange or quoted on NASDAQ. Records concerning such investments are not readily accessible and such investments generally do not have a readily ascertainable market value.

It also appears unnecessary and duplicative for plans to report on the schedule of assets held for investment, those investments that would appear on other schedules in the annual report. For example, if a plan purchases and sells unlisted securities from a party in interest during the plan year such transactions will be reported in the schedule required by § 2520.103-10(b)(3) if they are not exempt from the prohibited transaction provisions of the Act. Accordingly, the section would exclude from the requirement to report assets held for investment, transactions reported on the other schedules required by § 2520.103-10.

One comment urged that one of the categories of investments that does not have to be reported—securities of a company registered under the Investment Company Act of 1940 that invests primarily in short term securities—be expanded to include securities of all mutual funds. The comment was accepted for the reasons set forth in the preamble to § 2520.103-6.

Other comments suggested that the category of investments that does not have to be reported if acquired and sold within the plan year be expanded to include investments in time deposits, bankers acceptances, variable amount notes, commercial paper not ranked in the highest rating category and mortgage backed pass through certificates. The Department has decided, at this time, not to accept these comments but intends to monitor the reporting of assets held for investment to determine whether further relief from reporting for subsequent plan years is appropriate.

Plans which elect to use the alternative method and limited exemption for filing the annual report provided in § 2520.103-1 or § 2520.103-2 would be able to rely on the definition of assets held for investment set forth in § 2520.103-11(b) for the preparation of the appropriate schedule under § 2520.103-10(b).

§ 2520.104-20

Section 2520.104-20, which was published as a final regulation on August

15, 1975, provides an exemption from the filing requirements for certain welfare plans. Such an exemption is authorized by section 104(a)(3) if the Secretary finds that all or part of the reporting and disclosure requirements of Title I of the Act are inappropriate as applied to welfare benefit plans.

The exemption provided in this section is based on the assumption that certain reporting requirements of Title I of the Act are inappropriate as applied to many small unfunded or totally insured welfare plans. For this reason, those plans with fewer than 100 participants, which could be overwhelmed by the expense and administrative burden of all the reporting and disclosure requirements, have been exempted.

The section provides that this exemption is only available for plans covering fewer than 100 participants at all times during the plan year. This requirement could be overly burdensome because welfare plans with fewer than 100 participants at the beginning of the year would be required to maintain all the records necessary to file Form 5500 in the event the plan had 100 or more participants at any time during the year. Accordingly, the section (and example 1) have been revised so that the exemption is available for plans covering fewer than 100 participants at the beginning of the plan year. This change conforms § 2520.104-20 to other exemptions from the annual reporting requirements (see §§ 2520.103-1, 2520.104-41, 2520.104-45, and 2520.104-46) which are available for plans with fewer than 100 participants at the beginning of the plan year.

§ 2520.104-21

This section, which was published as a final regulation on August 15, 1975, provides an exemption from filing requirements for welfare plans with fewer than 100 participants using certain group insurance arrangements.

Consistent with the change in § 2520.104-20 discussed above, the exemption provided by § 2520.104-21 has been revised so that it is available for plans which have fewer than 100 participants at the beginning of the plan year.

In addition, to conform the exemption to the relief provided by § 2520.104-43, the exemption is now available if the trust or other entity "holds" the policy rather than being the "legal owner" of the policy. See the preamble to § 2520.104-43 for an explanation of this change.

§ 2520.104-41

Section 2520.104-41, which is unchanged from the proposed version, provides for simplified annual reporting for plans with fewer than 100 participants. Plans that have fewer than 100 participants at the beginning of the plan year, none of whom is an owner-employee as defined in section 401(c)(3) of the Internal Revenue Code of 1954 and welfare plans with fewer than 100 participants at the beginning of the plan year must file a Form 5500-C "Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants)," in the manner prescribed in § 2520.104a-5.

A simplified reporting method is also available for Keogh plans with fewer than 100 participants at the beginning of the plan year, at least one of whom is an owner-employee as defined in section 401(c)(3) of the Internal Revenue Code of 1954. Such a pension plan must file a Form 5500-K "Annual Return/Report of Employee Pension Benefit Plans" in the manner prescribed in § 2520.104a-5.

A Keogh plan which covers more than 100 participants is not eligible for this simplified annual reporting method, but must file the full Form 5500 "Annual Return/Report" which provides for more complete and detailed financial information.

§ 2520.104-42 WAIVER OF CERTAIN ACTUARIAL INFORMATION IN THE ANNUAL REPORT

This section extends to reports for plan years beginning in 1976 and 1977 the waiver of the requirement that the annual report include certain actuarial information.

Under the authority of section 104(a)(2)(A) of the Act, the Secretary of Labor may waive the requirement that actuarial information on the annual report include the present value of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority category, as set forth in section 4044 of Title IV of the Act, and the actuarial assumptions used in these computations. In order to waive this requirement, however, the Secretary must make findings as required under section 104(a)(2)(A) that the interests of plan participants are not harmed thereby, and that the expense of compliance with specific requirements of section 103(d)(6) is not justified by the needs of the participants, the Pension Benefit Guaranty Corporaton (PBGC) and the Department of Labor.

Section 2520.104-42 provides that the plan administrator of an employee pension benefit plan, required under section 103(d) of the Act to include actuarial information as part of the annual report, is not required to include in the annual reports for the 1976 and 1977 plan years a statement of the present value of all the plan's liabilities for nonforfeitable pension benefits as set forth in section 4044 of Title IV of the Act and is not required to provide the actuarial assumptions used in these computations. The waiver which is based upon preliminary findings by the Secretary that the information required under section 103(d)(6) is primarily important to a plan which is terminating and would be of little relevance to participants or the Secretary in the case of an ongoing plan. Moreover, PBGC has expressed no need for such information on an annual basis. In addition the requirements of section 103(d)(6) are overly burdensome and would add considerable expense and time to the preparation of the actuarial statement of the annual report.

Comments received on the temporary regulation generally support the waiver. Because the issues raised by the waiver and the requirements of section 103(d)(6) are still under consideration, the regulation provides a continuation of the temporary waiver. The waiver of termination priorities information is effective only for 1975, 1976, and 1977 plan years. If PBGC develops a need for such annual information, or if the Department determines that this information should be made available to participants and beneficiaries, the waiver will not be extended.

The waived information is solicited on an optional basis. Those plans that have developed the requisite data covering the termination priority categories are requested to submit this information to the Department of Labor, though there is no requirement that they do so. This data will assist the Department in making a final determination as to the usefulness of this information to the Department and pension plan participants and beneficiaries.

§ 2520.104-43

Under § 2520.104-43, a welfare plan participating in a trade association or other group insurance arrangement which meets all the requirements of § 2520.104-21, except the limitation that a plan cover fewer than 100 participants at the beginning of the plan year, is exempt from the requirements to file an annual report with the Secretary of Labor if the trust or trade association that acts as an intermediary between the plan and the insurance company files a report containing the information specified in § 2520.103-2. This section is designed to obtain annual financial information from the central trust or trade association, which may hold plan assets for a period of time before transmitting them to the insurance company. A participating plan, regardless of the number of participants, does not have the financial data relevant to the group insurance arrangement.

It is the trust or trade association rather than the plan which is able to provide the most relevant financial information regarding a group insurance arrangement, because it is only at the

trust or trade association level that any plan assets are held in a form other than premium payments or insurance contracts. The trust or trade association may, for example, maintain a contingency or reserve fund which is a proper object of financial reporting in the case of group insurance arrangements.

Section 2520.104-43 provides an exemption which makes it possible to avoid multiple filings, one for each participating plan, if one annual report is filed on behalf of the entire group insurance arrangement or trade association.

In response to comments the section has been revised so that the exemption is available if the trust or other entity is the "holder" rather than the "legal owner" of the policy. This change, which clarifies the intended scope of the exemption, should result in the exemption being available to a greater number of plans.

The only other change from the proposed regulation is the revised reference to § 2520.104-21 to reflect changes discussed in the preamble to that section.

§ 2520.104-44

Section 2520.104-44, as proposed, provided relief for wholly insured plans if, among other things, the payments received by the insurance company or similar organization were held solely in the general account of such company. Several comments sought clarification as to whether this exemption would apply to a pension plan funded through a contract with an insurance company that provides for the accumulation of unallocated funds, such as a deposit administration or immediate participation guaranteed contract. Other comments suggested that the exemption should not be based on whether premium payments are held in the general account of the insurance company, but should be based on whether the insurance company fully guarantees benefit payments under the contract. In the latter situation, which would not include deposit administration or immediate participation guaranteed contracts because these contracts do not provide any guarantee of benefit payments, the comments suggested that an exemption should be available. In response to these comments, the final regulations have been revised to make clear that the exemption set forth in § 2520.104-44 only applies to a pension plan funded entirely with allocated insurance contracts where benefits are fully guaranteed by the insurance company or organization that issued the policy.

The exemption, as revised, provides for information which is most relevant for plan participants and beneficiaries. To the extent that funds accumulated under an insurance contract are allocated and the insurance carrier fully guarantees benefit payments, the participants and beneficiaries look to the insurance carrier for their benefits. Thus, the financial information that is not required to be included in the annual report under § 2520.104-44 is not necessary to provide accurate and reliable reporting on the funds available to the plan for the payment of benefits. To the extent that funds accumulated under an insurance contract are unallocated and benefit payments are not guaranteed, however, plan participants and beneficiaries look to the plan for their benefits and the financial information provided in the annual report is necessary to provide accurate and reliable reporting.

The revision is also consistent with the provisions of the annual return/report, which do not require the reporting of financial information to the extent a plan is funded with allocated insurance contracts.

The distinction between allocated and unallocated insurance contracts however, does not apply to welfare plans. As a result, the exemption for such plans remains unchanged from the proposed version.

Paragraph (c)(2) of the proposed regulations has been deleted to make clear that Schedules A and B, if applicable, must be filed by plans that use the alternative method and limited exemption provided by this section. Minor changes were made in the example to clarify the relationship of this exemption to the exemption provided by § 2520.104-20.

Other comments were received which requested that an intermediary trust or other entity which collects contributions for the payment of insurance premiums to an insurance company and forwards refunds to participants should be allowed to qualify for the limited exemption and alternative method of compliance if all other conditions of § 2520.104-44 are met. These suggestions were not accepted because passage of such funds through an intermediary trust or other entity present an opportunity for fund management that should be subject to financial reporting.

The following findings are made with respect to the promulgation of § 2520.104-44 as an alternative method of compliance under section 110 of the Act:

1. The use of the alternative method of compliance set forth below is consistent with the purposes of Title I of the Act, and provides adequate reporting to the Secretary and adequate disclosure to plan participants and beneficiaries. The Act requires an employee benefit plan to include certain financial information that is inappropriate with regard to plans funded exclusively through allocated insurance contracts where the insurance company guarantees benefits.

2. If such an insured plan were not clearly exempt from including certain financial information in the annual report, such plan would incur the additional expense of hiring an independent qualified public accountant. The regulation makes it clear that such an insured plan is not required to hire an independent qualified public accountant.

3. The additional expense of an audit and the preparation of additional financial statements would be adverse to the interests of plan participants in the aggregate.

With respect to the promulgation of § 2520.104-44 as an exemption under section 104(a)(3) of the Act, the annual reporting provisions requiring insured or unfunded welfare plans to include certain financial information are found inappropriate for the reasons listed above.

§ 2520.104-45

A temporary exemption from reporting insurance fees and commissions for insured plans with fewer than 100 participants was provided for plan years beginning in 1975 because of the additional time needed by insurance companies to retrieve the necessary commission and fee information. On May 6, 1977, the Department announced that this temporary exemption was being extended to cover plan years beginning in 1976 (USDL 77-417). Because insurance carriers have had sufficient time to retrieve commission and fee information, the temporary exemption will not be available for plan years beginning in 1977 and for subsequent plan years.

§ 2520.104-46

Section 2520.104-46 waives the requirement to engage an independent qualified public accountant for both pension and welfare plans with fewer than 100 participants as of the beginning of the plan year. The waiver for pension plans is based on the statutory authority in sections 103(a)(3)(A) and 104(a)(2) of the Act, while the waiver for welfare plans is based on the broad exemption authority in section 104(a)(3) of the Act. Both sections 103(a)(3)(A) and 104(a)(2) evidence a specific intent to provide small plans with relief from burdensome and expensive reporting requirements. No changes were made in this section.

§ 2520.104a-4

Under section 104(a)(1)(D) of the Act, a plan adminstrator of an employee benefit plan shall file with the Secretary any material modification or change in the plan referred to in section 102(a)(2) of the Act within 60 days after such modification or change

is adopted or occurs. Section 102(a)(2) refers to to any material modification in the terms of the plan and any change in the information described in section 102(b) of the Act.

On April 23, 1976, the Department adopted § 2520.104a-4 (41 FR 16964), which defined more precisely the obligation of a plan administrator to file material modifications in the terms of the plan and changes in the information described in section 102(b) of the Act. Under that section, a plan administrator was required to report any material modificaton in plan terms or change in information described in section 102(b) of the Act to the Secretary within 60 days after such modification or change was adopted or occurs. This report was required to be filed on Department of Labor Form EBS-1 in accordance with § 2520.104a-1(a) and the instructions to this form.

On July 19, 1977, the Department published final regulations covering summary plan description requirements with certain regulations effective on an interim basis (42 FR 37178). As a result of these regulations, a plan administrator was required to file two reports of any modification or change with the Department at two different times. One report, an amended EBS-1, was required to be filed with the Department within 60 days of the adoption or occurrence of such modification or change; the second report, the summary description of such modification or change (SMM), was required to be filed not later than 210 days after the end of the plan year in which such modification occurs. To eliminate this duplicative reporting, the Department proposed, on November 29, 1977 to (1) rescind § 2520.104a-4, and to adopt a new § 2520.104a-4 which would, in effect, permit a plan to satisfy the requirements of section 104(a)(1)(D) by filing an SMM not later than 210 days after the close of the plan year in which the modification or change occurred or was adopted.

The revised § 2520.104a-4 has been adopted as proposed.

Several points should be noted concerning § 2520.104a-4. First, a plan administrator must file a Form EBS-1 for the description of the plan as required by section 104(a)(1)(B) of the Act and § 2520.104a-2. Section 2520.104a-4 pertains only to the summary of a material modification or change required by section 104(a)(1)(D) of the Act. It is contemplated that when the initial Form EBS-1 is updated once every five years as required by section 104(a)(1)(B) of the Act, the plan administrator will integrate into the updated Form EBS-1 all the information contained in the SMM's filed during the intervening years.

Second, determinations with respect to what constitutes "material" modifications or changes in plan information, should be made pursuant to the requirements set forth in § 2520.104b-3.

Finally, in the case of most material modifications and changes in the information under section 102(a), plan administrators may file the SMM with the Department at the same time they forward the SMM to plan participants and beneficiaries. The regulation provides this potential for coordination by permitting the SMM to be filed no later than the date the SMM would be provided to plan participants and beneficiaries under § 2520.104b-3.

Pursuant to section 110(a) of the Act, the following findings are made with respect to the alternative method of compliance in § 2520.104a-4 for reporting by pension plans of material modifications in plan terms and changes in information required by section 102(a)(2).

1. Use of the alternative method of compliance is consistent with the purposes of Title I of the Act and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. Under the alternative, all the information required by section 104(a)(1)(D) would be filed with the Department through an understandable summary that would be more informative to plan participants and the Department than the checked-off boxes in the Form EBS-1.

2. The alternative method of compliance relieves plans from increased costs and unreasonable administrative burdens. If this alternative method were not implemented, plans would have to file two reports for every material modification in plan terms or any change in the information described in section 102(b).

3. The application of the requirement to file a Form EBS-1 for every material modification in plan terms and every change in section 102(b) information would be adverse to the interests of plan participants in the aggregate. This requirement imposes the costs of duplicative reporting on pension plans without providing additional information to plan participants.

With respect to the promulgation of § 2520.104a-4 as an exemption for welfare plans under section 104(a)(3) of the Act, the filing of Form EBS-1 in addition to a SMM for every material modification in plan terms and every change in section 102(b) is inappropriate for the reasons stated above.

§ 2520.104a-5

This section provides guidance as to when the annual report is to be filed. Under the section an annual report was required to be filed no later than December 15, 1976, for plan years which begin in 1975, and 7 months after the end of any plan year which begins after December 31, 1975. The section also refers filers to the instructions to the appropriate return/report form for instructions regarding where to file the return/report.

§ 2520.104a-6

Section 2520.104a-6 prescribes the annual report filing date requirements to be met by trusts, trade associations or other entities filing under the provisions of §§ 2520.103-2 and 2520.104-43. Under section 2520.104a-6, the annual report was required to be filed no later than December 15, 1977, for fiscal years of the trust or other entity beginning in 1975 and 7 months after the close of any fiscal year beginning after December 31, 1975. Because the trust or trade association, rather than the participating employers, is the primary source of financial information for the plan, it is appropriate to link the annual reporting date to the fiscal year of the trust or trade association, rather than a participating employer's taxable year or the plan year.

Subparts C, D, and E of Part 2520 of Title 29 are amended to read as follows:

Subpart C—Annual Report Requirements

Sec.
2520.103-1 Content of annual report.
2520.103-2 Content of annual report for a group insurance arrangement.
2520.103-3 Exemption from certain annual reporting requirements for assets held in a common or collective trust fund.
2520.103-4 Exemption from certain annual reporting requirements for assets held in an insurance company pooled separate account.
2520.103-5 Transmittal and certification of information to the plan administrator for annual reporting purposes.
2520.103-6 Definition of reportable transaction for purposes of Annual Return/Report.
2520.103-7 Special accounting rules for plans filing the initial annual report.
2520.103-8 Limitation on scope of accountant's examination.
2520.103-9 Direct filing rules for bank common and collective trusts and insurance carrier pooled separate accounts.
2520.103-10 Format and contents of Annual Report/Return financial schedules.
2520.103-11 Assets held for investment purposes.

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

2520.104-20 Limited exemption for certain small welfare plans.
2520.104-21 Limited exemption for certain group insurance arrangements.
2520.104-41 Simplified annual reporting requirements for plans with fewer than 100 participants.
2520.104-42 Waiver of certain actuarial information in the annual report.
2520.104-43 Exemption from annual reporting requirement for certain group insurance arrangements.
2520.104-44 Limited exemption and alternative method of compliance for annual

reporting by unfunded or insured welfare and pension plans.
2520.104-45 Temporary exemption from reporting insurance fees and commissions for insured plans with fewer than 100 participants.
2520.104-46 Waiver of examination and report of an independent qualified public accountant for employee benefit plans with fewer than 100 participants.

Subpart E—Reporting Requirements

2520.104a-4 Material modifications to the plan and changes in plan description information.
2520.104a-5 Annual report filing requirements.
2520.104a-6 Annual reporting for plans which are part of a group insurance arrangement.

AUTHORITY: Secs. 101, 102, 103, 104, 109, 110, 111(b)(2), 111(c), 505, Pub. L. 93-406, 88 Stat. 840-52, 894 (29 U.S.C. 1021-24, 1029-31, 1135).

Subpart C—Annual Report Requirements

§ 2520.103-1 Contents of the annual report.

(a) *General.* The administrator of a plan required to file an annual report in accordance with section 104(a)(1)(A) of the Act shall include with the annual report the information prescribed in paragraph (a)(1) of this section or in the limited exemption or alternative method of compliance described in paragraph (a)(2) of this section.

(1) The annual report shall contain the information prescribed in section 103 of the Act.

(2) Under the authority of sections 104(a)(3) and 110 of the Act, a limited exemption or alternative method of compliance is prescribed for employee welfare and pension benefit plans, respectively, which cover 100 or more participants at the beginning of the plan year. A plan electing the limited exemption or alternative method of compliance shall file an annual report containing the information prescribed in paragraph (b) of this section and shall furnish a summary annual report as prescribed in § 2520.104b-10 or § 2520.104b-11.

(b) *Contents of the annual report for plans with 100 or more participants electing the limited exemption or alternative method of compliance.* Except as provided in §§ 2520.103-2 and 2520.104-44, the annual report of an employee benefit plan covering 100 or more participants at the beginning of the plan year which elects the limited exemption or alternative method of compliance described in paragraph (a)(2) shall include:

(1) A completed Form 5500 "Annual Return/Report of Employee Benefit Plan" (including items 13, 14 and the separate schedules necessary to complete item 22(a)) and any schedule (i.e. Schedule A "Insurance Information" or Schedule B "Actuarial Information") which is required to be attached to the form.

(2) Separate financial statements (in addition to the information required by paragraph (b)(1) of this section), if such financial statements are prepared in order for the independent qualified public accountant to form the opinion required by section 103(a)(3)(A) of the Act and § 2520.103-1(b)(5). These statements shall include the following:

(i) Except as provided in § 2520.103-7, a statement of assets and liabilities at current value presented in comparative form for the beginning and end of the year. The statement of plan assets and liabilities shall include the assets and liabilities listed in columns *a* and *b* of item 13 of Form 5500; however, the assets and liabilities may be aggregated into categories in a manner other than that used on Form 5500.

(ii) Separate or combined statements of plan income and expenses and of changes in net assets which include the categories of income, expense, and changes in assets shown in item 14 of Form 5500; however the income, expense, and changes in net assets may be aggregated into categories in a manner other than that used on Form 5500.

(3) Notes to the financial statements described in paragraphs (b)(1) or (2) of this section which contain a description of the accounting principles and practices reflected in the financial statements and, if applicable, variances from generally accepted accounting principles; a description of the plan, including any significant changes in the plan made during the period and the impact of such changes on benefits; the funding policy (including policy with respect to prior service cost) and any changes in such policy from the prior year, a description of material lease commitments, other commitments, and contingent liabilities; a description of agreements and transactions with persons known to be parties in interest; a general description of priorities upon termination of the plan; information concerning whether or not a tax ruling or determination letter has been obtained; an explanation of the differences, if any, between the information contained in the separate financial statements and the information contained in items 13 and 14 of Form 5500, and any other matters necessary to fully and fairly present the financial condition of the plan.

(4) In the case of a plan, some or all of the assets of which are held in a pooled separate account maintained by an insurance company, or a common or collective trust maintained by a bank or similar institution, a copy of the annual statement of assets and liabilities of such account or trust for the fiscal year of the account or trust which ends with or within the plan year for which the annual report is made as required under § 2520.103-3 or § 2520.103-4. See § 2520.103-9 for direct filing with the Secretary of such statements by banks or insurance companies.

(5) A report of an independent qualified public accountant.

(i) *Technical requirements.* The accountant's report—

(A) Shall be dated;

(B) Shall be signed manually;

(C) Shall indicate the city and state where issued; and

(D) Shall identify without detailed enumeration the financial statements and schedules covered by the report.

(ii) *Representations as to the audit.* The accountant's report—

(A) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) Shall designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted, and the reasons for their omission. Authority for the omission of certain procedures which independent accountants might ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (b)(5)(iii) of this section is contained in § 2520.103-8.

(iii) *Opinion to be expressed.* The accountant's report shall state clearly:

(A) The opinion of the accountant in respect of the financial statements and schedules covered by the report and the accounting principles and practices reflected therein; and

(B) The opinion of the accountant as to the consistency of the application of the accounting principles with the application of such principles in the preceding year or as to any changes in such principles which have a material effect on the financial statements.

(iv) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of the matters to which the accountant takes exception on the related financial statements given. The matters to which the accountant takes exception shall be further identified as (A) those that are the result of DOL regulations, and (B) all others.

(c) *Contents of the annual report for plans with fewer than 100 participants.* Except as provided in §§ 2520.104-43 and 2520.104a-6, the annual report of an employee benefit plan which covers fewer than 100 participants at the beginning of the plan year shall be Form 5500-C "Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants)" or 5500-K "Annual Return/Report of Employee Pension Benefit Plan for Sole Proprietorships and Partnerships (with fewer than 100 participants and at least one owner-employee)".

§ 2520.103-2 Contents of the annual report for a group insurance arrangement.

(a) *General.* (1) A trust or other entity described in § 2520.104-43(b) that files an annual report for purposes of § 2520.104-43 shall include in such report the items set forth in paragraph (b) of this section.

(b) *Contents.* (1) A completed Form 5500 "Annual Return/Report of Employee Benefit Plan" (including items 13, 14 and the separate schedules necessary to complete item 22(a)) and Schedule A "Insurance Information" which is attached to the form.

(2) Separate financial statements (in addition to the information required by paragraph (b)(1) of this section), if such financial statements are prepared in order for the independent qualified public accountant to form the opinion required by section 103(a)(3)(A) of the Act and § 2520.103-2(b)(5). These financial statements shall include the following:

(i) Except as provided in § 2520.103-7, a statement of all trust assets and liabilites at current value presented in comparative form for the beginning and end of the year. The statement of trust assets and liabilities shall include the assets and liabilities listed in columns *a* and *b* of item 13 of Form 5500; however, the assets and liabilities may be aggregated into categories in a manner other than that used on Form 5500.

(ii) Separate or combined statements of all trust income and expenses and changes in net assets which includes the categories of income, expense, and changes in assets shown in item 14 of Form 5500; however, the income, expense, and changes in assets may be aggregated into categories in a manner other than that used on Form 5500.

(3) Notes to the financial statements described in paragraphs (b) (1) or (2) of this section which contain a description of the accounting principles and practices reflected in the financial statements and, if applicable, variances from generally accepted accounting principles; a description of the group insurance arrangement including any significant changes in the group insurance arrangement made during the period and the impact of such changes on benefits; a description of material lease commitments, other commitments, and contingent liabilities; a description of agreements and transactions with persons known to be parties in interest; a general description of priorities upon termination of the plan; an explanation of the differences, if any, between the information contained in the separate financial statements and the information contained in items 13 and 14 of Form 5500; and any other matters necessary to fully and fairly present the financial condition of the plan.

(4) In the case of a group insurance arrangement some or all of the assets of which are held in a pooled separate account maintained by an insurance carrier, or a common or collective trust maintained by a bank, a copy of the annual statement of assets and liabilities of such separate account or trust for the fiscal year of the account or trust which ends with or within the plan year for which the annual report is made, as required under § 2520.103-3 or § 2520.103-4. See also § 2520.103-9 for direct filing with the Secretary of Labor of such statements by banks or insurance companies.

(5) A report of an independent qualified public accountant. (i) *Technical requirements.* The accountant's report—

(A) Shall be dated;

(B) Shall be signed manually;

(C) Shall indicate the city and State where issued; and

(D) Shall identify without detailed enumeration the financial statements and schedules covered by the report.

(ii) *Representations as to the audit.* The accountant's report—

(A) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) Shall designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Authority for the omission of certain procedures which independent accountants might ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (b)(5)(iii) of this section is contained in § 2520.103-8.

(iii) *Opinion to be expressed.* The accountant's report shall state clearly:

(A) The opinion of the accountant in respect of the financial statements and schedules covered by the report and the accounting principles and practices reflected therein; and

(B) The opinion of the accountant as to the consistency of the application of the accounting principles with the application of such priniciples in the preceding year, or as to any changes in such principles which have a material effect on the financial statements.

(iv) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of the matters to which the accountant takes exception on the related financial statements given. The matters to which the accountant takes exception shall be further identified as to (A) those that are the result of DOL regulations and (b) all others.

§ 2520.103-3 Exemption from certain annual reporting requirements for assets held in a common or collective trust.

(a) *General.* Under the authority of section 103(b)(3)(G) of the Act, a plan whose assets are held in whole or in part in a common or collective trust maintained by a bank, trust company, or similar institution which meets the requirements of paragraph (b) of this section shall include as part of the annual report required to be filed under § 2520.104a-5 or § 2520.104a-6 the annual statement of assets and liabilities of the common or collective trust for the fiscal year of the trust ending with or within the plan year for which the annual report is made and other information as described in paragraph (c) of this section. Such plan is not required to include in the annual report any information concerning the individual transactions of the common or collective trust. This exemption has no application to assets not held in such trusts.

(b) *Application.* This provision applies only to a plan some or all of the assets of which are held in a common or collective trust maintained by a bank, trust company, or similar institution regulated and supervised and subject to periodic examination by a State or Federal agency. For purposes of this section, (1) a common or collective trust is a trust which consists of the assets of two or more participating entities and is maintained for the collective investment and reinvestment of assets contributed thereto, and (2) plans maintained by a single employer or by the members of a controlled group of corporations, as defined in section 1563(a) of the Internal Revenue Code of 1954, shall be deemed to be a single participating entity.

(c) *Contents.* (1) A plan which meets the requirements of paragraph (b) of this section shall include in the Annual Return/Report and in the separate statements and schedules of the annual report, information regarding the value of the units of participation in the common or collective trust held by the plan and transactions involving the acquisition and disposition by the plan of units of participation in the common or collective trust. However, the annual report is not required to include any information regarding the individual transactions of the common or collective trust.

(2) The annual report of such plan shall also include the annual statement by the bank, trust company, or similar institution of the assets and liabilities of the common or collective trust for the fiscal year of the trust ending with or within the plan year for which the annual report is made.

(3) The statement of assets and liabilities of the common or collective trust is not required to be attached to the annual report filed by the administrator pursuant to § 2520.104a-5 or § 2520.104a-6 if the administrator meets the requirements of § 2520.103-9 regarding direct filing of the statement of assets and liabilities of the

common or collective trust by the bank, trust company or similar institution.

§ 2520.103-4 Exemption from certain annual reporting requirements for assets held in an insurance company pooled separate account.

(a) *General.* Under the authority of section 103(b)(3)(G) of the Act, a plan whose assets are held in whole or in part in a pooled separate account of an insurance carrier which meets the requirements of paragraph (b) of this section shall include as a part of the annual report required to be filed under § 2520.104a-5 or § 2520.104a-6 the annual statement of assets and liabilities of the pooled separate account for the fiscal year of the account ending with or within the plan year for which the annual report is made, and other information as described in paragraph (c) of this section. Such plan is not required to include in the annual report any information concerning the individual transactions of the pooled separate account. This exemption has no application to assets not held in such a pooled separate account.

(b) *Application.* This provision applies only to a plan some or all of the assets of which are held in a pooled separate account of an insurance carrier regulated and supervised and subject to periodic examination by a State agency. For purposes of this section, (1) a pooled separate account is an account which consists of the assets of two or more participating entities and is maintained for the collective investment and reinvestment of assets contributed thereto, and (2) plans maintained by a single employer or by members of a controlled group of corporations, as defined in section 1563(a) of the Internal Revenue Code of 1954, shall be deemed to be a single participating entity.

(c) *Contents.* (1) A plan which meets the requirements of paragraph (b) of this section shall include in the Annual Return/Report and in the separate statements and schedules of the annual report, prescribed information regarding the value of the units of participation in the pooled separate account held by the plan and transactions involving the acquisition and disposition by the plan of units of participation in the pooled separate account. However, the annual report is not required to include any information regarding the individual transactions of the pooled separate account.

(2) The annual report of such plan shall also include the annual statement by the insurance carrier of the assets and liabilities of the pooled separate account for the fiscal year of the separate account ending with or within the plan year for which the annual report is made.

(3) The statement of assets and liabilities of the pooled separate account is not required to be attached to the annual report filed by the administrator pursuant to § 2520.104a-5 or § 2520.104a-6 if the administrator meets the requirements of § 2520.103-9 regarding direct filing of the statement of assets and liabilities of the pooled separate account by an insurance carrier.

§ 2520.103-5 Transmittal and certification of information to plan administrator for annual reporting purposes.

(a) *General.* In accordance with section 103(a)(2) of the Act, an insurance carrier or other organization which provides benefits under the plan or holds plan assets, a bank or similar institution which holds plan assets, or a plan sponsor shall transmit and certifty such information as needed by the administrator to file the annual report under section 104(a)(1)(A) of the Act and § 2520.104a-5 or § 2520.104a-6:

(1) Within 9 months after the close of the plan year which begins in 1975 or September 30, 1976, whichever is later, and

(2) Within 120 days after the close of any plan year which begins after December 31, 1975.

(b) *Application.* This requirement applies with respect to—

(1) An insurance carrier or other organization which:

(i) Provides from its general asset account funds for the payment of benefits under a plan, or

(ii) Holds assets of a plan in a separate account;

(2) A bank, trust company, or similar institution which holds assets of a plan in a common or collective trust, separate trust, or custodial account; and

(3) A plan sponsor as defined in section 3(16)(B) of the Act.

(c) *Contents.* The information required to be provided to the administrator shall include—

(1) In the case of an insurance carrier or other organization which:

(i) Provides funds from its general asset account for the payment of benefits under a plan, upon request of the plan administrator, such information as is contained within the ordinary business records of the insurance carrier or other organization and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5 or § 2520.104a-6;

(ii) Holds assets of a plan in a pooled separate account which is exempted from certain reporting requirements under § 2520.103-4, a copy of the annual statement of assets and liabilities of the separate account for the fiscal year of such account that ends with or within the plan year for which the annual report is made, and a statement of the value of the plan's units of participation in the separate account;

(iii) Holds assets of a plan in a separate account which is not exempted from certain reporting requirements under § 2520.103-4, a listing of all transactions of the separate account and, upon request of the plan administrator, such information as is contained within the ordinary business records of the insurance carrier and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5 or § 2520.104a-6.

(2) In the case of a bank, trust company, or similar institution holding assets of a plan—

(i) In a common or collective trust which is exempted from certain reporting requirements under § 2520.103-3, a copy of the annual statement of assets and liabilities of the common or collective trust for the fiscal year of such trust that ends with or within the plan year for which the annual report is made, and a statement of the value of the plan's units of participation in the common or collective trust.

(ii) In a trust which is not exempted from certain reporting requirements under § 2520.103-3, a listing of all transactions of the separate trust and, upon request of the plan administrator, such information as is contained within the ordinary business records of the bank, trust company, or similar institution and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5.

(iii) In a custodial account, upon request of the plan administrator, such information as is contained within the ordinary business records of the bank, trust company, or similar institution and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5 or § 2520.104a-6.

(3) In the case of a plan sponsor, a listing of all transactions directly or indirectly involving plan assets engaged in by the plan sponsor and such information as is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5 or § 2520.104a-6.

(d) *Certification.* (1) An insurance carrier or other organization, a bank, trust company, or similar institution, or plan sponsor, as described in paragraph (b) of this section, shall certify to the accuracy and completeness of the information described in paragraph (c) of this section by a written declaration which is signed by a person authorized to represent the insurance carrier, bank, or plan sponsor. Such certification will serve as a writ-

ten assurance of the truth of the facts stated therein.

(2) *Example of Certification.* The XYZ Bank (Insurance Carrier) hereby certifies that the foregoing statement furnished pursuant to 29 CFR 2520.103-5(c) is complete and accurate.

§ 2520.103-6 Definition of reportable transaction for Annual Return/Report.

(a) *General.* For purposes of preparing the schedule of reportable transactions described in § 2520.103-10(b)(5), and subject to the exceptions provided in §§ 2520.103-3 and 2520.103-4 with respect to transactions by a common or collective trust or pooled separate account, a reportable transaction includes any transaction or series of transactions described in paragraph (c) of this section.

(b) *Definitions.* (1)(i) Except as provided in paragraph (b)(1)(ii) and in paragraphs (c)(2) and (d)(1)(vi) (relating to assets acquired or disposed of during the plan year), "current value" shall mean the current value, as defined in section 3(26) of the Act, of plan assets as of the beginning of the plan year, or the end of the previous plan year.

(ii) With respect to schedules of reportable transactions for plan years beginning in 1975, the current value of plan assets for the beginning of the plan year, or the end of the previous plan year, shall be the amount shown on line 13(h) of Form 5500 Annual Return/Report.

(2)(i) A "transaction with respect to securities" is any purchase, sale, or exchange of securities. A transaction with respect to securities for purposes of this section occurs on either the trade date or settlement date of a purchase, sale, or exchange of securities; either the trade date or settlement date must be used consistently during the plan year for the purposes of this section. For the purposes of this section, except as provided in paragraph (b)(2)(ii) of this section, "securities" includes a unit of participation in a common or collective trust or a pooled separate account.

(ii) Solely for purposes of paragraph (c)(1)(iv) of this section, the term "securities", as it applies to any transaction involving a bank or insurance company regulated by a Federal or State agency, an investment company registered under the Investment Company Act of 1940, or a broker-dealer registered under the Securities Exchange Act of 1934, shall not include:

(A) Debt obligations of the United States or any United States agency with a maturity of not more than one year;

(B) Debt obligations of the United States or any United States agency with a maturity of more than one year if purchased or sold under a repurchase agreement having a term of less than 91 days;

(C) Interests issued by a company registered under the Investment Company Act of 1940;

(D) Bank certificates of deposit with a maturity of not more than one year;

(E) Commercial paper with a maturity of not more than nine months if it is ranked in the highest rating category for commercial paper by at least two nationally recognized statistical rating services and is issued by a company required to file reports under section 13 of the Securities Exchange Act of 1934;

(F) Participations in a bank common or collective trust;

(G) Participations in an insurance company pooled separate account;

(3)(i) Except as provided by paragraph (b)(3)(ii) of this section, a transaction is "with or in conjunction with a person" for purposes of this section if that person benefits from, executes, facilitates, participates, promotes, or solicits a transaction or part of a transaction involving plan assets.

(ii) Solely for the purposes of paragraph (c)(1)(iv) of this section, a transaction shall not be considered "with or in conjunction with a person" if:

(A) That person is a broker-dealer registered under the Securities Exchange Act of 1934;

(B) The transaction involves the purchase or sale of securities listed on a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 or quoted on NASDAQ; and

(C) The broker-dealer does not purchase or sell securities involved in the transaction for its own account or the account of an affiliated person.

(c) *Application.* (1) This provision applies to—

(i) A transaction within the plan year, with respect to any plan asset, involving an amount in excess of 3 percent of the current value of plan assets;

(ii) Any series of transactions (other than transactions with respect to securities) within the plan year with or in conjunction with the same person which, when aggregated, regardless of the category of asset and the gain or loss on any transaction, involves an amount in excess of 3 percent of the current value of plan assets;

(iii) Any transaction within the plan year involving securities of the same issue if within the plan year any series of transactions with respect to such securities, when aggregated, involves an amount in excess of 3 percent of the current value of plan assets; and

(iv) Any transaction within the plan year with respect to securities with or in conjunction with a person if any prior or subsequent single transaction within the plan year with such person with respect to securities exceeds 3 percent of the current value of plan assets.

(2) For purposes of determining whether any 3 percent transactions occur, the "current value" of an asset acquired or disposed of during the plan year is the current value, as defined in section 3(26) of the Act, at the time of acquisition or disposition of such asset.

(3) Plans whose assets are held in whole or in part in a common or collective trust or a pooled separate account, as provided in §§ 2520.103-3 and 2520.103-4, and which satisfy the requirements of those sections, are not required to prepare schedules of reportable transactions with respect to the individual transactions of the common or collective trust or pooled separate account.

(d) *Contents.* (1) The schedule of transactions shall include the following information as to each transaction or series of transactions:

(i) The name of each party, except that in the case of a transaction or series of transactions involving a purchase or sale of a security on the market, the schedule need not include the person from whom it was purchased or to whom it was sold. A purchase or sale on the market is a purchase or sale of a security through a registered broker-dealer acting as a broker under the Securities Exchange Act of 1934;

(ii) A brief description of each asset;

(iii) The purchase or selling price in the case of a purchase or sale, the rental in the case of a lease, and the amount of principal, interest rate, payment schedule (e.g., fully amortized, partly amortized with balloon) and maturity date in the case of a loan;

(iv) Expenses incurred, including, but not limited to, any fees or commissions;

(v) The cost of any asset;

(vi) The current value of any asset acquired or disposed of at the time of acquisition or disposition; and

(vii) The net gain or loss.

(2) The schedule of transactions with respect to a series of transactions described in subparagraph (c)(1)(iii) may include the following information for each issue in lieu of the information prescribed in paragraphs (d)(1)(i)-(vii)):

(i) The total number of purchases of such securities made by the plan within the plan year;

(ii) The total number of sales of such securities made by the plan within the plan year;

(iii) The total dollar value of such purchases;

(iv) The total dollar value of such sales;

(v) The net gain or loss as a result of these transactions.

(e) *Examples.* (1) At the beginning of the plan year, XYZ plan has 10 percent of the current value of its plan assets invested in ABC common stock.

Halfway through the plan year, XYZ purchases ABC common stock in a single transaction in an amount equal to 5 percent of the current value of plan assets. At about this time, XYZ plan also purchases a commercial development property in an amount equal to 4 percent of the current value of plan assets. Under paragraph (c)(1)(i) of this section, the 5 percent stock transaction is a reportable transaction for the plan year because it exceeds 3 percent of the current value of plan assets. The 4 percent land transaction is also reportable under paragraph (c)(1)(i) of this section because it exceeds 3 percent of current value of plan assets.

(2) During the plan year, AAA plan purchases a commercial lot from ZZZ corporation at a cost equal to 2 percent of the current value of the plan assets. Two months later, AAA plan loans ZZZ corporation an amount of money equal to 1.5 percent of the current value of plan assets. Under the provisions of paragraph (c)(1)(ii) of this section, the plan has engaged in a reportable series of transactions with or in conjunction with the same person, ZZZ corporation, which when aggregated involves 3.5 percent of plan assets.

(3) During the plan year NMN plan sells to OPO corporation a commercial property that represents to 2.5 percent of the current value of plan assets. OPO simultaneously executes a note and mortgage on the purchased property to NMN which represents 2 percent of the current value of plan assets. Under the provisions of paragraph (c)(1)(ii) of this section, NMN has engaged in a reportable series of transactions with or in conjunction with the same person, OPO corporation, consisting of a simutaneous sale of property and a loan, which, when aggregated, involves 4.5 percent of the current value of plan assets.

(4) At the beginning of the plan year, ABC plan has 10 percent of the current value of plan assets invested equally in a combination of XYZ Corporation common stock and XYZ preferred stock. One month into the plan year, ABC sells some of its XYZ common in an amount equal to 2 percent of the current value of plan assets.

(i) Six weeks later the plan sells XYZ preferred stock in an amount equal to 2 percent of the current value of plan assets. A reportable series of transactions has not occurred because only transactions involving securities of the same issue are to be aggregated under paragraph (c)(1)(iii) of this section.

(ii) Two weeks later when the ABC plan purchases XYZ common stock in an amount equal to 2.5 percent of the current value of plan assets, a reportable series of transactions under paragraph (c)(1)(iii) of this section has occurred. The sale of XYZ common stock worth 2 percent of plan assets and the purchase of XYZ common stock worth 2.5 percent of plan assets aggregate to exceed 3 percent of the total value of plan assets.

(5) At the beginning of the plan year, Plan X purchases through broker-dealer Y common stock of Able Industries in an amount equal to 4 percent of plan assets. The common stock of Able Industries is not listed on any national securities exchange or quoted on NASDAQ. This purchase is a reportable transaction under paragraph (c)(1)(i) of this section. Three months later, Plan X purchases short term debt obligations of Charley Company through broker-dealer Y in the amount of 0.2 percent of plan assets. This purchase is also a reportable transaction under the provisions of paragraph (c)(1)(iv) of this section.

(6) At the beginning of the plan year, Plan X purchases from Bank B certificates of deposit having a 180 day maturity in an amount equal to 4 percent of plan assets. Bank B is a national bank regulated by the Comptroller of the Currency. This purchase is a reportable transaction under paragraph (c)(1)(i) of this section. Three months later, Plan X purchases through Bank B 91-day Treasury bills in the amount of 0.2 percent of plan assets. This purchase is not a reportable transaction under paragraph (c)(1)(iv) of this section because the purchase of the Treasury bills as well as the purchase of the certificates of deposit are not considered to involve a security under the definition of "seurities" in paragraph (b)(2)(ii) of this section.

(7) At the beginning of the plan year, Plan X purchases through broker-dealer Y common stock of Able Industries, a New York Stock Exchange listed security, in an amount equal to 4 percent of plan assets. This purchase is a reportable transaction under paragraph (c)(1)(i) of this section. Three months later, Plan X purchases through broker-dealer Y, acting as agent, common stock of Baker Corporation, also a New York Stock Exchange listed security, in an amount equal to 0.2 percent of plan assets. This latter purchase is not a reportable transaction under paragraph (c)(1)(iv) of this section because it is not a transaction "with or in conjunction with a person" pursuant to paragraph (b)(3)(ii) of this section.

§ 2520.103-7 Special accounting rules for plans filing the annual report for plan years beginning in 1975.

(a) *General.* (1) The administrator of an employee benefit plan which meets the requirements described in paragraph (b)(1) and elects to file an annual report containing the items prescribed in § 2520.103-1(b) or § 2520.103-2(b) is not required to comply with the accounting requirements described in paragraph (c)(1) of this section.

(2) Under the authority of sections 110 and 104(a)(3) of the Act, the administrator of any employee benefit plan which meets the requirements described in paragraph (b)(2) is not required to comply with the accounting requirements described in paragraph (c)(2) of this section.

(b) *Application.* With respect to the annual report described in § 2520.103-1 or § 2520.103-2, filed in accordance with § 2520.104a-5 or § 2520.104a-6 for the plan year beginning in 1975,

(1) The administrator of a plan which covers 100 or more participants as of the beginning of the plan year or the trust or other entity which files an annual report in accordance with § 2520.104-43 is not required to comply with the accounting requirements described in paragraph (c)(1) of this section; and

(2) The administrator of a plan which covers fewer than 100 participants as of the beginning of the plan year is not required to comply with the accounting requirements described in paragraph (c)(2) of this section.

(c) *Excepted requirements.* (1) In the case of a plan which covers 100 or more participants as of the beginning of the plan year,

(i) To display at current value the statement of the assets and liabilities of the plan, as of the end of the previous plan year;

(ii) To engage an independent qualified public accountant to conduct an examination of the plan's financial statements for the plan year immediately preceding the plan year or trust year covered by the initial annual report; and

(iii) To include within the initial annual report the opinion of an independent qualified public accountant as to whether the financial statements for the close of the initial plan year are presented on a basis consistent with that of the preceding year.

(2) In the case of a plan which covers fewer than 100 participants at the beginning of the plan year, to display at current value the statement of the assets and liabilities of the plan displayed in Item 13 of the 1975 Form 5500-C or Item 12 of the 1975 Form 5500-K as of the end of the previous plan year or as of the beginning of the plan year subject to the initial annual report.

§ 2520.103-8 Limitation on scope of accountant's examination.

(a) *General.* Under the authority of section 103(a)(3)(C) of the Act, the examination and report of an independent qualified public accountant need not extend to any statement or information prepared and certified by a

bank or similar institution or insurance carrier. A plan, trust or other entity which meets the requirements of paragraph (b) of this section is not required to have covered by the accountant's examination or report any of the information described in paragraph (c) of this section.

(b) *Application.* This section applies to any plan, trust or other entity some or all of the assets of which are held by a bank or similar institution or insurance carrier which is regulated and supervised and subject to periodic examination by a State or Federal agency.

(c) *Excluded information.* Any statements or information certified to by a bank or similar institution or insurance carrier described in paragraph (b) of this section, provided that the statements or information regarding assets so held are prepared and certified to by the bank or insurance carrier in accordance with § 2520.103-5.

§ 2520.103-9 Direct filing for bank or insurance carrier trusts and accounts.

(a) *General.* Under the authority of section 103(b)(4) of the Act, the Secretary may relieve any employee benefit plan whose assets are held in whole or in part in a common or collective trust or a pooled separate account described in section 103(b)(3)(G) of the Act and §§ 2520.103-3 and 2520.103-4 from including in the annual report the statement of assets and liabilities of the common or collective trust or pooled separate account if the bank or insurance carrier which maintains such trust or account files such statement of assets and liabilities directly with the Secretary. An employee benefit plan which meets the requirements of paragraph (b)(1) of this section is relieved from including a statement of assets and liabilities of the common or collective trust or pooled separate account, provided that the bank or insurance carrier which holds the plan's assets meets the requirements of paragraph (b)(2) of this section.

(b) *Application.* A plan required to include a statement of assets and liabilities of a common or collective trust or pooled separate account in the annual report in accordance with section 103(b)(3)(G) of the Act and §§ 2520.103-3 and 2520.103-4 is relieved from including such statement in the annual report if the plan administrator files with the annual report the information described in paragraph (b)(1) and provides the bank or insurance carrier the information described in paragraph (b)(2) and the bank or insurance carrier files the information described in paragraph (b)(3) in the manner described therein.

(1) The plan administrator shall include in the annual report:

(i) A certification that the plan has received from the bank or insurance carrier a copy of the annual statement of assets and liabilities of any common or collective trust or pooled separate account in which any plan assets are held for the fiscal year of such trust or account ending with or within the plan year for which the annual report is made; and

(ii) The Employer Identification Number (EIN) of such common or collective trust or pooled separate account and any additional identification number assigned to the trust or account for purposes of this section pursuant to paragraph (b)(3)(i)(C) of this section.

(2) The administrator of a plan, assets of which are held in a common or collective trust or pooled separate account, shall provide the bank or insurance carrier which maintains the common or collective trust or pooled separate account with the plan number as indicated on the Annual Return/Report Form and the name and EIN of the plan sponsor. Such information shall be provided on or before the end of the plan year.

(3) The bank or insurance carrier which maintains the common or collective trust or pooled separate account in which assets of the plan are held—

(i) Shall file the following information with the Secretary:

(A) The annual statement of the assets and liabilities of the common or collective trust or pooled separate account in which assets of the plan are held for the fiscal year of such trust or account ending with or within the plan year for which the annual report is made,

(B) A list of all plans, assets of which are held in the common or collective trust or pooled separate account identified by the plan number as on the Annual Return/Report Form, name and EIN of the plan sponsor, and

(C) The EIN of the common or collective trust or pooled separate account; if the same EIN designates more than one trust or account, the bank or insurance carrier shall sequentially number the trusts or accounts for purposes of this section and report the sequential numbers together with the EIN; and

(ii) Shall furnish the following items to the plan administrator:

(A) The annual statement of assets and liabilities of the common or collective trust or pooled separate account in which the plan is a participant for the fiscal year of such trust or account ending with or within the plan year for which the annual report is made (See § 2520.103-5);

(B) The EIN of the common or collective trust or pooled separate account and any other identification number assigned to the trust or account for purposes of this section; and

(C) A certification that a copy of the annual statement of assets and liabilities of the trust or account for the fiscal year of such trust or account ending with or within the plan year for which the annual report is made has been filed with the Secretary on or before the date upon which the annual report of the plan is required to be filed in accordance with § 2520.104a-5 or § 2520.104a-6.

(c) *Filing address.* See § 2520.104a-5(b).

§ 2520.103-10 Format and contents of annual report financial schedules.

(a) *General.* Under the authority of section 103(c)(5) of the Act, the separate financial schedules required by item 22(a) of Form 5500 Annual Return/Report shall include the information presented in the formats prescribed in paragraph (b) of this section.

(b) *Format and Content of schedules.*—(1) *Assets held for investment.* A schedule of all assets held for investment purposes at the end of the plan year aggregated and identified by issue, maturity date, rate of interest, collateral, par or maturity value, cost, and current value and in the case of a loan, the payment schedule (e.g. fully amortized, partly amortized with final lump sum payment) in the format set forth below:

22(a)(i). Prepare a schedule of all assets held for investment purposes at the plan year end (see 29 CFR 2520.103-11) aggregated and identified by issue, maturity date, rate of interest, collateral, par or maturity value, cost and current value and in the case of a loan, the payment schedule in the following or similar format, using the same size paper as this form.

Note: *In column a., place an asterisk (*) on the line of each identified person known to be a party-in-interest to the plan. In column c., include any restriction on transferability of corporate security.*

a.	b. Identity of issue, borrower, lessor or similar party	c. Description of investment including maturity date, rate of interest, collateral, par or maturity value	d. Cost	e. Current value

(2) *Assets acquired and disposed within the plan year.* A schedule of all assets acquired and disposed within the plan year aggregated and identified by issue, maturity date, rate of interest, collateral, par or maturity value, cost of acquisition and proceeds of disposition in the format set forth below:

In addition, prepare a schedule of investment assets which were both acquired and disposed of within the plan year (see 29 CFR 2520.103–11). The schedule is to set out the information in the following or similar format using the same size paper as this form.

a. Identity of issue, borrower, lessor or similar party	b. Description of investment including maturity date, rate of interest, collateral, par or maturity value	c. Costs of acquisitions	d. Proceeds of dispositions

(3) *Party in interest transactions.* Except in the case of a transaction to which a statutory exemption under Part 4 of Title I or an administrative exemption under section 408(a) of the Act is applicable, a schedule of each transaction involving a person known to be a party in interest, the identity of such party in interest and his relationship to any other party in interest and to the plan or trust, a description of each asset to which the transaction relates, the purchase or selling price (in case of a sale or purchase) or the rental (in case of a lease) or the interest rate and maturity date (in the case of a loan), the expenses incurred by the plan or trust in connection with the transaction, the cost of the asset, the current value of the asset, and the net gain (or loss) on each transaction in the format set forth below:

22(a)(ii). The types of transactions referred to include those set forth in sections 406 and 407(a) of ERISA and section 4975(c) of the Code. Do not check "Yes" for transactions that are statutorily exempt under Part 4 of Title I or administratively exempt under section 408(a) of ERISA or exempt under sections 4975(c) and 4975(d) of the Code. Also, do not list such transactions. Set out each transaction with the information set forth below in the following or similar format using the same size paper as this form. (For definition of party-in-interest see instruction 13(d).) You may indicate that an application for an administrative exemption is pending.

a. Identity of party involved	b. Relationship to plan, employer or other party-in-interest	c. Description of transactions including maturity date, rate of interest, collateral, par or maturity value	d. Purchase price	e. Selling price	f. Lease rental	g. Expenses incurred in connection with transaction	h. Cost of asset	i. Current value of asset	j. Net gain or (loss) on each transaction

(4) *Obligations in default.* A schedule of all loans or fixed income obligations which were in default as of the close of the end of the plan or trust fiscal year or were classified during the year as uncollectible, and the following information with respect to each loan on such schedule (including a notation as to whether parties involved are known to be parties in interest): The original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and other material terms), the amount of principal and interest overdue (if any) and an explanation thereof, in the format set forth below:

22(a)(iii). Set out each loan in the following or similar format using the same size paper as this form.

Note: *In column a., place an asterisk (*) on the line of each identified person known to be a party-in-interest to the plan. Include all loans that were renegotiated during the plan year.*

a.	b. Identity and address of obligor	c. Original amount of loan	Amount received during reporting year		f. Unpaid balance at end of year	g. Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral, any renegotiation of the loan and the terms of the renegotiation and other material terms	Amount overdue	
			d. Principal	e. Interest			h. Principal	i. Interest

Explain what steps have been taken or will be taken to collect overdue amounts for each loan listed.

(5) *Leases in default.* A schedule of all leases which were in default or were classified during the year as uncollectible and the following information with respect to each lease on such schedule (including a notation as to whether parties involved are known to be parties in interest): The type of property leased and, in the case of fixed assets such as land, buildings, leasehold, and so forth, the location of the property; the identity of the lessor or lessee from or to whom the plan is leasing; the relationship of such lessors and lessees (if any) to the plan or trust, the employer, employee organization, or any other party in interest; the terms of the lease regarding rent, taxes, insurance, repair, expenses, and renewal options; the date the leased property was purchased and its cost; the date the property was leased and its approximate value at such date; the gross rental receipts during the reporting period; expenses paid for the leased property during the reporting period; the net receipts from the lease; the amount in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default in the format set forth below:

22(a)(iv). Give the following information in the format below or similar format using the same size paper as this form.

a.	b. Identity of lessor/lessee	c. Relationship to plan, employer, employee organization or other party-in-interest	d. Terms and description (type of property, location and date it was purchased, terms regarding rent, taxes, insurance, repairs, expenses, renewal options, date property was leased)	e. Original cost	f. Current value at time of lease	g. Gross rental receipts during the plan year	h. Expenses paid during the plan year	i. Net receipts	j. Amount in arrears

Attach a statement explaining what steps have been taken to collect amount due or to otherwise remedy the default.

(6) *Reportable transactions.* A schedule of any reportable transactions as defined in § 2520.103-6, in the format set forth below:

22(a)(v). Show each reportable transaction (see 29 CFR 2520.103-6) in the following or similar format using the same size paper as this form.

Note: In the case of a purchase or sale of a security on the market, do not identify the person from whom purchased or to whom sold.

a. Identity of party involved	b. Description of asset (include interest rate and maturity in case of a loan)	c. Purchase price	d. Selling price	e. Lease rental	f. Expense incurred with transaction	g. Cost of asset	h. Current value of asset on transaction date	i. Net gain or (loss)

Note: The 3% figure is determined by comparing the current value of the transaction at transaction date with the current value of the plan assets at the beginning of the plan year.

§ 2520.103-11 Assets held for investment purposes.

(a) *General.* For purposes of preparing the schedule of assets held for investment purposes required by section 103(b)(3)(C) of the Act and described in § 2520.103-10(b)(1) and (2), assets held for investment purposes include those assets described in paragraph (b) of this section.

(b) *Definitions.* (1) Assets held for investment purposes shall include:

(i) Any investment asset held by the plan on the last day of the plan year; and

(ii) Any investment asset which was purchased at any time during the plan year and was sold at any time before the last day of the plan year, except as provided by paragraphs (b)(2) and (b)(3) of this section.

(2) Assets held for investment purposes shall not include any investment which was not held by the plan on the last day of the plan year for which the

annual report is filed if that investment falls within any of the following categories:

(i) Debt obligations of the United States or any agency of the United States;

(ii) Interests issued by a company registered under the Investment Company Act of 1940;

(iii) Bank certificates of deposit with a maturity of not more than one year;

(iv) Commerical paper with a maturity of not more than nine months if it is ranked in the highest rating category by at least two nationally recognized statistical rating services and is issued by a company required to file reports with the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934;

(v) Participations in a bank common or collective trust;

(vi) Participations in an insurance company pooled separate account;

(vii) Securities purchased from a person registered as a broker-dealer under the Securities Exchange Act of 1934 and listed on a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 or quoted on NASDAQ;

(3) Assets held for investment purposes shall not include any investment which was not held by the plan on the last day of the plan year for which the annual report is filed if that investment is reported on the annual report of that same plan in any of the following:

(i) The schedule of each transaction involving a person known to be a party in interest required by section 103(b)(3)(D) of the Act and § 2520.103-10(b)(3);

(ii) The schedule of loans or fixed income obligations in default required by section 103(b)(3)(E) of the Act and § 2520.103-10(b)(4);

(iii) The schedule of leases in default or classified as uncollectible required by section 103(b)(3)(F) of the Act and § 2520.103-10(b)(5); or

(iv) The schedule of reportable transactions required by section 103(b)(3)(H) of the Act and § 2520.103-10(b)(6).

(c) *Examples.* (1) On February 1, 1977, plan N purchases an interest in registered investment company F (fund F). Fund F is not a party in interest with respect to plan N. On November 1, 1977, plan N sells this interest in fund F and purchases 1,000 shares of stock S, which the plan holds for the rest of the plan year. Plan N must include in its schedule of assets held for investment purposes the 1,000 shares of stock S under paragraph (b)(1) of this section, but need not include the interest in fund F because of Paragraph (b)(2)(ii) of this section.

(2) On February 1, 1977, plan N purchases a parcel of real estate from Mr. M, who is not a party in interest with respect to plan N. On November 1, 1977, plan N sells the parcel of real estate for cash to Mr. X, who is not a party in interest with respect to plan N. Plan N uses the cash from this transaction to purchase a 1-year certificate of deposit in bank B, which it holds until maturity in 1978. Plan N must include in its schedule of assets held for investment purposes the 1-year certificate of deposit in bank B under paragraph (b)(1)(i) of this section, and must also include the parcel of real estate under paragraph (b)(1)(ii) of this section.

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

§ 2520.104-20 Limited exemption for certain small welfare plans.

(a) *Scope.* Under the authority of section 104(a)(3) of the Act, the administrator of any employee welfare benefit plan which covers fewer than 100 participants at the beginning of the plan year and which meets the requirements of paragraph (b) of this section is exempted from certain reporting and disclosure provisions of the Act. Specifically, the administrator of such plan is not required to file with the Secretary any of the following documents: Plan description, copy of the summary plan description, description of a material modification in the terms of a plan or change in the information required to be included in the plan description, annual report, and terminal report. In addition, the administrator of a plan exempted under this section—

(1) Is not required to furnish participants covered under the plan and beneficiaries receiving benefits under the plan with statements of the plan's assets and liabilities and receipts and disbursements and a summary of the annual report required by section 104(b)(3) of the Act;

(2) Is not required to furnish upon written request of any participant or beneficiary a copy of the plan description, annual report, and any terminal report, as required by section 104(b)(4) of the Act;

(3) Is not required to make copies of the plan description and annual report available for examination by any participant or beneficiary in the principal office of the administrator and such other places as may be necessary, as required by section 104(b)(2) of the Act.

(b) *Application.* This exemption applies only to welfare benefit plans—

(1) Which have fewer than 100 participants at the beginning of the plan year;

(2)(i) For which benefits are paid as needed solely from the general assets of the employer or employee organization maintaining the plan, or

(ii) The benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State, the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, provided that contributions by participants are forwarded by the employer or employee organization within three months of receipt, or

(iii) Both; and

(3) For which, in the case of an insured plan—

(i) Refunds, to which contributing participants are entitled, are returned to them within three months of receipt by the employer or employee organization, and

(ii) Contributing participants are informed upon entry into the plan of the provisions of the plan concerning the allocation of refunds.

(c) *Limitations.* This exemption does not exempt the administrator of an employee benefit plan from any other requirement of Title I of the Act, including the provisions which require that plan administrators furnish copies of the summary plan description to participants and beneficiaries (section 104(b)(1)) and furnish certain documents to the Secretary of Labor upon request (section 104(a)(1)), and which authorize the Secretary of Labor to collect information and data from employee benefit plans for research and analysis (section 513).

(d) *Examples.* (1) A welfare plan has 75 participants at the beginning of the plan year and 105 participants at the end of the plan year. Plan benefits are fully insured and premiums are paid directly to the insurance company by the employer pursuant to an insurance contract purchased with premium payments derived half from the general assets of the employer and half from employee contributions (which the employer forwards within three months of receipt). Refunds to the plan are paid to participating employees within three months of receipt as provided in the plan and as described to each participant upon entering the plan. The plan appoints the employer as its plan administrator. The employer, as plan administrator, provides summary plan descriptions to participants and beneficiaries. He also makes copies of certain plan documents available at the plan's principal office and such other places as necessary to give participants reasonable access to them. The exemption provided by § 2520.104-20 applies even though the plan has more than 100 participants by the end of the plan

year, because it had fewer than 100 participants at the beginning of the plan year and otherwise satisfied the conditions of the exemption.

(2) A welfare plan is established and maintained in the same way as the plan described in example (1), except that a trade association which sponsors the plan is the holder of the insurance contract. Since the plan still sends the premium payments directly to the insurance company, the exemption applies, as in example (1).

§ 2520.104-21 Limited exemption for certain group insurance arrangement.

(a) *Scope.* Under the authority of section 104 (a)(3) of the Act, the administrator of any employee welfare benefit plan which covers fewer than 100 participants at the beginning of the plan year and which meets the requirements of paragraph (b) of this section is exempted from certain reporting and disclosure provisions of the Act. Specifically, the administrator of such plan is not required to file with the Secretary any of the following documents: Plan description, copy of the summary plan description, description of a material modification in the terms of a plan or change in the information required to be included in the plan description, and terminal report. In addition, the administrator of a plan exempted under this section:

(1) Is not required to furnish upon written request of any participant or beneficiary a copy of the plan description and any terminal report, as required by section 104(b)(4) of the Act;

(2) Is not required to make copies of the plan description available for examination by any participant or beneficiary in the principal office of the administrator and such other places as may be necessary, as required by section 104(b)(2) of the Act.

(b) *Application.* This exemption applies only to welfare plans, each of which has fewer than 100 participants at the beginning of the plan year and which are part of a group insurance arrangement if such arrangement:

(1) Provides benefits to the employees of two or more unaffiliated employers, but not in connection with a multiemployer plan as defined in section 3(37) of the Act and any regulations prescribed under the Act concerning section 3(37);

(2) Fully insures one or more welfare plans of each participating employer through insurance contracts purchased solely by the employers or purchased partly by the employers and partly by their participating employees, with all benefit payments made by the insurance company: *Provided,* That—

(i) Contributions by participating employees are forwarded by the employers within three months of receipt,

(ii) Refunds, to which contributing participants are entitled, are returned to them within three months of receipt, and

(iii) Contributing participants are informed upon entry into the plan of the provisions of the plan concerning the allocation of refunds; and

(3) Uses a trust (or other entity such as a trade association) as the holder of the insurance contracts and the conduit for payment of premiums to the insurance company.

(c) *Limitations.* This exemption does not exempt the administrator of an employee benefit plan from any other requirement of Title I of the Act, including the provisions which require that plan administrators furnish copies of the summary plan description to participants and beneficiaries (section 104(b)(1)), file an annual report with the Secretary of Labor (section 104(a)(1)(A)) and furnish certain documents to the Secretary of Labor upon request (section 104(a)(1)), and authorize the Secretary of Labor to collect information and data from employee benefit plans for research and analysis (section 513).

(d) *Examples.* (1) A welfare plan has 25 participants at the beginning of the plan year. It is part of a group insurance arrangement which provides benefits to employees of two or more unaffiliated employers, but not in connection with a multiemployer plan as defined under the Act. Plan benefits are fully insured pursuant to insurance contracts purchased with premium payments derived half from employee contributions (which the employer forwards within three months of receipt) and half from the general assets of participating employers. Refunds to the plan are paid to participating employees within three months of receipt as provided in the plan and as described to each participant upon entering the plan. A trade association is the holder of the insurance contract and acts as a conduit for payments, receiving premium payments from participating employers and paying the insurance company. The plan appoints the trade association as its plan administrator. The association, as plan administrator, provides summary plan descriptions to participants and beneficiaries, enlisting the help of the participating employer in carrying out this distribution. The plan administrator also makes copies of certain plan documents available to the plan's principal office and such other places as necessary to give participants reasonable access to them. The plan administrator files with the Secretary an annual report covering activities of the plan, as required by the Act and such regulations as the Secretary may issue. The exemption provided by § 2520.104-21 applies because the conditions of § 2520.104-21(c) have been satisfied.

(2) A welfare plan has 75 participants at the beginning of the plan year. It is part of a group insurance arrangement and its benefits and credits are paid in the same manner as in example (1) of § 2520.104-21. A trade association acts as a conduit for payments, acting through its agent, an independent insurance brokerage firm, and is the holder of the insurance contract. The plan appoints an officer of the participating employer as the plan administrator. The officer, as plan administrator, performs the same reporting and disclosure functions as the administrator in example (1) of § 2520.104-21, enlisting the help of the association in providing summary plan descriptions and necessary information. The exemption provided by § 2520.104-21 applies.

(3) A welfare plan has 125 participants at the beginning of the plan year. It is part of a group insurance arrangement and its benefits and credits are paid in the same manner as in the previous examples. A trade association acts as a conduit for payments and is the holder of the insurance contract. The plan appoints the association as plan administrator. The association, as plan administrator, performs all the reporting and disclosure requirements of Title I of the Act for the plan. These include filing with the Secretary a plan description, summary plan description, description of any material modifications in the terms of the plan or change in the information required to be included in the plan description, annual report, and certain other documents if required by regulations or request of the Secretary of Labor. The requirements also include disclosure of certain documents to participants and beneficiaries, including among others the summary plan description and summary of the annual report. The plan administrator obtains necessary information not available in its records—such as the fact that there are 125 participants—from the plan. The exemption provided by § 2520.104-21 does not apply because the plan had more than 100 participants at the beginning of the plan year although the other conditions of paragraph (c) are satisfied.

(4) A welfare plan has 125 participants. It is part of a group insurance arrangement and its benefits and credits are paid in the same manner as in the previous examples. A trade association acts as a conduit for payments and is the holder of the insurance contract. The plan appoints an officer of the participating employer as plan administrator. The plan administrator performs the same reporting and disclosure functions as the administrator in example (3), enlisting the help of the association in providing summary plan descriptions and necessary information. The exemption provided by § 2520.104-21 does not apply.

§ 2520.104-41 Simplified annual reporting requirements for plans with fewer than 100 participants.

(a) *General.* (1) Under the authority of section 104(a)(2)(A), the Secretary of Labor may prescribe simplified annual reporting for employee pension benefit plans with fewer than 100 participants.

(2) Under the authority of section 104(a)(3), the Secretary of Labor may provide a limited exemption for any employee welfare benefit plan with respect to certain annual reporting requirements.

(b) *Application.* The administrator of an employee pension or welfare benefit plan which covers fewer than 100 participants at the beginning of the plan year and is required to file an annual report under section 104(a)(1)(A) of the Act and § 2520.104-5 shall file the simplified annual report described in paragraph (c) of this section.

(c) *Contents.* (1) The administrator of (i) an employee pension benefit plan which covers fewer than 100 participants, none of whom is an owner-employee, as defined in section 401(c)(3) of the Internal Revenue Code of 1954, or (ii) an employee welfare benefit plan which covers fewer than 100 participants shall file a Form 5500-C "Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants)" in the manner prescribed in § 2520.104a-5.

(2) The administrator of an employee pension Keogh plan which covers fewer than 100 participants, at least one of whom is an owner-employee, as defined in section 401(c)(3) of the Internal Revenue Code of 1954, shall file a Form 5500-K "Annual Return/Report of Employee Pension Benefit Plan for Sole Proprietorships and Partnerships (with fewer than 100 participants one of whom is an owner-employee)" in the manner prescribed in § 2520.104a-5.

§ 2520.104-42 Waiver of certain actuarial information in the annual report.

(a) *Scope and application.* Under the authority of 104(a)(2)(A) of the Act, the Secretary of Labor may waive the requirement that the anual report include as part of the actuarial statement (schedule B) the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by the termination priority categories, as set forth in section 4044 of Title IV of the Act, and the actuarial assumptions used in these computations. In accordance with this authority the plan administrator of any employee pension benefit plan required under sections 103(c)(5) and 103(d) of the Act to include actuarial information as part of the annual report is not required to include a statement of the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority categories, as set forth in section 4044 of Title IV of the Act, and the actuarial assumptions used in these computations.

(b) *Limitation.* This section applies only to the annual reports required to be filed for plan years beginning in 1975, 1976 and 1977.

§ 2520.104-43 Exemption from annual reporting requirement for certain group insurance arrangements.

(a) *General.* Under the authority of section 104(a)(3) of the Act, the administrator of an employee welfare benefit plan which meets the requirements of paragraph (b) of this section is not required to file an annual report with the Secretary of Labor as required by section 104(a)(1)(A) of the Act.

(b) *Application.* (1) This exemption applies only to a welfare plan for a plan year in which (i) such plan meets the requirements of § 2520.104-21, except the requirement that the plan cover fewer than 100 participants at the beginning of the plan year, and (ii) an annual report containing the items set forth in § 2520.103-2 has been filed with the Secretary of Labor in accordance with § 2520.104a-6 by the trust or other entity which is the holder of the group insurance contracts by which plan benefits are provided and the conduit for payment of premiums for such policies.

(2) For purposes of this section, the term "trust or other entity" shall be used in place of the term "plan" or "plan administrator" as applicable, in §§ 2520.103-3, 2520.103-4, 2520.103-6, 2520.103-7(b)(1), 2520.103-8, 2520.103-9, 2520.103-10, and 2520.104-45.

(c) *Limitation.* This provision does not exempt the administrator of an employee benefit plan which meets the requirements of paragraph (b) from furnishing a copy of a summary annual report to participants and beneficiaries of the plan, as required by section 104(b)(3) of the Act.

§ 2520.104-44 Limited exemption and alternative method of compliance for annual reporting by unfunded plans and by certain insured plans.

(a) *General.* (1) Under the authority of section 104(a)(3) of the Act, the Secretary of Labor may exempt an employee welfare benefit plan from any or all of the reporting and disclosure requirements of Title I. An employee welfare benefit plan which meets the requirements of paragraph (b)(1) of this section is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(2) Under the authority of section 110 of the Act, an alternative method of compliance is prescribed for certain employee pension benefit plans subject to Part 1, Title I of the Act. An employee pension benefit plan which meets the requirements of paragraph (b)(2) of this section is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(b) *Application.* This section applies only to:

(1) An employee welfare benefit plan under the terms of which benefits are to be paid—

(i) Solely from the general assets of the employer or employee organization maintaining the plan;

(ii) The benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State, the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members: *Provided,* That any plan assets held by the insurance company or similar organization are held solely in the general account of such company or organization, contributions by participants are forwarded by the employer or employee organization to the insurance company or organization within three months of receipt and, in the case of a plan that provides for the return of refunds to contributing participants, such refunds are returned to them within three months of receipt by the employer or employee organization; or

(iii) Partly in the manner specified in paragraph (b)(1)(i) of this section and partly in the manner specified in paragraph (b)(1)(ii) of this section; and

(2) A pension benefit plan the benefits of which are provided exclusively through allocated insurance contracts or policies which are issued by, and pursuant to the specific terms of such contracts or policies benefit payments are fully guaranteed by an insurance company or similar organization which is qualified to do business in any State, and the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members: *Provided,* That contributions by participants are forwarded by the employer or employee organization to the insurance company or organization within three months of receipt and, in the case of a plan that provides for the return of refunds to contributing participants, such refunds are returned to them within three months of receipt by the employer or employee organization.

(c) *Contents.* An employee benefit plan described in paragraph (b) of this section is exempt from complying with

the following annual reporting requirements:

(1) Completing items 13, 14, and 22 of Form 5500 in the case of a plan required to file Form 5500 pursuant to § 2520.104a-5 or § 2520.104a-6; items 13, 14, and 21 in the case of a plan required to file Form 5500-C in accordance with § 2520.104-41, or items 13 and 17 in the case of a plan required to file Form 5500-K in accordance with § 2520.104-41;

(2) Engaging an independent qualified public accountant pursuant to section 103(a)(3)(A) of the Act and § 2520.103-1(b) to conduct an examination of the financial statements and schedules of the plan; and

(3) Including in the annual report a report of an independent qualified public accountant concerning the financial statements and schedules required to be a part of the annual report pursuant to section 103(b) of the Act and § 2520.103-1(b).

(d) *Limitation.* This section does not exempt any plan from filing an annual report form with the Secretary in accordance with section 104(a)(1)(A) of the Act and § 2520.104a-5.

(e) *Example.* A welfare plan which is funded entirely with insurance contracts and which meets all the requirements for exemption under § 2520.104-20 except that it covers 100 or more participants at the beginning of the plan year is not exempt from the annual reporting requirements under § 2520.104-20, but is exempt from certain reporting requirements under § 2520.104-44. Under the latter section, such a welfare plan should file Form 5500, including Schedule A "Insurance Information." However, the plan is not required to engage an independent qualified public accountant and items 13, 14, and 22 of Form 5500 need not be completed.

§ 2520.104-45 Temporary exemption from reporting insurance fees and commissions for insured plans with fewer than 100 participants.

(a) *General.* (1) Under the authority of section 104(a)(3) of the Act, the Secretary of Labor may exempt an employee welfare benefit plan from any or all of the reporting and disclosure requirements of Title I. The administrator of an employee welfare benefit plan which meets the requirements of paragraph (b) of this section is exempt from complying with the annual reporting requirements described in paragraph (c) of this section.

(2) Under the authority of section 110 of the Act, the Secretary of Labor may prescribe an alternative method of compliance for employee pension benefit plans subject to Part 1, Title I, of the Act. The administrator of an employee pension benefit plan which meets the requirements of paragraph (b) of this section is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(b) *Application.* (1) The provisions of this section apply only to welfare and pension plans which cover fewer than 100 participants at the beginning of the plan year and which provide benefits in whole or in part through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State.

(c) *Contents.* A plan which meets the requirements of paragraph (b) is not required to include in the annual report filed in accordance with section 104(a)(1)(A) of the Act and § 2520.104a-5 or § 2520.104a-6 the following information described under sections 103 (c) and (e) of the Act:

(1) The name and address of any insurance agent, broker or other person to whom insurance commissions, salaries or fees are paid;

(2) The amount paid to each; and

(3) The purpose for which such payment is made.

(d) *Limitation.* The provisions of this section apply only to the annual report required to be filed for the plan years beginning in 1975 and 1976.

§ 2520.104-46 Waiver of examination and report of an independent qualified public accountant for employee benefit plans with fewer than 100 participants.

(a) *General.* (1) Under the authority of section 103(a)(3)(A) of the Act, the Secretary may waive the requirements of section 103(a)(3)(A) in the case of a plan for which simplified annual reporting has been prescribed in accordance with section 104(a)(2) of the Act.

(2) Under the authority of section 104(a)(3) of the Act the Secretary may exempt any employee welfare benefit plan from certain annual reporting requirements.

(b) *Application.* (1) The administrator of an employee pension plan for which simplified annual reporting has been prescribed in accordance with section 104(a)(2)(A) of the Act and § 2520.104-41 is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(2) The administrator of an employee welfare benefit plan that covers fewer than 100 participants at the beginning of the plan year is not required to comply with annual reporting requirements described in paragraph (c) of this section.

§ 2520.104a-4 Material modifications to the plan and changes in plan description information.

(a) *General obligation to file.* The administrator of an employee benefit plan subject to the provisions of Part 1 of Title I of the Act shall file with the Secretary, as required by section 104(a)(1)(D) of the Act, any material modifications in the terms of the plan or any changes in the information required by section 102(b) of the Act.

(b) *Fulfilling the filing obligation.* (1) The administrator of an employee benefit plan shall satisfy the requirements of section 104(a)(1)(D) of the Act and § 2520.104(a)-4(a) by filing with the Secretary a summary of material modifications or changes in information which is required by § 2520.104b-3. The summary description of such material modifications or changes shall be filed, in accordance with § 2520.104a-7, no later than the date on which the summary description is required to be disclosed to participants.

(2) The administrator of an employee benefit plan is not required to file a summary of any material modifications or changes in information required to be included in the summary description if such modifications or changes are:

(i) Incorporated in a summary plan description or supplement filed with the Secretary of Labor pursuant to § 2520.104a-3;

(ii) Incorporated in the plan description filed with the Secretary within 120 days after the plan becomes subject to Part I of Title I of the Act and pursuant to § 2520.104a-2.

(iii) Incorporated in an updated plan description filed with the Secretary pursuant to section 104(a)(1)(B) of the Act.

(b) *Filing address.* The summary description of material modifications to the plan and changes in the information required by section 102(b) shall be filed with the Secretary of Labor by mailing it to SMM, U.S. Department of Labor, Washington, D.C. 20216 or by delivering it during normal working hours to Room N-4635, Department of Labor, 200 Constitution Ave., NW., Washington, D.C.

(c) *Effect.* This section is effective April 10, 1978, and supersedes prior § 2520.104a-4 published on April 23, 1976 (41 FR 16964).

(c) *Waiver.* The administrator of a plan described in paragraph (b) (1) or (2) of this section is not required to:

(1) Engage an independent qualified public accountant to conduct an examination of the financial statements of the plan;

(2) Include within the annual report the financial statements and schedules prescribed in section 103(b) of the Act and §§ 2520.103-1, 2520.103-2, and 2520.103-10 and

(3) Include within the annual report a report of an independent qualified public accountant as prescribed in section 103(a)(3)(A) of the Act and § 2520.103-1.

(d) *Limitation.* The waiver described in this section does not affect the obli-

gation of a plan described in paragraph (b) (1) or (2) of this section to file a Form 5500-C or -K and all schedules called for therein. See § 2520.104-41.

§ 2520.104a-5 Annual reporting filing requirements.

(a) *Filing obligation.* Except as provided in § 2520.104a-6, the administrator of an employee benefit plan required to file an annual report pursuant to section 104(a)(1)(A) of the Act shall file an annual report containing the items prescribed in § 2520.103-1 within:

(1) Eleven and one half months after the close of the plan year which begins in 1975, or December 15, 1977, whichever is later; and

(2) Seven months after the close of any plan year which begins after December 31, 1975.

(b) *Where to file.* The annual report described in § 2520.103-1 shall be filed in accordance with and at the address provided in the instructions to the Annual Return/Report Form.

§ 2520.104a-6 Annual reporting for plans which are part of a group insurance arrangement.

(a) *General.* A trust or other entity described in § 2520.104-43(b) that files an annual report in accordance with the terms of subsections (b) and (c) shall be deemed to have filed such report in accordance with § 2520.104a-6 for purposes of § 2520.104-43.

(b) *Date of filing.* The annual report shall be filed within:

(1) Eleven and one-half months after the close of the fiscal year of the trust or other entity described in § 2520.104-43 which begins in 1975 or December 15, 1977, whichever is later; and

(2) Seven months after the close of the fiscal year of the trust or other entity which begins after December 31, 1975.

(c) *Where to file.* The annual report prescribed in § 2520.103-2 shall be filed in accordance with and at the address provided in the instructions to the Annual Return/Report Form.

Signed at Washington, D.C. on this 3rd day of March 1978.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

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federal register

FRIDAY, MARCH 10, 1978
PART VI

DEPARTMENT OF LABOR

Employment Standards Administration

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia: GA78-1023, GA78-1024.

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.

Arkansas: AR77-4173, August 19, 1977; AR77-4285, AR77-4286, AR77-4287, AR77-4288, September 30, 1977; AR77-4290, November 11, 1977.
Delaware: DE77-3134, September 30, 1977.
Georgia: GA77-1117, GA77-1118, September 30, 1977.
Maryland: MD77-3086, August 5, 1977.
New Jersey: NJ77-3093, July 8, 1977.
New Mexico: NM78-4012, February 10, 1978.
Oregon: OR77-5078, September 23, 1977.
Pennsylvania: PA76-3169, May 21, 1976; PA77-3100, July 15, 1977; PA77-3102, PA77-3103, July 22, 1977; PA77-3122, PA77-3123, September 9, 1977; PA77-3128, PA77-3129, September 16, 1977.
Tennessee: TN77-1036, March 25, 1977; TN77-1041, April 1, 1977.
Washington: WA77-5096, October 14, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alaska: AK77-5097(AK78-5020), September 30, 1977.
Georgia: GA77-5035(GA78-1015), March 11, 1977.
Indiana: IN77-2008(IN78-2025), IN77-2009(IN78-2033), February 11, 1977; IN77-2082(IN78-2032), IN77-2083(IN78-2030), IN77-2084(IN78-2033), May 13, 1977.
Michigan: AM-402(MI78-2023), August 18, 1971; MI77-2050(MI78-2010), MI77-2051(MI78-2011), MI77-2053(MI78-2013), MI77-2054(MI78-2014), May 6, 1977; MI77-2052(MI78-2012), MI77-2055(MI78-2015), May 13, 1977; MI77-2127(MI78-2016), September 2, 1977.
Minnesota: MN77-2119(MI79-2009), August 12, 1977.
Nevada: NV77-5007(NV78-5009), September 23, 1977; NV77-5072(NV78-5010), July 8, 1977.
New Mexico: NM77-4103(NM78-4021), May 20, 1977.
New York: NY77-3025(NY78-3007), June 17, 1977.
North Carolina: GA77-5035(GA78-1015), March 11, 1977.
North Dakota: ND77-5100(ND78-5019), December 9, 1977.
Ohio: OH77-2131(OH78-2007), August 26, 1977.
South Carolina: GA77-5035(GA78-1015), March 11, 1977.

Tennessee: TN77-1129(TN78-1151), October 7, 1977.

Texas: TX77-4254(TX78-4020), TX77-4260(TX78-4018), TX77-4261(TX78-4019), TX77-4263(TX78-4017), TX77-4280(TX78-4016), September 30, 1977.

Virginia: GA77-5035(GA78-1015), March 11, 1977.

Washington, D.C.: GA77-5035(GA78-1015), March 11, 1977.

Wyoming: WY78-5008(WY78-5014), January 27, 1978. WY78-5013(WY78-5015), February 3, 1978.

Cancellation of General Wage Determination Decisions

General Wage Determination No. AQ-4124, Laurens County, Ga., is hereby cancelled. Agencies with building construction projects contemplated in the county should utilize the project determination procedure by submitting form SF-308 (see CFR Part 1, § 1.5.). Contracts for which bids have been opened shall not be affected by this notice. Consistent with 29 CFR Part 1, § 1.7(b)(2), inclusion of the above decision in contracts for which the bid opening is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this third day of March 1978.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: GEORGIA

COUNTIES: BALDWIN, BIBB, BLECKLEY, BUTTS, CRAWFORD, HOUSTON, JASPER, JONES, LAMAR, MONROE, PEACH, PIKE, PUTNAM, TWIGGS, UPSON, & WILKINSON

DECISION NUMBER: GA78-1023

DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION (includes single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.50				
BRICKLAYERS	6.25				
CARPENTERS & DRYWALL HANGERS	5.00				
CARPET LAYERS	4.00				
CEMENT MASONS	5.02				
ELECTRICIANS	5.39				
IRONWORKERS	4.25				
LABORERS	2.99				
PAINTERS & DRYWALL FINISHERS	5.00				
PLUMBERS & PIPEFITTERS	5.84				
ROOFERS	4.00				
SHEET METAL WORKERS	5.78				
TILE SETTERS	6.00				
TRUCK DRIVERS	3.07				
WELDERS - Rate for craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.34				
Scraper - pan	4.00				

NEW DECISION

STATE: GEORGIA

COUNTIES: COLUMBIA, GLASCOCK, JEFFERSON, MCDUFFIE, & WARREN

DECISION NUMBER: GA78-1024

DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$ 6.85				
Carpenters	5.94				
Cement masons	4.75				
Electricians	7.76				
Glaziers	4.72				
Ironworkers:					
Structural & ornamental	4.75				
Reinforcing	3.50				
Laborers	3.40				
Painters	5.00				
Plumbers & Pipefitters	8.54				
Roofers	4.70				
Sheet metal workers	6.38				
Tile setters	7.65				
Truck drivers	3.50				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Crane	6.80				
Front end loader	7.22				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AR77-4173 - Mod. #6 (42 FR 42063 - August 19, 1977,) Jefferson County, Arkansas					
CHANGE:					
BOILERMAKERS	$10.55	.80	1.00		.02
LINE CONSTRUCTION:					
Linemen & Operators	11.60		3%		3/8%
Cable splicers	11.725		3%		3/8%
DECISION NO. AR77-4285 - Mod. #5 (42 FR 52898 - September 30, 1977) Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	$10.975		3%		½%
Cable splicers	11.10		3%		½%
BOILERMAKERS	10.55	.80	1.00		.02
DECISION NO. AR77-4286 - Mod. #5 (42 FR 52900-September 30, 1977) Union & Ouachita Counties, Arkansas					
CHANGE:					
BOILERMAKERS	10.55	.80	1.00		.02
DECISION NO. AR77-4287 - Mod. #6 (42 FR 52903 - September 30, 1977 Pulaski County, Arkansas					
CHANGE:					
BOILERMAKERS	10.55	.80	1.00		.02
DECISION NO. AR77-4288 - Mod. #4 (42 FR 52901 - September 30, 1977) Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
BOILERMAKERS	10.55	.80	1.00		.02
ELECTRICIANS:	10.65	.35	3%+5.5%		1/4%
Electricians	10.65	.35	3%+5.5%		1/4%
Cable splicers	10.90	.35	3%+5.5%		1/4%

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AR77-4290 - Mod. #4 (42 FR 58924 - November 11, 1977) Conway, Van Buren, Perry, and Cleburne Counties, Arkansas					
CHANGE:					
BOILERMAKERS	$10.55	.80	1.00		.02
LINE CONSTRUCTION:					
Linemen	11.60		3%		3/8%
Cable splicers	11.725		3%		3/8%
Operators	11.60		3%		3/8%
DECISION #DE77-3134 - Mod. # 6 (42 FR-52990 - September 30, 1977 State of Delaware					
Omit:					
All classifications and wage rates for Laborers on Highway Construction					
Add:					
Laborers - Highway Construction:					
New Castle County	$ 5.90				
Kent & Sussex Counties	5.45				

DECISION #GA77-1117 - Mod. #1
(42 FR 52998 - September 30, 1977)
Chatham County, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.15	.55	.60		.10
Boilermakers	10.25	.75	1.05		.02
Bricklayers, stone masons, marble masons, tile setters, & terrazzo workers	8.50	.20	.20		.01
Carpenters & soft floor layers	8.75	.50			
Cement masons	7.50				
Elevator Constructors:					
Mechanics	9.15	.745	.56	4%+a+b	.035
Helpers	6.405	.745	.56	4%+a+b	.035
Millwrights	9.35	.50			
Piledrivermen	9.00	.50			
Plasterers	7.25				
Plumbers & Pipefitters:					
Contracts $15,000.00 or less	9.65	.45	.60		.05
Contracts over $15,000.00	10.30	.45	.60		.05
Sheet metal workers	9.23	.45			.04
FOOTNOTE:					
a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.					

DECISION #GA77-1118 - Mod. #2
(42 FR 53000 - September 30, 197
Richmond County, Georgia

Change:					
Asbestos workers	$ 9.15	.45	.25		.02
Laborers:					
Building & Construction laborers	4.60	.15			.10
Power & air tool operators, concrete or clay pipe layers, & wipers, mortar makers & power buggy operators	4.75	.15			.10
Powderman, wagon drill operator, tool room tender, tunnel laborers, shaft laborers, burners, acetylene (demolition work), slip form workers (steel or wood, screw or jack type), potman, creosote materials handler, steel form setter (on grade), chimney or stack workers	4.80	.15			.10

DECISION #MD77-3086 - Mod. #5
(42 FR 39880 - August 5, 1977)
Allegany & Garrett Counties, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.025	1.075	1.00		.02
Elevator Constructors	11.77	.745	.56	4%+a+b	.025
Elevator Constructors Helpers	70% JR	.745	.56	4%+a+b	.025
Elevator Constructors Helpers (Probationary)	50% JR				

DECISION #NJ77-3093 - Mod. # 9
(42 FR-35567 - July 8, 1977)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, & Warren Counties, New Jersey

Change:					
Boilermakers	$11.57	8%	20%+.25	10%	.01
Boilermakers Helpers	11.04	8%	20%+.25	10%	.01
Laborers, Heavy & Highway Construction:					
GROUP 1	9.40	.85	1.00	e	.10
GROUP 2	9.25	.85	1.00	e	.10
GROUP 3	9.00	.85	1.00	e	.10
GROUP 4	8.95	.85	1.00	e	.10
GROUP 5	8.85	.85	1.00	e	.10
GROUP 6	8.75	.85	1.00	e	.10
GROUP 7	8.50	.85	1.00	e	.10
GROUP 8	8.35	.85	1.00	e	.10
GROUP 9	8.30	.85	1.00	e	.10
Laborers, Free Air Tunnel Jobs:					
GROUP 1	9.77	.85	1.00	e	.10
GROUP 2	9.37	.85	1.00	e	.10
GROUP 3	9.21	.85	1.00	e	.10
GROUP 4	8.70	.85	1.00	e	.10
Plumbers:					
ZONE 3	12.45	.75	1.35		.20

MODIFICATIONS P. 5

DECISION NO. NM78-4012 - Mod. #2 (43 FR 5978 - February 10, 1978) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	$10.165	$1.075	$1.00	.50	.02
ELECTRICIANS(ZONE III):					
3-A	9.60	.30	3%		1/10%
3-B	11.05	.30	3%		1/10%
ELECTRICIANS(ZONE IV):					
4-A	10.60	.60	3%		.01
4-B	10.95	.60	3%		.01
4-C	11.10	.60	3%		.01
4-D	11.35	.60	3%		.01
CABLE SPLICERS (ZONE III):					
3-A	9.85	.30	3%		1/10%
3-B	11.30	.30	3%		1/10%
CABLE SPLICERS (ZONE IV):					
4-A	10.95	.60	3%		.01
4-B	11.30	.60	3%		.01
4-C	11.45	.60	3%		.01
4-D	11.70	.60	3%		.01
DECISION NO. OR77-5078 - Mod.#2 (42 FR 48700 September 23, 1977) Statewide Oregon					
CHANGE:					
Boilermakers	$12.025	1.075	1.00	.75	.02
Electricians:					
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, Nl Yamhill, Cos.					
Electricians	14.55	.90	3%+1.00		.05
Lead Cable Splicers	15.30	.90	3%+1.00		.05
LINE CONSTRUCTION:					
All counties except Malheur					
Cable Splicer, Leadman Pole Sprayer	13.29	.45	3%+ .40	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equip. Man, Certified Lineman Welder	12.00	.45	3%+ .40	.10	1/2%
Tree Trimmer	10.84	.45	3%+ .40	.10	1/2%
Line Equipment Man	10.34	.45	3%+ .30	.10	1/2%
Head Groundman (Chipper), Head Groundman, Powderman, Jackhammer Man	9.04	.45	3%+ .30	.10	1/2%
Groundman, Tree Trimmer Helper	8.50	.45	3%+ .30	.10	1/2%
Zone Pay - see Decision					

MODIFICATIONS P. 6

DECISION #PA76-3169 - Mod. #6 (42 FR-21133 - May 21, 1976) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Journeyman Lineman	$13.71	.45	.137		.041
DECISION #PA77-3100 - Mod. #6 (42 FR 36775 - July 15, 1977) Columbia. Montour, and Snyder Counties, Pennsylvania					
Change:					
Line Construction:					
Linemen, dynamite man, heavy equipment operators	10.80	.50	3%		3/8 of 1%
Winch truck operator	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%
DECISION #PA77-3102 - Mod. #8 (42 FR 37754 - July 22. 1977) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
Change:					
Line Construction:					
ZONE 2					
Linemen, dynamite man, heavy equipment operators	10.80	.50	3%		3/8 of 1%
Winch truck operator	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%
DECISION #PA77-3103 - Mod. #5 (42 FR 37759 - July 22, 1977) Bradford, Tioga and Union Counties, Pennsylvania					
Change:					
Line Construction:					
Linemen, dynamite man, heavy equipment operators	10.80	.50	3%		3/8 of 1%
Winch truck operator	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3122 - Mod. #2 (42 FR 45614 - September 9, 1977) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania					
Change:					
Marble Setters	$10.28	.60	.57		
DECISION #PA77-3129 - Mod. #2 (42 FR 46903 - September 16, 1977) Northumberland County, Pennsylvania					
Change:					
Electricians:					
Remainder of County	10.95	.35	3%+.20		.05
Line Construction:					
Linemen, dynamite man, heavy equipment operators	10.80	.50	3%		3/8 of 1%
Winch truck operator	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%
DECISION #PA77-3123 - Mod. #4 (42 FR 45616 - September 9, 1977) Schuylhill County, Pennsylvania					
Change:					
Line Construction:					
Linemwn, dynamite man, heavy equipment operators	10.80	.50	3%		3/8 of 1%
Winch truck operator	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%
DECISION #PA77-3128 - Mod. #4 (42 Fr 46901 - September 16, 1977) Adams & York Counties, Pennsylvania					
Change:					
Roofers:					
Composition	9.25	.61	.30	.25	
Slate & Tile	9.85	.61	.30	.25	
Carpenters:					
York County	9.89	.50	.45		.03

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # TN77-1036, Mod. # 2. (42 FR 16375 - March 25, 1977) Davidson County, Tennessee.					
CHANGE:					
Electricians	$9.20	.45	3%		0.25%
Decision # TN77-1041, Mod. # 1. (42 FR 17784 - April 1, 1977) Statewide, Tennessee					
CHANGE DESCRIPTION OF WORK TO: Highway Construction (does not include tunnels, railroad construction, building structures in roadside rest areas, or bridges designed to accommodate waterborne navigation).					
DECISION NO. WA77-5096 - Mod.#3 (42 FR 55412 October 14, 1977) Statewide Washington					
CHANGE:					
BOILERMAKERS	$12.025	1.075	1.00	.75	.02
ELECTRICIANS:					
Clark, Klickitat, and Skamania Counties					
Electricians	14.55	.90	3% +1.00		.05
Cable Splicers	15.30	.90	3% +1.00		.05
IRONWORKERS:					
Statewide except: Clark, Cowlitz, Klickitat, Pacific (Southern Portion), Skamania and Wahkiakum Cos. Reinforcing, Structural, Fence Erectors, Ornamental, Riggers, and Signalmen	11.85	.93	1.20		.10
LINE CONSTRUCTION:					
Cable Splicer, Leadman Pole Sprayer	13.29	.45	3% +.40	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	12.00	.45	3% +.40	.10	1/2%
Tree Trimmer	10.84	.45	3% +.40	.10	1/2%
Line Equipment Man	10.34	.45	3% +.30	.10	1/2%
Head Groundman (Chipper), Head Groundman, Powderman, Jackhammer Man	9.04	.45	3% +.30	.10	1/2%
Groundman, Tree Trimmer Helper	8.50	.45	3% +.30	.10	1/2%
ZONE PAY - see Decision					

SUPERSEDEAS DECISION

STATE: Alaska
DECISION NUMBER: AK78-5020
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AK77-5097 dated September 30, 1977, in 42 FR 52890
DESCRIPTION OF WORK: Building Construction (including residential construction consisting of single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging.

AREA I (North of the 63rd Parallel) AREA II (South of the 63rd Parallel and West of the 141st Meridian) AREA III (East of the 141st Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$20.36	.44	$ 1.20		.10
BOILERMAKERS	17.485	1.075	1.00	.75	.02
BRICKLAYERS; Blocklayers; Stonemasons	15.68	.90	2.45		.09
CARPENTERS:					
Area I					
Carpenters	16.28	.70	1.65		.10
Powder actuated tool operator	16.50	.70	1.65		.10
DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work applicators; Nailing Machine Operator;					
Saw Filer	16.56	.70	1.65		.10
Millwrights	16.67	.70	1.65		.10
Piledriverpen	15.82	.70	1.65		.10
Areas II and III					
Journeyman Carpenters	15.81	.70	1.65		.15
Acoustical and Marlite Applicators; Floor Workers; Radial air saw operators; Fire and Floor Workers	16.19	.70	1.65		.15
Millwrights	16.34	.70	1.65		.15
Piledrivermen	15.82	.70	1.65		.15
CEMENT MASONS:					
Cement Masons, paving (concrete), Curb, Gutter and Sidewalks	14.30	.70	2.28		.15
Operating Screeding and Rodding Machines, Application of all Composition, Mastic, Epoxy, and Plastic Materials	14.83	.70	2.28		.15
Hand powered Grinder	14.83	.70	2.28		.15
Form Setters	14.45	.70	2.28		.15
CULINARY WORKERS:					
Baker of combination Cook-Baker, Head Cook; Working Camp Manager	13.31	.50	2.00		.04
Cook	12.95	.50	2.00		.04
Butcher	12.06	.50	2.00		.04

DECISION NO. AK78-5020 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CULINARY WORKERS: (Cont'd)					
Head Waiter or Head Waitress	$12.57	.50	$ 2.00		.04
Head Bullcook	11.47	.50	2.00		.04
Camp Worker (waiter, waitress, Bullcook, General Helper, miscellaneous worker); Bartender	11.31	.50	2.00		.04
ELECTRICIANS:					
Electricians; Equipment Operators; Technicians	17.45	1.05	3%+3.00		.15
Cable Splicers	19.20	1.05	3%+3.00		.15
Residential Construction	10.25	1.05			.05
ELEVATOR CONSTRUCTORS	18.915	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Area I	15.85	.65	1.00		
Areas II and III	15.74	.70	1.00		.10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; Sheeter; Structural	17.05	.85	2.75		.20
LATHERS	16.71	.70		1.08	.04
LINE CONSTRUCTION:					
Groundmen	15.45	1.05	3%+3.00		.15
Equipment Operators; Linemen; Technicians	17.45	1.05	3%+3.00		.15
Cable Solicers	18.95	1.05	3%+3.00		.15
Powderman	16.95	1.05	3%+3.00		.15
Material Handler	12.35	1.05	3%+3.00		.15
MARBLE SETTERS; Terrazzo Workers	15.68	.90	2.25		.09
PAINTERS:					
Area I					
Zone I (Within a 10 mile radius of the Fairbanks Post Office including Ft. Wainwright)					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: Cont'd)					
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks Post Office including Eielson Air Force Base and all the Sites within this territory)					
Zone 3 (Beyond 40 miles radius of the Fairbanks Post Office)					
Zone 1 and 3:					
Brush; Roller; Paper; Vinyl	$ 17.15	.70	$ 2.00		.10
Utilidor; Swing; Sign; Bosun	17.40	.70	2.00		.10
Structural Steel, Pot Tender Sandblaster	17.65	.70	2.00		.10
Epoxy; Tar; Finish metal Spray	18.15	.70	2.00		.10
Spray Painter	18.25	.70	2.00		.10
Tapers Hand	17.42	.70	2.00		.10
Tapers Machine	18.42	.70	2.00		.10
Buffer Operator	17.68	.70	2.00		.10
Hardwood Finishers	17.90	.70	2.00		.10
Zone 2:					
Brush, roller, paper and vinyl hangers	18.00	.65	2.00		.10
Utilidor, Swing, bosun, Sign	18.25	.65	2.00		.10
Structural steel, Pot tender-Sandblaster	18.50	.70	2.00		.10
Epoxy, Tar, Finish metal Spray	19.00	.70	2.00		.10
Spray painter	19.10	.70	2.00		.10
Tapers, Hand	18.27	.70	2.00		.10
Tapers, Machine	19.27	.70	2.00		.10
Buffer Operators	18.53	.70	2.00		.10
Hardwood Finisher	18.75	.70	2.00		.10
Zone 1, 2, and 3:					
Height Pay: All work on any form of scaffolding or staging over 40 ft. will be paid $.25 more per hour, and for every additional 20 ft. $.25 more per hour will be paid to the employee. The Height of work shall be determined from the ground to the point of hook-up.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
AREAS II and III:					
Brush, Roller, Sign Paper & vinyl, Swing Stage, Taper/Drywall, Structural Steel	$ 17.00	.70	$ 2.00		.20
Spray, Sandblast, Pot Tender	17.40	.70	2.00		.20
Epoxy and tar applicator	17.60	.70	2.00		.20
Steeple Jack and Tower	18.00	.70	2.00		.20
Height Pay: All classifications, with the exception of steeple jacks and tower painters, a $.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional $.25 per hourly height pay shall be paid for each additional 50 ft. thereafter. Height pay on all towers and steeplejack work shall start at the 150 ft. level. $.50 per hour above the scale shall be paid for each additional 100 ft.	18.80	.70	2.00		.20
PLASTERERS	15.42	.70	2.28		.15
PLUMBERS: Steamfitters:					
Area I	18.42	.85	1.30		.45
Area II	16.85	.73	1.40		.15
Area III	16.50	1.00	1.70		.10
Residential Construction: Area II	14.32	.73	1.40		.15
ROOFERS:					
Area I	15.60	1.40	2.20		.05
Area II and III	15.30	1.40	2.20		.05
SHEET METAL WORKERS:					
Area I	18.99	.57	1.00		.17
Area II and III	18.36	.67	1.00		.15
SOFT FLOOR LAYERS:					
Area I	16.67	.70	1.65		.10
Areas II and III	16.04	.70	1.65		.15
SPRINKLER FITTERS	17.01	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SURVEY CREWS:					
Party Chief	$14.45	.98	$ 3.00		.05
Instrumentman	13.21	.98	3.00		.05
Head Chainman	12.66	.98	3.00		.05
Stakehop	12.66	.98	3.00		.05
Rear Chainman	12.23	.98	3.00		.05
TERRAZZO WORKERS' and TILE SETTERS' HELPERS	12.83	.90	2.25		.09
TILE SETTERS	15.01	.90	2.45		.09
RIGGERS: WELDER: Receive rates for welding is incidential.	craft performing operation to which rigging or				
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTE: a. Employer contributes 4% of the basic hourly rate for over 5 years' service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Six paid holidays: A through F.					
LABORERS					
Group 1	$13.10	.60	2.25		.09
Group 2	13.27	.60	2.25		.09
Group 3	13.31	.60	2.25		.09
Group 4	13.34	.60	2.25		.09
Group 5	13.38	.60	2.25		.09
Group 6	13.39	.60	2.25		.09
Group 7	13.44	.60	2.25		.09
Group 8	13.52	.60	2.25		.09
Group 9	13.77	.60	2.25		.09
Group 10	13.80	.60	2.25		.09
Group 11	13.88	.60	2.25		.09
Group 12	13.90	.60	2.25		.09
Group 13	13.91	.60	2.25		.09
Group 14	14.02	.60	2.25		.09
Group 15	14.14	.60	2.25		.09
Group 16	14.27	.60	2.25		.09
Group 17:					
Class A	13.10	.60	2.25		.09
Class B	13.29	.60	2.25		.09
Class C	13.60	.60	2.25		.09
Class D	14.16	.60	2.25		.09
Class E	14.31	.60	2.25		.09
Class F	14.55	.60	2.25		.09

LABORERS

Group 1: Building Laborers; Carpenters Tenders; Material Handlers and Hook Tenders; Form Strippers; Signalmen; Riggers; Sandblast Pot Tender; Saw Tenders; General Labor; Dump Man; Pit Man; Brush Cutters, Ditch Diggers; ; Monolithic Workers; Dryer Man; Window Cleaner; Utiliwalk and Utilidor

Group 2: Base and Floor Machine Man

Group 3: Choke Setters

Group 4: Concrete Labor including Vibratorman; Power Butty and Concrete Power Saw; Curb and Gutterman; General Crew (including Plant Crew) Asphalt

Group 5: Pneumatic or Power Tools

Group 6: Stake Hopper; Grademan; Steampoint or Water Jet Operator

Group 7: Tank Cleaner

Group 8: Jackhammer Operator and Pavement Breaker; Chuck Tender (Wagon and Air Track Drills)

Group 9: Mason Tender and Mud Mixers

Group 10: Gunnite Operator; Pipelayers; Culvert and Multiplate; High Scaler; Sloper (over 20 feet); Chain and Power Saws; Sack or bulk; Sewer Pipelayer; Sewer Caulkers; Timberman; All Monolithic Crews; Pipe Builders; Sandblasters

Group 11: Asphalt Rakers

Group 12: Tenders; Plasterers; Bricklayers; Cement Finisher; Burning and Cutting Torch (except intermittent torch work)

Group 13: Wagon Driller

Group 14: Timber Faller; Air Track Wagon Driller

Group 15: Chain Saw Filer

Group 16: High Riggers and Tree Topper, Powderman

Group 17: TUNNEL OR SHAFT
Class A: Topman and Bull Gang; Brakeman
Class B: Muckers, Laborers; Nippers
Class C: Chuck Tender
Class D: Retimberman
Class E: Miners, Shafts and Raises
Class F: Powderman

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 13.93	.90	$ 2.50		.15
Group 2	14.82	.90	2.50		.15
Group 3	13.86	.90	2.50		.15
Group 4	13.99	.90	2.50		.15
Group 5	14.88	.90	2.50		.15
Group 6	15.66	.90	2.50		.15
Group 7	14.25	.90	2.50		.15
Group 8	13.42	.90	2.50		.15
Group 9	14.31	.90	2.50		.15
Group 10	14.58	.90	2.50		.15
Group 11	14.07	.90	2.50		.15
Group 12	16.41	.90	2.50		.15
Group 13	13.94	.90	2.50		.15
Group 14	14.34	.90	2.50		.15
Group 15	13.84	.90	2.50		.15
Group 16	14.37	.90	2.50		.15
Group 17	14.67	.90	2.50		.15
Group 18	12.76	.90	2.50		.15
Group 19	13.31	.90	2.50		.15
Group 20	14.26	.90	2.50		.15
Group 21	13.58	.90	2.50		.15
Group 22	12.91	.90	2.50		.15
Group 23	13.35	.90	2.50		.15
Group 24	13.52	.90	2.50		.15
Group 25	17.18	.90	2.50		.15
Group 26	17.85	.90	2.50		.15
Group 27	14.51	.90	2.50		.15
Group 28	13.88	.90	2.50		.15
DREDGING					
Group 1	13.23	1.00	3.00		
Group 2	13.36	1.00	3.00		
Group 3	14.29	1.00	3.00		
Group 4	14.35	1.00	3.00		
Group 5	14.51	1.00	3.00		
Group 6	14.92	1.00	3.00		
Group 7					
(a)	15.70	1.00	3.00		
(b)	16.45	1.00	3.00		

POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator; Batch and Mixer, 200 yards per hour and under; Loaders; Elevating - Athey, Barber Greene and similar types; Overhead and front-end, under 2½ yards; Mixers; Concrete Mixers and Batch, 200 yards per hour and under; Pumps; Puller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: on Plant or Road Mix materials; Tractor, Farmall types, 50 h.p. and over; Trenching Machines, under 16 inches

Group 2: Batch Plant Operator: Batch and Mixers, over 200 yards; Derricks, all; Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers, under D6 or similar; Post Hole Diggers, mechanical; Saws, Concrete; Scrapers; Carryall type, tandem

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H.D. 41 and/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Highlines, 3 yards and under; Cranes: "A" Frame Trucks; Helicopter, transporters; Deck Winches (double power drum); Crawler, truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter (all track or truck type), Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Fork Lifts with power broom and swing attachment; Loaders: Overhead and Front-end, 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledriver Engineers, (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 25 yards through 40 yards; Hover Craft, Flex Craft, Helicopter; Transporter; Cableways; Rollagon, Dredge Barge Cable, Highline or Cable Car, Boat Coxswain

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Cableways and Highways, over 3 yards; Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, over 150' boom, including jibs or over 45 tons; Tower Cranes, Pecco, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons through 100 tons; Loaders: Overhead and Front-end, 4 yards up to and including 10 yards; Shovels: Crawler and truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

Group 7: Cement Hogs; Locomotives: Rod and Greared Engines

Group 8: Compressors: Excavating; Locomotives: Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection including Sandblasting, Painting or same, Pile Driving, Hoists on Steel Erection (Towermobiles and Air Tuggers); Loaders: Fork Lifts with tower

Group 10: Conveyors, Beltcrete with power pack and similar; Loader: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders: Model 14 or similar types and under; Power Plant Turbine Operators: under 300 K.W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over, or over 200' of boom including jibs or over 150 tons; Hyster Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and front-end, over 10 yards; Shovels: Crawler and truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment over 55 yards thorugh 70 yards

Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screed Man or Slurry Operator; Spreaders - Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)

Group 16: Mechanics, Welders, Machinists, heavy duty

Group 17: Mechanic; Leadman

POWER EQUIPMENT OPERATORS (Cont'd)

Group 18: Mechanics' Helpers, Heavy Duty (shop), Stake Hopper, Grademan

Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators: Other than plants or road mix (where towed, to pay rate or equipment used to pull); Tractors, Farmall type less than 50h.p.; Scrapers; Carryall type, single

Group 20: Mixers, Asphalt

Group 21: Oilers, Brakemen, Blower Distributors

Group 22: Grade Checkers - Oiler combination); Safety Observer or Oiler Rigger

Group 23: Journeyman Equipment Service; Drill-helper; Oilers and Fireman; Oiler, either over 3 yards to over 150' boom or over 45 tons

Group 24: Pumps: Water

Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar types equipment over 70 yards through 85 yards

Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 85 yards through 100 yards

Group 27: Trenching Machines: 16 inches and over or Remote controlled underwater Trenching

Group 28: Nodwell Sno-cat

POWER EQUIPMENT OPERATORS - DREDGING

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pumps); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.22	.98	$ 3.00		.10
Group 2	13.28	.98	3.00		.10
Group 3	12.75	.98	3.00		.10
Group 4	13.60	.98	3.00		.10
Group 5	14.00	.98	3.00		.10
Group 6	14.31	.98	3.00		.10
Group 7	14.60	.98	3.00		.10
Group 8	14.91	.98	3.00		.10
Group 9	15.22	.98	3.00		.10
Group 10	15.53	.98	3.00		.10
Group 11	15.84	.98	3.00		.10
Group 12	16.15	.98	3.00		.10
Group 13	16.45	.98	3.00		.10
Group 14	13.74	.98	3.00		.10
Group 15	12.47	.98	3.00		.10
Group 16	12.90	.98	3.00		.10
Group 17	13.58	.98	3.00		.10
Group 18	13.84	.98	3.00		.10
Group 19	14.11	.98	3.00		.10
Group 20	14.38	.98	3.00		.10
Group 21	14.55	.98	3.00		.10
Group 22	13.52	.98	3.00		.10
Group 23	12.64	.98	3.00		.10

TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling aggregate), Lumber Carrier

Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards; Dump Trucks, over 5 yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: Over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle; Winch Trucks; Flat Bed including "A" Frame manufactures rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; (All Terrain Vehicles, Form Distributor Truck, double axle; Loadmaster (air and water operations); Air cushion or similar type vehicle; Fire Trucks - double axle

Group 3: Batch Truck up to and including 5 yares; Dump Truck (including Rockbuggy and Trucks with pumps) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, Flat Bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Form Distributor Truck, single axle, Hydro Seeder, single axle, Team Drivers (horses, mules and similar equipment); Vacuum Trucks and Truck Sweepers - single axle; Fire Trucks - single axle; Ambulance

Group 4: Dump Trucks over 10 yards up to and including 20 yards; Tire Services Man; Lowbed heavy-duty Trailer; Oiler Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment)

Group 5: Dump Trucks over 20 yards up to and including 30 yards

Group 6: Dump Trucks over 30 yards up to and including 40 yards

Group 7: Dump Trucks over 40 yards up to and including 50 yards

Group 8: Dump Trucks over 50 yards up to and including 60 yards

Group 9: Dump Trucks over 60 yards up to and including 70 yards

Group 10: Dump Trucks over 70 yards up to and including 80 yards

Group 11: Dump Trucks over 80 yards up to and including 90 yards

TRUCK DRIVERS (Cont'd)

Group 12: Dump Trucks over 90 yards up to and including 100 yards

Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner DW-10 when not self-loading

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot Cats all light-duty vehicles); Warehouseman Class 2: Farm Type rubber-tired tractor (material hauling); Swampers and Riggers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouseman - Class 1

STATES: Georgia, North Carolina, South Carolina, Virginia, and Washington, D. C., and in Florida, all counties on the Atlantic coast and the Gulf coast west to the Aucilla River and all tributary Waterways.
DECISION NUMBER: GA-78-1015 DATE: Date of Publication
Supersedes Decision No. GA-77-5035, dated March 11, 1977 in 42 FR 13756
DESCRIPTION OF WORK: Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HYDRAULIC DREDGES 20" AND OVER					
Levermen	$7.63	.63	.50	a	
Engineer	7.53	.63	.50	a	
Mate	6.70	.63	.50	a	
Welder	6.94	.63	.50	a	
Derrick Operator	7.22	.63	.50	a	
Spill barge operator	7.06	.63	.50	a	
Spider barge operator	7.06	.63	.50	a	
Tug master	6.64	.63	.50	a	
Carpenter	7.18	.63	.50	a	
Tug mate	6.30	.63	.50	a	
Electrician	7.36	.63	.50	a	
Machinist	7.11	.63	.50	a	
Steward	5.69	.63	.50	a	
Oiler & Fireman	5.49	.63	.50	a	
Deckhand & tug deckhand	5.08	.63	.50	a	
Shoreman	4.97	.63	.50	a	
Second cook	5.08	.63	.50	a	
Messman	4.97	.63	.50	a	
HYDRAULIC DREDGES UNDER 20":					
Leverman	6.90	.63	.50	a	
Engineer	6.51	.63	.50	a	
Welder	6.64	.63	.50	a	
Mate	5.82	.63	.50	a	
Oiler and Fireman	5.42	.63	.50	a	
Launchman	5.49	.63	.50	a	
Shoreman	4.97	.63	.50	a	
Spill barge operator	5.99	.63	.50	a	
Spider barge operator	5.99	.63	.50	a	
CLAMSHELL DREDGES:					
Operator	7.56	.63	.50	a	
Engineer	7.08	.63	.50	a	
Welder	6.84	.63	.50	a	
Mate	6.55	.63	.50	a	
Fireman & Oiler	5.49	.65	.50	a	
Deckhand	5.08	.63	.50	a	
Launchman	5.49	.63	.50	a	
Scowman	5.18	.63	.50	a	

DECISION NO. GA78-1015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DIPPER DREDGES:					
Operator	7.65	.63	.50	a	
Craneman	7.26	.63	.50	a	
Engineer	7.44	.63	.50	a	
Welder	6.94	.63	.50	a	
Mate	6.70	.63	.50	a	
Fireman & Oiler	5.49	.63	.50	a	
Deckhand	5.08	.63	.50	a	
Tug master	6.64	.63	.50	a	
Tug mate	6.30	.63	.50	a	
Scowman	5.18	.63	.50	a	
TUGS (TENDING DIPPER & CLAMSHELL DREDGES):					
Tug master	6.78	.63	.50	a	
Tug mate	6.37	.63	.50	a	
Engineer	6.78	.63	.50	a	
Assistant engineer	6.22	.63	.50	a	
Deckhand	5.00	.63	.50	a	
Cook	5.18	.63	.50	a	
STEWARD DEPARTMENT - ON DIPPER AND CLAMSHELL DREDGES AND ON HYDRAULIC DREDGES 20" AND UNDER:					
Cook	5.42	.63	.50	a	
Mess cook	5.04	.63	.50	a	
Messmen & janitor	4.94	.63	.50	a	
DRILLBOATS:					
Driller	7.53	.63	.50	a	
Blaster	7.53	.63	.50	a	
Operator engineer	7.53	.63	.50	a	
Helper	5.49	.63	.50	a	

FOOTNOTE:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Six paid holidys, A through f, plus vacation contribution of 7% of straight time pay.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: DECATUR
DECISION NUMBER: IN78-2025 DATE: Date of Publication
Supersedes Decision No. IN77-2008, dated February 11, 1977, in 42 FR 8908
DESCRIPTION OF WORK: Building construction (Does not include family homes & garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.00	.50	.55		.01
BOILERMAKERS	12.55	.80	1.00		.03
BRICKLAYERS; Stonemasons	10.00		.30		
CARPENTERS:					
Carpenters; Soft floor layers	9.74	.55	.65		.03
Piledrivermen	9.99	.55	.65		.03
Millwrights	10.24	.55	.65		.03
CEMENT MASONS	8.30		1.30		
ELECTRICIANS	11.90	4%	7%		.5%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	11.285	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	12.39				
IRONWORKERS:					
West ½ of County	11.15	.90	1.30		.05
East ½ of County:					
Ornamental; Structural	11.48	.90	1.05		.03
Reinforcing	10.68	.90	1.85		.02
LATHERS	11.09	.61	.35		.04
PLASTERERS	9.20	.80	.50		.01
PLUMBERS; Steamfitters	12.00	.50	.30		.05
ROOFERS:					
Composition & waterproof	10.95	.50	.50		
Slate, Tile, Asbestos & precast slab	11.20	.50	.50		
SHEET METAL WORKERS	11.94	.60	.70		.09
SPRINKLER FITTERS	11.65	.65	.95		.08
LABORERS:					
Group 1	7.40	.60	.45		.09
Group 2	7.60	.60	.45		.09
Group 3	7.70	.60	.45		.09
Group 4	8.40	.60	.45		.09

DECISION NO. IN78-2025

LABORERS

GROUP 1 - Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworkers helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen ; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers all of other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP 2 - Waterproofing; Handling of creosote lumber of like treated material (excluding railroad material); Asphalt rakers & lutemen; Kettlemen; Air tool operators, vibrators, chipping hammer operator and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP 3 - Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP 4 - Dynamite men

FOOTNOTES:

a. 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving & Christmas Day

b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO. IN78-2025

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.58	.35	.35		.05
GROUP B	9.49	.35	.35		.05
GROUP C	8.75	.35	.35		.05

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, buildozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment,well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor . cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump , concrete saw

DECISION NO. IN78-2025

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$8.45	$25.50a	$18.00a	b & c	
GROUP 2	8.50	25.50a	18.00a	b & c	
GROUP 3	8.55	25.50a	18.00a	b & c	
GROUP 4	8.60	25.50a	18.00a	b & c	
GROUP 5	8.65	25.50a	18.00a	b & c	
GROUP 6	8.70	25.50a	18.00a	b & c	
GROUP 7	8.80	25.50a	18.00a	b & c	
GROUP 8	8.85	25.50a	18.00a	b & c	
GROUP 9	8.90	25.50a	18.00a	b & c	
GROUP 10	8.95	25.50a	18.00a	b & c	
GROUP 11	9.10	25.50a	18.00a	b & c	

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:
a. per week per employee
b. 1 week's paid vacation after 1 year's service; 2 weeks' paid vacation after 3 years' service; & 3 weeks' paid vacation after 10 years' service.
c. 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; & Christmas Day

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN78-2030 DATE: Date of Publication
Supersedes Decision No. IN77-2083 dated May 13, 1977 in 42 FR 24596
DESCRIPTION OF WORK: Heavy and Highway Construction

*Statewide, except Lake, LaPorte, Porter, and St. Joseph Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Jasper, Newton, and Starke Counties	$12.03	.50	.57		.05
Elkhart County	9.98	.60	.60		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), and Warren Counties	10.45	.60	.50		.08
Remainder of State of Indiana	9.88	.55	.45		.05
CEMENT MASONS:					
Adams, Allen, Dekalb, Noble, Steuben, and Whitley Counties	9.75	.75			.01

DECISION NO IN78-2030

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Benton, Carroll (Northeast section of Co., south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Yeoman), Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding northeastern portion of Co., but including Wheatfield), Miami, Montgomery, Newton, Pulaski (excluding northern 2/3 of Co.), Tippecanoe, Warren, & White Cos.	$ 9.25	.60	.75		
Jasper (northeastern portion of Co. west to, but not incl. Wheatfield), Pulaski (northern 2/3 of Co.), & Starke Cos.	9.42	.60	.90		.03
Marshall Co.	9.66	.60	.80		.04
Blackford, Delaware, Grant, Huntington, Jay, Randolph, Wabash, & Wells Cos.	9.90	.60			
Elkhart, Kosciusko, & LaGrange Cos.	10.48		.30		.02
Hamilton (northern ½ of Co.), Hancock (eastern ½ of Co.), Henry, Madison, & Tipton Cos.	8.23	.40	.35		
Decatur, Fayette, Franklin, Rush, Union, & Wayne Cos.	8.30		1.30		
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	9.71	.65	.75		.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	9.80	.65	.55		
Greene & Sullivan Cos.	10.55	.40	.70		.01

DECISION NO IN78-2030

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Daviess, Gibson, Knox, Martin & Pike Cos.	$ 9.35	.70	.80		
Clark, Floyd, & Harrison Cos.	9.28	.60	.30		
Dearborn, Ohio, Ripley, & Switzerland Cos.	7.50				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	9.60				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	10.20	.60	.25		
IRONWORKERS:					
Adams, Allen, Blackford, Dekalb, Delaware (northeastern 1/3 of Co.), Grant (excluding s/w portion), Huntington, LaGrange (eastern ½ of Co.), Noble, Steuben, Wabash, Wells, & Whitley Cos.	11.20	.90	1.20		.02
Elkhart, Fulton, Kosciusko, LaGrange (western ½ of Co.), Marshall, Pulaski, & Starke Cos.	10.55	.90	1.33		.03
Jasper (Northern ½ of Co.), & Newton Cos.	12.12	.80	1.36		.09
Clark, Crawford, Floyd, Harrison Jackson (southern ½ of Co.), Jefferson, Jennings (southern ½ of Co.), Lawrence (southern 2/3 of Co.), Martin (eastern ½ of Co.), Orange, Scott, & Washington Cos.	10.50	.75	.95		.05
Marion Co.	11.00	.90	1.30		.05
Dubois, Gisbon, Martin (western ½ of Co.), Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Cos.	8.15	.25	.25		

DECISION NO. IN78-2030

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd):					
Bartholomew, Boone (southeastern ½ of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (western ½ of Co.), Delaware (southern 2/3 of Co.) Grant (S/W Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (northern ½ of Co.), Jennings (northern ½ of Co.), Johnson, Lawrence (northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (eastern ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	$11.15	.90	1.30		.05
Benton, Boone (northwestern ½ of Co.), Carroll, Cass, Clinton (western 2/3 of Co.), Fountain, Jasper (southern ½ of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos.	10.64	.90	1.25		.02
Fayette, Jay, Randolph, Union, & Wayne Cos.	10.96	.90	1.25		.04
Clay, Daviess, Greene, Knox, Lawrence (northwestern 1/6 of Co.), Parke, Putnam (western ½ of Co. incl. Greencastle), Sullivan, Vermillion, & Vigo Cos.	10.60	.90	1.90		.10
Dearborn, Decatur (eastern ½ of Co.), Franklin, Ohio, Ripley & Switzerland Cos.	11.48	.90	1.05		.03
PAINTERS:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	8.60	.42	.45		.10
Sandblasters; Spray	9.60	.42	.45		.10

DECISION NO IN78-2030

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Bartholomew, Decatur, Jackson & Jennings Cos.:					
Brush; Roller; & Steel	$ 9.45		.50		
Spray	10.45		.50		
Benton, Clinton, Fountain, Montgomery, Putnam, Tippecanoe, & Warren Cos.:					
Brush; Roller	10.15				
Structural Steel	10.40				
Sandblasting	11.15				
Spray	13.42				
Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the south city limits of Bluffton) Cos.:					
Brush	8.55		.60		
Spray	9.30		.60		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (north ½ of Co.) & Shelby Cos.:					
Brush	9.98	.47	.20		
Spray	10.98	.47	.20		
Brown, Monroe, Morgan (excluding north ½ of Co.) & Owen Cos.:					
Brush	8.90			.30	
Structural Steel	9.65			.30	
Spray	9.90			.30	
Carroll, Jasper, Newton, & White Cos.:					
Brush	10.65	.64	.50		.05
Sandblasting; Sign; & Spray	11.40	.64	.50		.05
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Brush	8.62	.35	.20		.03
Spray	9.07	.35	.20		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Daviess, Gibson, & Knox Cos.:					
Brush up to 30'	$9.05	.45			
Brush over 30'	9.85	.45			
Spray up to 30'	10.05	.45			
Spray over 30'	10.85	.45			
Dearborn, Ohio, Ripley & Switzerland Cos.:					
Brush; roller; wallwashing; Drywall taping & finish; paperhanging & vinyl; seamless floors & finishing floors; sanding	9.70				
Sandblasting & Steam clean	10.45				
Spray; Epoxy	10.20				
Tanks, elevators, bridges, Steeples over 40 ft.	10.80				
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.:					
Brush	10.10	.65	.30		
Spray	11.10	.65	.30		
Elkhart, Koscuisko, Marshall, Pulaski & Starke Cos.:					
Brush	9.04		.20		$15.00p/yr
Drywall taping & finish; Paperhangers; Spray & Vinyl	9.04		.20		15.00p/yr
Fayette, Franklin, Henry, Randolph, Rush, Union, & Wayne Cos.:					
Brush	8.35				
Sandblasting; Spray	9.35				
Structural Steel; Scaffold over 30 ft.	8.60				
Lawrence, Martin, & Orange Cos.:					
Brush; & Structural Steel	8.00				
Parke, & Vermillion Cos.:					
Brush	9.65			.25	
Spray	11.15			.25	
Sullivan, & Vigo Cos.:					
Brush	8.50			.25	
Spray	9.50			.25	

DECISION NO IN78-2030

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Sullivan, & Vigo Cos.: (Cont'd)					
Structural steel up to 30'	$ 8.75			.25	
Structural steel 30' to 100'	9.50			.25	
Structural steel over 100'	10.50			.25	

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 7.60	.70	.50		.09
GROUP 2	7.75	.70	.50		.09
GROUP 3	7.80	.70	.50		.09
GROUP 4	7.90	.70	.50		.09
GROUP 5	8.45	.70	.50		.09

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

1 of 3

DECISION NO. IN78-2030
POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$10.30	.40	.40		.08
GROUP II	9.20	.40	.40		.08
GROUP III	8.77	.40	.40		.08
GROUP IV	7.96	.40	.40		.08
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke Counties:					
GROUP I	9.60	.70	.80		.08
GROUP II	8.50	.70	.80		.08
GROUP III	8.07	.70	.80		.08
GROUP IV	7.26	.70	.80		.08
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	10.40	.35	.35		.08
GROUP II	9.30	.35	.35		.08
GROUP III	8.87	.35	.35		.08
GROUP IV	8.06	.35	.35		.08
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	10.20	.40	.50		.08
GROUP II	9.10	.40	.50		.08
GROUP III	8.67	.40	.50		.08
GROUP IV	7.86	.40	.50		.08

POWER EQUIPMENT OPERATORS 2 of 3

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helper; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

DECISION NO. IN78-2030

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.38	19.50a	22.00a		
GROUP B	8.33	19.50a	22.00a		
GROUP C	8.28	19.50a	22.00a		
GROUP D	8.23	19.50a	22.00a		
GROUP E	8.18	19.50a	22.00a		
GROUP F	8.13	19.50a	22.00a		
GROUP G	8.08	19.50a	22.00a		
GROUP H	8.03	19.50a	22.00a		
GROUP I	7.98	19.50a	22.00a		
GROUP J	7.93	19.50a	22.00a		
GROUP K	7.88	19.50a	22.00a		
GROUP L	7.78	19.50a	22.00a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Rug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Rug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenance Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION 1 of 2

	ZONE 2	ZONE 2A	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP 1	$7.80	$7.60	$7.60	$7.50	$7.80
GROUP 2	7.95	7.75	7.75	7.65	7.95
GROUP 3	8.00	7.80	7.80	7.70	8.00
GROUP 4	8.10	7.90	7.90	7.80	8.10
GROUP 5	8.20	8.00	8.00	7.90	8.20
GROUP 6:					
A.	8.00	7.80	7.80	7.70	8.00
B.	8.15	7.95	7.95	7.85	8.15
C.	8.60	8.40	8.40	8.30	8.60
D.	8.10	7.90	7.90	7.80	8.10

Fringe Benefits Payments			
H & W	Pensions	Vacation	Education and/or Appr. Tr.
$.70	.50		.09

ZONES

ZONE 1: Jasper, Lake, LaPorte, Newton, Porter, & Starke Counties (Excluded from this schedule)

ZONE 2: Elkhart & St. Joseph Counties

ZONE 2A: Kosciusko, LaGrange, & Marshall Counties

ZONE 3: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Madison, Miami, Montgomery, Noble, Pulaski, Randolph, Rush, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties

ZONE 4: Marion & Shelby Counties

ZONE 5: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DuBois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, & Washington Counties

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

GROUP 6:
A. Bottom man; Concrete man
B. Concrete headman
C. Miner or header man
D. Mucker & Tunnel laborer

Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.30	.40	.40		.05
GROUP II	9.20	.40	.40		.05
GROUP III	8.80	.40	.40		.05
GROUP IV	8.00	.40	.40		.05

CLASSIFICATIONS

GROUP I
Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II
A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III
Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV
Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties

1 of 2

POWER EQUIPMENT OPERATORS

Tunnel & Sewer Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.55	.40	.50		.08
GROUP II	10.45	.40	.50		.08
GROUP III	10.25	.40	.50		.08
GROUP IV	8.00	.40	.50		.08

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 1½S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS

2 of 2

GROUP IV Mixers 1½S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour

Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

Jasper, Newton, Pulaski, & Starke Counties

POWER EQUIPMENT OPERATORS Tunnel & Sewer Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.95	.55	.55		.08
GROUP II	10.00	.55	.55		.08
GROUP III	8.60	.55	.55		.08
GROUP IV	7.70	.55	.55		.08

CLASSIFICATIONS

GROUP I
Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II
A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III
Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV
Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Elkhart, Fulton, Kosciusko, LaGrange, Marshall, & Noble Counties

POWER EQUIPMENT OPERATORS

Tunnel & Sewer Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.52	.65	.85	.40	.05
GROUP II	9.16	.65	.85	.40	.05
GROUP III	8.38	.65	.85	.40	.05
GROUP IV	7.70	.65	.85	.40	.05

CLASSIFICATIONS

GROUP I: All power cranes; Truck cranes; Locomotive cranes; LeTourneau Tournapulls; Shovels; Draglines; Derricks; Pile drivers; Highlifts; Tractors w/Side boom or "A" Frame; Forklifts 18' 6" in height or over; Motor patrols; Combination backhoe & loader; Mechanic; Conveyor systems; Hoist (3 drum) & over

GROUP II: All bulldozers; Scoops; Push cats; Concrete mixers of more than 21 cu. ft. capacity; Locomotives; Rollers; Stone crushers; Fork lifts under 18' 6"; Air compressors - 600 cu. ft. & over; Combination of Gasoline or Deisel driven welding machine & compressor; Engineers operating throttle valve with boiler and compressor for piledriving; Concrete pumps; Trench machines excluding ditch witches; Cableways; Hoist (2 drum)

GROUP III: Truck winches w/A Frame & Power winches; Tractors-farm type; Drills & conveyors; Small rubber tire end loaders ½ cu. yd. & under; Bobcat

GROUP IV : Gin poles; Sasgen derricks & similar hoists; Firemen; Oilers; One drum hoist; Single drum tugger hoist; Automatic hoist; Elevators; Compressor over 210 cu. ft. & under 600 cu. ft.; Well points

Statewide, except Crawford, DuBois, Fountain, Gibson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Spencer, Vanderburgh, Vermillion, Warren, Clinton (Frankfort), & Warrick Counties

LINE CONSTRUCTION

EXCLUSIVE OF CALUMET AREA

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technicians	$10.07	.45	3%		.5%
Equipment Operators 1	7.87	.45	3%		.5%
Equipment Operators 2	9.56	.45	3%		.5%
Equipment Operators 3	9.56	.45	3%		.5%
Equipment Operators 4	10.07	.45	3%		.5%
Powderman and Equipment Mechanic	7.69	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.57	.45	3%		.5%
Groundman Truck Driver with winch	6.31	.45	3%		.5%
Groundman Truck Driver w/o winch	5.53	.45	3%		.5%
Senior Groundman after 5 years	6.30	.45	3%		.5%
Senior Groundman after 12 months	6.13	.45	3%		.5%
Groundman 0-12 months	5.19	.45	3%		.5%

CALUMET AREA

Linemen; Technicians	10.38	.45	3%		.5%
Equipment Operators 1	7.94	.45	3%		.5%
Equipment Operators 2	9.63	.45	3%		.5%
Equipment Operators 3	9.63	.45	3%		.5%
Equipment Operators 4	10.38	.45	3%		.5%
Powderman and Equipment Mechanic	7.75	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.69	.45	3%		.5%
Groundman Truck Driver with winch	6.39	.45	3%		.5%
Groundman Truck Driver w/o winch	5.61	.45	3%		.5%
Senior Groundman after 5 years	6.43	.45	3%		.5%
Senior Groundman after 12 months	6.25	.45	3%		.5%
Groundman 0-12 months	5.29	.45	3%		.5%

LINE CONSTRUCTION

Clinton (Frankfort only) & Miami (Peru & Grissom AFB)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$ 10.73	.45	3%		½ of 1%
CABLE SPLICERS	11.65	.45	3%		½ of 1%
HEAVY EQUIPMENT OPERATORS "B"	8.63	.45	3%		½ of 1%
POWDERMAN; Equipment mechanic	8.44	.45	3%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	7.07	.45	3%		½ of 1%
GROUNDMAN - truck driver with winch	6.76	.45	3%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	6.74	.45	3%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	6.54	.45	3%		½ of 1%
GROUNDMAN - truck driver without winch	6.05	.45	3%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	5.60	.45	3%		½ of 1%

DECISION NO. IN78-2030

LINE CONSTRUCTION

Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$11.65	.40	3%		
GROUNDMAN	10.29	.40	3%		
TRUCK DRIVER	10.60	.40	3%		
Fountain, Vermillion, & Warren Counties					
LINEMEN; Groundman equipment operator	11.57	.40	3%+.30		½%
GROUNDMAN TRUCK DRIVER W/WINCH	9.47	.40	3%+.30		½%
GROUNDMAN TRUCK DRIVER WO/WINCH	8.87	.40	3%+.30		½%
GROUNDMAN	8.42	.40	3%+.30		½%

SUPERSEDEAS DECISION

STATE: Indiana
COUNTIES: *See Below
DECISION NUMBER: IN78-2032
DATE: Date of Publication
Supersedes Decision No. IN77-2082, dated May 13, 1977 in 42 FR 24588
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

*Lake, LaPorte, Porter, & St. Joseph	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$12.11	.81	.72		.12
LaPorte & St. Joseph Counties	12.13	.65	.75		
BOILERMAKERS	12.55	.80	1.00		.03
BRICKLAYERS:					
Lake, LaPorte & Porter Counties:					
Bricklayers; Marble setters & Stone Masons	11.85	.75	.55		.05
Tile setters	11.75	.75	.55		.02
St. Joseph County:					
Bricklayers; Stonemasons	10.76	1.00	.65		.06
Marble setters; Terrazzo workers; Tile setters	9.10	1.00	.65	a	.01
CARPENTERS:					
Lake, LaPorte, & Porter Counties:					
Carpenters	12.03	.50	.57		.05
Millwrights	12.13	.50	.57		.05
St. Joseph County:					
Building Construction:					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	10.25	.55	.65		.08
Heavy & Highway Construction:					
Carpenters	9.98	.60	.60		.05
CEMENT MASONS:					
Building Construction:					
Lake County (Hammond Area)	11.42	.90	.60		.03
LaPorte County; Porter County (Eastern ½ of Co.)	10.95	.90	1.00		.06
Heavy and Highway Construction:					
St. Joseph County	9.66	.60	.80		.04

DECISION NO. IN78-2032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Lake County	$11.75	6½%	8.3%		.7%
LaPorte & Porter Counties	12.10	4%	7½%		.5%
St. Joseph County	11.25	4.8%	7%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator constructors	12.455	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				
LaPorte & St. Joseph Counties:					
Elevator constructors	10.83	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Lake (E. of Rte #41 excl. Hammond), LaPorte (W. of Rte #39), & Porter Cos.	9.05	.40	.30		
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	12.12	.80	1.36		.09
LaPorte (Remainder of Co.), & St. Joseph Counties	10.55	.90	1.33		.03
LATHERS:					
Lake & Porter Counties	11.19		.40		
LaPorte & St. Joseph Counties	10.12	.43	.50		.01
LEADBURNERS	9.25	.35		d	.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	9.60	.64	.50		.05
Sandblasting; Spray	10.35	.64	.50		.05
Paperhanging; Vinyl	9.85	.64	.50		.05
Industrial:					
Brush & Roller	10.65	.64	.50		.05
Sandblasting; Sign painters; Spray	11.40	.64	.50		.05
Lake County (Gary Area) & Porter County (North of Hwy #6):					
Commercial:					
Brush	9.10	.47	.40		.05
Sandblasting; Spray; Steam Cleaning; Machine spray stripping	9.85	.47	.40		.05
Paperhanging	9.35	.47	.40		.05

DECISION NO IN78-2032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Industrial:					
Brush	$10.20	.47	.40		.05
Sandblasting; Spray; Steam-cleaning; Machine spray stripping	10.95	.47	.40		.05
LaPorte County (Southern portion of County); St. Joseph County: Brush; Drywall Tapers & Finish; Paperhanging; Spray & Vinyl	9.04		.20		15.00p/y
LaPorte County (No. portion of Co.):					
Brush; Tapers	9.00				
Paperhangers	9.00				
Porter (S. of Hwy #6):					
Brush; Paperhanging; Taping on drywall; Sandblasting; Vinyl hanging	9.25				
Spray	10.25				
Work above 40ft. above ground	9.50				
PLASTERERS:					
Lake County (Hammond Area)	10.21	.90	.60		.01
Lake County (Gary Area); Porter County (Valparaiso)	9.33	.60	.65		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton) Counties	10.87	.90	1.00		.06
PLUMBERS:					
Lake County (Hammond Area)	11.52	.90	1.05		.02
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City); & Porter County	11.45	.75	1.50		.02
LaPorte County (Michigan City, Trail Creek, & Long Beach)	12.37	.50	.60		.02
PLUMBERS; Steamfitters:					
LaPorte County (LaPorte City); St. Joseph County	11.25	.48	.95		.10

DECISION NO. IN78-2032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	$12.21	.70	.50		
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	10.15	.50	.40		.03
Slate, Tile & Asbestos	10.65	.50	.40		.03
SHEET METAL WORKERS:					
Lake, LaPorte, & Porter Counties	11.40	.75	1.16		.12
St. Joseph County	10.98	.65	.615		.035
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	11.10	.75	.90		.15
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	11.65	.65	.95		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	8.70	28.00e	22.00 e	.45	
4 axles	8.90	28.00e	22.00 e	.45	
5 axles	9.10	28.00e	22.00 e	.45	
6 axles	9.30	28.00e	22.00 e	.45	
St. Joseph County (Building Construction):					
Pick-up	6.94	13.50e	22.00e	f	
Single axle	7.15	13.50e	22.00e	f	
Tandem or fuel	7.26	13.50e	22.00e	f	
Tri axle	7.31	13.50e	22.00e	f	
Semi trailer	7.36	13.50e	22.00e	f	
LaPorte Co. (Bldg., Construction)					
4 wheel; sheet metal	6.80	21.50e	22.00 e	g	
6 wheel; semis	6.90	21.50e	22.00 e	g	
Transit mix	7.20	21.50e	22.00 e	g	
Euclids	7.30	21.50e	22.00 e	g	
Winch	7.05	21.50e	22.00 e	g	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 7 paid holidays: A through F & Day after Thanksgiving
c. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. per man per week
f. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.
g. 1 year's service - 1 week's vacation; 3 years' service - 2 weeks' vacation; 10 years' service - 3 weeks' vacation; 20 years' service - 4 weeks' vacation

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
EXCLUSIVE OF CALUMET AREA		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technicians	$10.07	.45	3%		.5%
Equipment Operators 1	7.87	.45	3%		.5%
Equipment Operators 2	9.56	.45	3%		.5%
Equipment Operators 3	9.56	.45	3%		.5%
Equipment Operators 4	10.07	.45	3%		.5%
Powderman and Equipment Mechanic	7.69	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.57	.45	3%		.5%
Groundman Truck Driver with winch	6.31	.45	3%		.5%
Groundman Truck Driver w/o winch	5.53	.45	3%		.5%
Senior Groundman after 5 years	6.30	.45	3%		.5%
Senior Groundman after 12 months	6.13	.45	3%		.5%
Groundman 0-12 months	5.19	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	10.38	.45	3%		.5%
Equipment Operators 1	7.94	.45	3%		.5%
Equipment Operators 2	9.63	.45	3%		.5%
Equipment Operators 3	9.63	.45	3%		.5%
Equipment Operators 4	10.38	.45	3%		.5%
Powderman and Equipment Mechanic	7.75	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.69	.45	3%		.5%
Groundman Truck Driver with winch	6.39	.45	3%		.5%
Groundman Truck Driver w/o winch	5.61	.45	3%		.5%
Senior Groundman after 5 years	6.43	.45	3%		.5%
Senior Groundman after 12 months	6.25	.45	3%		.5%
Groundman 0-12 months	5.29	.45	3%		.5%

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LABORERS (Sewer, Tunnel, & Water Construction) St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$7.80	.70	.50		.09
GROUP 2	7.95	.70	.50		.09
GROUP 3	8.00	.70	.50		.09
GROUP 4	8.10	.70	.50		.09
GROUP 5	8.20	.70	.50		.09
GROUP 6:					
A.	8.00	.70	.50		.09
B.	8.15	.70	.50		.09
C.	8.60	.70	.50		.09
D.	8.10	.70	.50		.09

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man.

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

GROUP 6:
A. Bottom man; Concrete man
B. Concrete headman
C. Miner or header man
D. Mucker & Tunnel laborer

LABORERS (BUILDING CONSTRUCTION):	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$8.25	$8.05	$7.85	$7.05
GROUP II	8.45	8.25	8.05	7.25
GROUP III	8.55	8.35	8.15	7.35
GROUP IV	9.25	9.05	8.85	8.05
GROUP V:				
A.	8.45	8.45	----	----
B.	8.325	8.325	----	----
C.	8.55	8.55	----	----
D.	8.525	8.525	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.25	$7.50	$7.40	$7.65
GROUP II	7.45	7.70	7.60	7.85
GROUP III	7.55	7.80	7.70	7.95
GROUP IV	8.25	8.50	8.40	8.65

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.60	.50		.09
ALL OTHER AREAS	.60	.45		.09

AREAS

AREA I: All territories west of Cline Avenue Lake Michigan Shorelines to Illinois State Line & Newton & Jasper Counties; All territories east of Cline Avenue, Lake County; All territory north of U. S. Highway No. 20, Porter County, including all Lake Michigan Shore Front east of Cline Avenue in Lake County

AREA IA: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA IB: Elkhart, Kosciusko, LaGrange, Marshall & St. Joseph Counties

AREA IIA: Fayette, Henry, Rush, Wayne, Union, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison & Randolph Counties

AREA IIB: Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, Whitley, Benton, Boone, Carroll, Cass, Clinton, Montgomery, Pulaski, Tippecanoe, White, Fulton, Howard, Miami, & Tipton Counties

AREA IIIA: Marion & Shelby Counties

AREA IIIB: Clay, Fountain, Greene, Hendricks, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, Warren, Bartholomew, Brown, Dearborn, Decatur, Franklin, Jackson, Johnson, Jennings, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Ripley, Clark, Crawford, Floyd, Harrison, Jefferson, Perry, Scott, Switzerland, & Washington Counties

AREA IIIC: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lutmen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

GROUP V:
A. Boiler setter laborers (Fire brick tear out with air tools)
B. Boiler setter laborers (Fire brick)
C. Boiler setter laborers (Mortar mixers)
D. Expeditor, bottom man & bell man

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LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Lake County	Remaining Counties	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.30	$ 7.60	.70	.50		.09
GROUP 2	8.45	7.75	.70	.50		.09
GROUP 3	8.50	7.80	.70	.50		.09
GROUP 4	8.60	7.90	.70	.50		.09
GROUP 5	9.15	8.45	.70	.50		.09

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

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Lake, LaPorte, & Porter Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; fork-lift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

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POWER EQUIPMENT OPERATORS

St. Joseph County

Building, Sewer & Tunnel Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.52	.65	.85	.40	.05
GROUP II	9.16	.65	.85	.40	.05
GROUP III	8.38	.65	.85	.40	.05
GROUP IV	7.70	.65	.85	.40	.05

CLASSIFICATIONS

GROUP I: All power cranes; Truck cranes; Locomotive cranes; LeTourneau Tournapulls; Shovels; Draglines; Derricks; Pile drivers; Highlifts; Tractors w/Side boom or "A" Frame; Forklifts 18' 6" in height or over; Motor patrols; Combination backhoe & loader; Mechanic; Conveyor systems; Hoist (3 drum) & over

GROUP II: All bulldozers; Scoops; Push cats; Concrete mixers of more than 21 cu. ft. capacity; Locomotives; Rollers; Stone crushers; Fork lifts under 18' 6"; Air compressors - 600 cu. ft. & over; Combination of Gasoline or Deisel driven welding machine & compressor; Engineers operating throttle valve with boiler and compressor for piledriving; Concrete pumps; Trench machines excluding ditch witches; Cableways; Hoist (2 drum)

GROUP III: Truck winches w/A Frame & Power winches; Tractors-farm type; Drills & conveyors; Small rubber tire end loaders ½ cu. yd. & under; Bobcat

GROUP IV: Gin poles; Sasgen derricks & similar hoists; Firemen; Oilers; One drum hoist; Single drum tugger hoist; Automatic hoist; Elevators; Compressor over 210 cu. ft. & under 600 cu. ft.; Well points

POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

Lake, LaPorte, & Porter Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$10.35	.65	.85		.05
CLASS II	9.90	.65	.85		.05
CLASS III	9.45	.65	.85		.05
CLASS IV	8.35	.65	.85		.05
CLASS V	7.40	.65	.85		.05
St. Joseph County					
CLASS I	10.25	.65	.85		.05
CLASS II	9.80	.65	.85		.05
CLASS III	9.35	.65	.85		.05
CLASS IV	8.25	.65	.85		.05
CLASS V	7.30	.65	.85		.05

CLASSIFICATIONS

CLASS I: Auto patrol; Automatic dry batch plant; Automated sub-grader; Automated slip form paver; Automated finish machine; Backhoe - tractor mounted, ½ yd or over; Ballast regulator (R.R.); Concrete mixer, 27 cu. ft. or over; Concrete pump; Core drilling machine; Crane or derrick with any attachments, incl. Clamshell, Dragline, Shovel, Backhoe, etc.; Dredge engineer; Dredge op.; Euclid loader; Gradall; Lead greaser; Highlift shovel 3 yds. & over; Hoist - 2 & 3 drum; Locomotive op.; Lead mechanic; Mucking machine; Panelboard concrete plant (Central mix type); Paver - Hetherington; Pile drive, Skid or crawler; Road paving mixer; Ross carrier; Throttle valve & compressor or clever Brooks type combination; Throttle valve and Fireman combination on horizontal or upright boiler; Tournapull or similar type equipment; Tractor - boom; Trench machine; Tug boat op.; Winch truck with "A" Frame; Scoops, Tournapulls or similar type machines used in tandem

CLASS II: Backhoe - tractor mounted, with less than ½ yd.; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Bulldozer; Concrete mixer, less than 27 cu. ft.; Elevating grader; Excavating loader, portable; Greaser; Highlift shovel under 3 yds.; Jersey spreader or base paver; Mechanic; Pull grader, power control; Roller, asphalt, waterbound macadam, bituminous macadam, brick surface; Sheepfoot roller (self-propelled) with blade; Surface heater & planer; Tamper-multiple vibrating, asphalt waterbound macadam, bituminous macadam, brick surface; Tractor - push; Tractor with scoop; Widener, Apsco or similar type

CLASS III: Assistant plant engineer; Back filler; Bituminous distributor; Broom & belt machine; Bull float; Concrete finishing machine; Concrete spreader, power driven; Digger, post-hole, power driven; Finishing machine & bull float; Form grader; Form tamper, motor driven; Hoist - 1 drum; Multiple tamping machine; Paving breaker; Roller, earth & subbase material; Roller sheepfoot (self-propelled); Sub-grader; Tamper-multiple vibrating-earth & subbase material; Tractaire; Tractaire with drill; Tractor with all attachments, except backhoe & including highlift, endloaders of 1 cu. yd. capacity & less

CLASS IV: Air compressor; Conveyors, all; Fireman on boiler; Generator; Assistant mechanic; Power curing spraying machine; Pull broom, power propelled; Seaman tiller; Spike machine (R.R.); Striping machine, paint, motor driven; Throttle valve; Welding machine; Wellpoint systems

CLASS V: Assistant greaser; Deck hand; Hetherington driver; Mechanical heater (1 to 5); Outboard or inboard motor boat; Oiler; Power saw, concrete, power driven; Truck crane oiler-driver; Water pump; Helper on C.M.I. & similar type equipment grasscutters

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)

LaPorte County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$7.98	$21.50a	$22.00a		
CLASS 2	8.13	21.50a	22.00a		
CLASS 3	8.18	21.50a	22.00a		
CLASS 4	8.23	21.50a	22.00a		
CLASS 5	8.28	21.50a	22.00a		
CLASS 6	8.33	21.50a	22.00a		
CLASS 7	8.38	21.50a	22.00a		
CLASS 8	8.43	21.50a	22.00a		
CLASS 9	8.48	21.50a	22.00a		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(3¼E) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4
Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A-Frame when used for transportation batch trucks (wet or dry) over 3(3¼E) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tourna-trailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys. tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

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TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.38	19.50a	22.00a		
GROUP B	8.33	19.50a	22.00a		
GROUP C	8.28	19.50a	22.00a		
GROUP D	8.23	19.50a	22.00a		
GROUP E	8.18	19.50a	22.00a		
GROUP F	8.13	19.50a	22.00a		
GROUP G	8.08	19.50a	22.00a		
GROUP H	8.03	19.50a	22.00a		
GROUP I	7.98	19.50a	22.00a		
GROUP J	7.93	19.50a	22.00a		
GROUP K	7.88	19.50a	22.00a		
GROUP L	7.78	19.50a	22.00a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below

DECISION NUMBER: IN78-2033 DATE: Date of Publication

Supersedes Decision Nos. IN77-2009 dated February 11, 1977, in 42 FR 8910 and IN77-2084 dated May 13, 1977, in 42 FR 24555

DESCRIPTION OF WORK: Building Construction (Does not include single family homes & garden type apartments up to & including 4 stories)

*Brown, Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, Switzerland, & Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Brown Co.	$12.00	.50	.55		.01
Switzerland Co.	12.16	.75	1.00		.02
Remaining Cos.	11.06	.45	.65		
BOILERMAKERS:					
Brown, Crawford, Jackson, Jennings, Lawrence, & Orange Cos.	12.55	.80	1.00		.03
Remaining Cos.	9.80	1.05	1.10	1.50	.02
BRICKLAYERS; Stonemasons:					
Brown, Jackson, & Jennings Cos.	10.15	.40	.30		.02
Clark, Floyd, & Harrison Cos.	9.83	.40	.40		.05
Crawford Co.	9.94	.85	.50		
Jefferson, Scott, & Switzerland Cos.	9.75				
Lawrence, Orange, & Washington Cos.	10.79				
CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers:					
Brown (Hamblin, Washington, & Van Buren Twps.), Jackson, Jefferson, Jennings, & Scott Cos.:					
Carpenters; Soft floor layers	9.69	.55	.65		.03
Millwrights	10.19	.55	.65		.03
Piledrivermen; Welders; & burners	9.94	.55	.65		.03
Brown (Remainder of Co.):					
Carpenters; Soft floor layers	9.10	.60	.35		.01
Millwrights; Piledrivermen	9.35	.60	.35		.01
Clark, Floyd, Harrison, & Washington Cos.:					
Carpenters; Soft floor layers	10.15	.45	.45		.05
Millwrights	10.40	.30	.60		.02
Piledrivermen	10.40	.45	.45		.05
Crawford Co.:					
Carpenters	9.92	.45	.80		
Millwrights	10.34	.45	.70		
Piledrivermen; Welders; & burners	10.17	.45	.80		
Lawrence & Orange Cos.:					
Carpenters; Soft floor layers	9.87	.57	.50		
Millwrights; Piledrivermen	10.27	.57	.50		

DECISION NO. IN78-2033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (CONT'D)					
Switzerland Co.:					
Carpenters; Soft floor layers	$ 9.74	.55	.65		.03
Millwrights	10.24	.55	.65		.03
Piledrivermen; Welders; & burners	9.99	.55	.65		.03
CEMENT MASONS:					
Clark, Floyd, & Harrison Cos.	9.28	.60	.30		
Crawford Co.	9.80	.65	.55		
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	9.60				
Switzerland Co.	7.50				
ELECTRICIANS:					
Brown Co.	11.15	.50	3%+.50		.01
Crawford, Lawrence, & Orange Cos.	12.35	.50	3%		½%
Clark, Floyd, Harrison, Jackson, Jefferson, Scott, & Washington Cos.	11.60	.50	3%+.40		½%
Jennings Co.	11.90	4%	7%		½%
Switzerland Co.:					
Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati, Ohio	11.95	.70	3%+.60		.5%
Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati, Ohio	12.25	.70	3%+.60		.5%
Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Court House Cincinnati, Ohio	12.35	.70	3%+.60		.5%
Over 25 mi. radius from Hamilton Co. Court House, Cincinnati, Ohio	12.50	.70	3%+.60		.5%
ELEVATOR CONSTRUCTORS:					
Brown Co.:					
Elevator Constructors	11.285	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				

DECISION NO. IN78-2033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (CONT'D)					
Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.:					
Elevator constructors	$11.41	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Switzerland Co.:					
Elevator constructors	11.78	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Brown, Jackson (No. of #50), Jennings (Except from North Vernon, s/w to the corner of Jennings Co.), & Lawrence (No. of #54)	12.39				
Clark, Crawford, Floyd, Harrison, Jackson (So. of #50), Jefferson, Jennings (From North Vernon, s/w to the corner of Jennings Co.), Lawrence (South of #54 & #50), Orange, Scott, & Washington Cos.	8.90	.35	.45		
IRONWORKERS:					
Brown, Jackson (N. ½ of Co.), Jennings (N. ½ of Co.), & Lawrence (Except So. 2/3 of Co.)	11.15	.90	1.30		.05
Clark, Crawford, Floyd, Harrison, Jackson (So. ½ of Co.), Jefferson, Jennings (So. ½ of Co.), Lawrence (So. 2/3 of Co.), Orange, Scott, & Washington Cos.	10.50	.75	.95		.05
Switzerland Co.:					
Ornamental; Structural	11.48	.90	1.05		.03
Reinforcing	10.68	.90	1.85		.02

DECISION NO. IN78-2033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Brown & Jackson Cos.	$11.09	.61	.35		.04
Clark, Crawford, Floyd, Harrison, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	10.29		.20		.01
Switzerland Co.	12.52		.25		.025
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:					
Brown, Jackson, & Jennings Cos.	10.15	.40	.30		.02
Clark, Floyd, & Harrison Cos.	9.70	.40	.40		
Crawford Co.:					
Tile Setters	9.94	.85	.50		
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
Brown, Jackson, & Jennings Cos.:					
Marble Setters' Finishers; & Tile Setters' Finishers	9.50				
Terrazzo Workers' Finishers	8.95				
PAINTERS:					
Brown Co.:					
Brush; Drywall; Vinyl; Paperhangers; Rollers	8.90			.30	
Structural Steel	9.65			.30	
Sandblasting; Spray; Epoxy brush	9.90			.30	
Spray epoxy	10.90			.30	
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Within 35 mi. radius of Jefferson Co., Ky. Court House:					
New Cosntruction:					
Basic	8.62	.35	.20		.03
Special	8.97	.35	.20		.03
Spray	9.07	.35	.20		.03
Old Construction:					
Basic	8.08	.35	.20		.03
Special	8.43	.35	.20		.03
Spray	8.53	.35	.20		.03
Over 35 mi. radius of Jefferson Co., Ky. Court House:					

DECISION NO. IN78-2033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
New Construction:					
Basic	$ 8.97	.35	.20		.03
Special	9.32	.35	.20		.03
Spray	9.52	.35	.20		.03
Old Construction:					
Basic	8.43	.35	.20		.03
Special	8.78	.35	.20		.03
Spray	8.98	.35	.20		.03
Jackson, & Jennings Cos.:					
Brush; Rollers; Drywall taping & hanging	9.45		.50		
Spray; Sandblast; Stage	10.45		.50		
Lawrence, & Orange Cos.:					
Brush repaint	7.10				
Sandblasting; Spray	9.00				
Vinyl hanging	8.10				
Structural steel; Brush, new construction; Roller applicator; Drywall	8.00				
Switzerland Co.:					
Brush; Roller; Wallwashing; Drywall taping & finishing; Wallpaper & vinyl hanging; Floor sanding; Seamless flooring & finishing; Sandblasting; Hopper tending; & Steamcleaning	9.70				
Spray; Epoxy	10.20				
PLASTERERS:					
Clark, Floyd, & Harrison Cos.	10.35				
Crawford Co.	10.58				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	9.60				
Switzerland Co.	7.50				
PLUMBERS; Steamfitters:					
Brown, Jackson, Lawrence, Orange, & Washington Cos.	11.85	.50	.85		.15
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Switzerland Cos.	12.55	.50	1.00	c	.02
Jennings Co.	12.00	.50	.30		.05

DECISION NO. IN78-2033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Brown, Jackson, Jennings, & Lawrence Cos.:					
Composition & Waterproofers	$10.95	.50	.50		
Slate, Tile, Asbestos & Precast slab	11.20	.50	.50		
Crawford, & Orange Cos.:					
Composition; Waterproofers	9.83	.60	.50		
Gypsum plank; Slate; Tile; & Concrete slab	10.08	.60	.50		
Clark, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Roofers	7.40	.50	.20		
Slate; Tile; & Precast concrete slabs	7.80	.50	.20		
Switzerland Co.	12.32		.85		.01
SHEET METAL WORKERS:					
Brown, Jackson, Jennings, Lawrence, Orange, & Washington Cos.	11.94	.60	.70		.09
Clark, Floyd, & Harrison Cos.	11.65	.70+d	1.05		.14
Crawford, Jefferson, Scott, & Switzerland Cos.	12.90	.70+d	1.05		.14
SPRINKLER FITTERS	11.65	.65	.95		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 7 paid holidays: A through F & Day after Thanksgiving Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 1 paid holiday: Christmas Eve Day
d. 3% of gross earnings to SASMI

LABORERS:					
GROUP I	7.40	.60	.45		.09
GROUP II	7.60	.60	.45		.09
GROUP III	7.70	.60	.45		.09
GROUP IV	8.40	.60	.45		.09

LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lutmen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

DECISION NO. IN78-2033

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.58	.35	.35		.05
GROUP B	9.49	.35	.35		.05
GROUP C	8.75	.35	.35		.05

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor, cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

TRUCK DRIVERS All counties except Crawford Co.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$8.45	$25.50a	$18.00a	b & c	
GROUP 2	8.50	25.50a	18.00a	b & c	
GROUP 3	8.55	25.50a	18.00a	b & c	
GROUP 4	8.60	25.50a	18.00a	b & c	
GROUP 5	8.65	25.50a	18.00a	b & c	
GROUP 6	8.70	25.50a	18.00a	b & c	
GROUP 7	8.80	25.50a	18.00a	b & c	
GROUP 8	8.85	25.50a	18.00a	b & c	
GROUP 9	8.90	25.50a	18.00a	b & c	
GROUP 10	8.95	25.50a	18.00a	b & c	
GROUP 11	9.10	25.50a	18.00a	b & c	

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:

a. per week per employee

b. 1 week's paid vacation after 1 year's service; 2 weeks' paid vacation after 3 years' service; & 3 weeks' paid vacation after 10 years' service.

c. 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; & Christmas Day

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: KENT & MONTCALM
DECISION NO: MI78-2023
DATE: DATE OF PUBLICATION
Supersedes Decision No. AM-402, dated August 18, 1971 in 36 FR 15895
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKERS/SPREADERS	$8.05	.55	.35	.65	.04
BRICKLAYERS	6.66				
CARPENTERS	5.87				
CARPET LAYERS/SOFT FLOOR LAYERS	6.30				
CEMENT MASONS/FINISHERS	6.23				
DRYWALL HANGERS	7.00				
DRYWALL TAPERS	7.03				
ELECTRICIANS	6.17				
FORM SETTERS	6.50				
INSULATION INSTALLERS	5.00				
LABORERS:					
COMMON	4.46				
MASON TENDERS	4.66				
LANDSCAPE	3.55				
PAINTERS	4.46				
PLUMBERS	7.02				
ROOFERS	5.29				
SHEET METAL WORKERS	5.00				
TRUCK DRIVERS	6.00				
POWER EQUIPMENT OPERATORS:					
BULLDOZER OPERATORS	6.85				
BACKHOE OPERATORS	7.40				
CRANE OPERATORS	6.41				
FRONT END LOADERS	6.34				
PAVER OPERATORS	8.38				
ROLLER OPERATORS	8.47	.80	1.00	.94	.05

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: See Below
DECISION NO. MI78-2010
DATE: Date of Publication
Supersedes Decision No. MI77-2050, dated May 6, 1977 in 42 FR 23369
DESCRIPTION OF WORK: Building (Does not include single family homes and garden type apartments up to and including 4 stories) and Heavy (excluding Bridge Airport and Sewer) Construction.

COUNTIES: Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda and Presque Isle.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.11	.84	1.48		.02
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS:					
Mason County:					
Bricklayers; Stonemasons; Marble-Tile Workers, Cement Masons & Plasterers	8.60	.65	.25		
Muskegon & Oceana Counties					
Bricklayers & Stonemasons	9.195	.55	.75		
Marble Masons	8.50	.55	.70		
Terrazzo & Tile Workers	8.25	.55	.70		
Plasterers	9.78	.50	.50		.02
Remaining Counties					
Bricklayers; Stonemasons; Plasterers-Marble-Tile-Terrazzo Workers	9.12	.60	.25		
CARPENTERS:					
Mason, Muskegon & Oceana Counties					
Carpenters	9.80	.60	.60		.01
Millwrights	11.35	.60	.60		.01
Piledrivers	10.20	.60	.60		.01
Remaining Counties					
Carpenters & Soft Floor Layers	8.51	.60	.60		.03
Millwrights	9.01	.60	.60		.03
Piledrivers	9.26	.60	.60		.03
CEMENT MASONS:					
Muskegon & Oceana Counties	8.05	.50	.50		.02
Remaining Counties	8.67	.60	.25		.02
ELECTRICIANS:					
Charlevoix, Grand Traverse, Leelanau & Emmet (except Wawatan Township) Counties and (Grant, Freesoil, and Meade Townships) in Mason County	11.00	.40	3%+.15		½ of 1%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Muskegon, Oceana and the Remainder of Mason Counties	$11.00	.40	3%+.25		.01
Remaining Counties & (Wawatan Township) in Emmet County:					
Electricial Contractors $30,000 and below	9.35	.40	3%+.30		.1 of 1%
Electrical Contracts in excess of $30,000	11.10	.40	3%+.30		.1 of 1%
ELEVATOR CONSTRUCTORS:					
Alcona, Alpena, Montmorency, Ocscoda and Presque Isle:					
Elevator Constructor	11.21	.745	.56	a	.025
Elevator Constructor Helpers	70%JR	.745	.56	a	.025
Elevator Constructor Helpers (Prob.)	50%JR				
ELEVATOR CONSTRUCTORS:					
Remaninder of Counties:					
Elevator Constructors	10.195	.745	.56	a	.025
Elevator Constructors Helpers	70%JR	.745	.56	a	.025
Elevator Constructors Helpers (Prob.)	50%JR				
GLAZIERS:					
Emmet & Muskegon Counties	$ 8.55	.40	.30		
Charlecoix, Grand Traverse, Leelanau, Mason, & Oceana Counties	8.30	.40	.30		
IRONWORKERS:					
Alcona, Alpena, Montmorency, Oscoda and Preque Isle Counties:					
Structural and Ornamental	11.18	8%	14%	17%	.09
Reinforcing	10.10	.98+.25	15%	15%	.07
Fence Erectors	10.18	8%	14%	17%	.09
Remaining Counties	10.70	.60	1.00		.08
LATHERS	8.85	.64	.10	.50	.01
PAINTERS:					
Alcona and Oscoda Counties					
Brush	8.85	.50	.80		.02
Spray	9.70	.50	.80		.02

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DECISION NO. MI78-2010

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Grand Traverse and Leelanau Counties and that portion of Charlevoix County lying South of and straight line drawn from Charlevoix (city) to Elmira					
Brush	$ 7.65	.50			.02
Spray; Tapers	8.25	.50			.02
Mason County	8.25				
Muskegon & Oceana Counties					
Brush, Tapers	8.00				
Paper hangers	8.25				
Spray & Sandblast	8.50				
Remainder of Charlevoix County and Remaining Counties					
Brush	7.80				
Spray	8.55				
PLUMBERS & STEAMFITTERS:					
Alcona and Oscoda Counties	10.74	.75	.50	1.60	
Alpena, Montmorency & Presque Isle Counties	11.19	.35	.50		
Mason, Muskegon & Oceana Counties	10.71	1.19	.75		.04
Remaining Counties	10.73	.60	.50		.06
ROOFERS:					
Mason, Muskegon & Oceana Counties	8.65	.67		.20	
Remainder of Counties:					
Composition, Damp & Waterproofers	9.10				
SHEET METAL WORKERS:					
Charlevoix, Emmet, Grand Traverse and Leelanau Counties	10.70	.50	.53		.05
Mason, Muskegon & Oceana Counties	9.55	.67	.65	.67	.02
Remaining Counties	11.11	.65	1.00		.03
SPRINKLER FITTERS	11.65	.65	.95		.08

DECISION NO. MI78-2010

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Alcona, Alpena, Montmorency, Oscoda & Oreque Isle Counties					
Regular Truck Driver	$ 7.57	b24.00	b22.00	.26	
8 cu. yds. and over	7.67	b24.00	b22.00	.26	
Euclid	7.87	b24.00	b22.00	.26	
Charlevoix, Emmet, Grand Traverse and Leelanau Counties					
Regular Truck Driver	7.55	24.00b	18.00b	c	
8 cu. yds, and over	7.65	24.00b	18.00b	c	

Welder receive rate prescribed for craft to which welding is incidental.

FOOTNOTES:

a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 6% contribution for more than 5 years-plus 7 Paid Holidays-New Years Day-Memorial Day-Independence Day-Labor Day-Thanksgiving Day-Day after Thanksgiving & Christmas Day

b. Per week; Per Employee

c. Paid vacation computed at a 40 hour week at straight time as follows: one year or more - one week; three years or more - two weeks; eight years or more - three weeks; and 7 Paid Holidays provided employee has been in service of employer 20 days or more and worked the full scheduled day prior to and after the holiday - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the Friday after Christmas Day.

DECISION NO. MI78-2010

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Mason County					
Group 1	6.70	.55	.35		.04
Group 2	6.85	.55	.35		.04
Group 3	7.15	.55	.35		.04
Group 4	7.05	.55	.35		.04
Group 5	7.10	.55	.35		.04
Group 6	6.95	.55	.35		.04
Muskegon and Oceana Counties					
Group 1	6.76	.55	.35	.55	.04
Group 2	6.91	.55	.35	.55	.04
Group 3	7.01	.55	.35	.55	.04
Group 4	6.88	.55	.35	.55	.04
Group 5	6.98	.55	.35	.55	.04
Group 6	7.08	.55	.35	.55	.04
Group 7	7.26	.55	.35	.55	.04
Remaining Counties					
Group 1	6.55	.55	.35		.04
Group 2	6.70	.55	.35		.04
Group 3	7.15	.55	.35		.04

LABORERS:
Mason County
Group 1: Building and Heavy Construction Laborers
Group 2: Plaster and Mason Tenders; Mortar Mixers; Material Mixers; All power Tools; Vibrator; Cahin Saw; Nozzleman; Green Cut Concrete work
Group 3: Jackhammer: Acetylene Torch;Windlass and Tugger Operators; swing Scaffold Chimneys; Tower, crane Scaffold; Rock Crusher
Group 4: Sewer Men-Open cut work-Caisson workers-Pipelayers
Group 5: Plasterers tenders - Machine pumped
Group 6: Work on scaffold 30' in height or more
Muskegon and Oceana Counties
Group 1: Building and Heavy Construction Laborers
Group 2: Plasterer tender; Material Mixers; Operators of Portable Mixers; Air, Electric or Gasoline Tools; Mortar Driver Buggies; Swing Scaffold
Group 3: Jackhammer Operator
Group 4: Signalmen
Group 5: Windlass Operator
Group 6: Top men on chimneys or towers over 30' in height
Group 7: Crock or Pipe Layers; ciasson work

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LABORERS (CONT'D)

Remaining Counties:
Group 1: Building and Heavy Construction Laborers
Group 2: Mortar Mixer; Material Mixers (hand or machine); Vibrator Operators; Operators of Concrete Mixers; Chipping Hammers; Concrete Breakers (90 lb. hammer or less); Tamping Machine (air, gas or electric); Sand blasters; Operator or Motor Driven Buggies; Plaster Mixer; Plasterers Tenders; Layers of non-metallic pipe
Group 3: Cement Gun Nozzleman; Blasters; Rock Drillers & Buster Operators

LC - ZONE II

LINE CONSTRUCTION: ZONE 11	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Heavy Equipment Operator	$10.12	.45	3%	a	.5%
Cable Splicer	10.54	.45	3%	a	.5%
Combination Digger Operator; Tractor Operator Groundman'					
1st 6 months	7.32	.45	3%	a	.5%
Over 6 months	7.91	.45	3%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 months	6.36	.45	3%	a	.5%
Over 6 months	6.94	.45	3%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 months	5.79	.45	3%	a	.5%
Over 6 months	6.62	.45	3%	a	.5%
Combination Truck Driver Groundman	5.60	.45	3%	a	.5%

FOOTNOTES:

7 paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thaksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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POWER EQUIPMENT OPERATORS:

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.90	.80	1.00	10%	.05
CLASS B	11.65	.80	1.00	10%	.05
CLASS C	11.40	.80	1.00	10%	.05
CLASS D	10.85	.80	1.00	10%	.05
CLASS E	10.65	.80	1.00	10%	.05
CLASS F	9.45	.80	1.00	10%	.05
CLASS G	8.75	.80	1.00	10%	

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Oprs., Sweeping Machine, winch Truck, Bob Cat & Similar type equipment, Fork Truck (over 20' lift)

CLASS E - Pump 6" or over, Well Points, Freeze systems, Boom truck (non Swinging) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Firemen & Heater Operator

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MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION ALCONA, ALPENA, MONTMORENCY, OSCODA & PRESQUE ISLE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where opeators work stations is 501 Or more above first sub level
CLASS C - Crane operator job mechanic
CLASS D Hoisting operator
CLASS E Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.40	.55	.75	10%	.05
CLASS B	11.15	.55	.75	10%	.05
CLASS C	10.90	.55	.75	10%	.05
CLASS D	10.55	.55	.75	10%	.05
CLASS E	9.30	.55	.75	10%	.05
CLASS F	8.25	.55	.75	10%	

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes, gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane; dozer; loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (single drum); material hoist, pump 6' or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

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MICH-9-PEO-U-Z-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.24	.80	1.00	10%	.05
CLASS II	8.98	.80	1.00	10%	.05
CLASS III	8.52	.80	1.00	10%	.05
CLASS IV	8.27	.80	1.00	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip fom paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck(non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishng machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: See Below
DECISION NO.: MI78-2011 DATE: Date of Publication
Supersedes Decision No. MI77-2051, dated May 6, 1977 in 42 FR 23374
DESCRIPTION OF WORK: Building (Does not include single family homes and garden type apartments up to and including four stories) and Heavy (excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Alger, Baraga, Chippewa, Dickinson, Gogebic Houghton, Keweenaw, Mackinac, Marquette & Ontonagon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKER:					
Chippewa & Mackinac Counties	$11.11	.84	1.48		.02
Gogebic & Ontonagon Counties	10.65	.40	.25		
Remainder of Counties	10.06	.60	.50	.65	.05
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS:					
Alger & Marquette Counties:					
Bricklayers, Stonemasons, Plasterers, & Marble-Tile-Terrazzo Workers	9.62	.75	.50		.01
Chippewa & Mackinac Counties:					
Bricklayers & Stonemasons	9.59	.70	.60		
Plasterers	9.44	.70	.60		
Tile & Terrazzo Workers	9.39	.70	.60		
Remainder of Counties:					
Bricklayers, Stonemasons, Palsterers, Marble-Tile and Terrazzo Workers	9.62	.75	.50		.01
CARPENTERS:					
Carpenters & Soft Floor Layers	9.24	.60	.60		.01
Millwrights	10.19	.60	.60		.01
Piledrivermen	9.44	.60	.60		.01
CEMENT MASONS:					
Alger & Marquette Counties	9.12	.75	.50		.01
Chippewa & Mackinac Counties	9.02	.70	.60		
Remainder of Counties	9.12	.75	.50		.01
ELECTRICIANS:					
Dickinson County:					
Contracts $50,000 or more & all Industrial work	11.06	.40	3%		.5%
Contracts Less than $50,000	9.74	.40	3%		.5%
Alger & Marquette Counties:					
Contracts over $50,000	11.55	.45	3%		.1of1%
Contracts $50,000 or less	10.15	.45	3%		.1of1%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Chippewa & Mackinac Counties	$ 9.23	.40	1%		½%
Gogebic County	10.80	4%	3%	11%	3%
Remainder of Counties:					
Contracts $45,000 & over	10.89	.40	3%		¼ of 1%
Contracts up to $45,000	8.25	.40	3%		¼ of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	10.765	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (Prob.)	50%JR				
IRONWORKERS	9.50	.50	1.00	1.40	.04
LATHERS	8.85	.64	1.00	.50	.01
PAINTERS:					
Dickinson County:					
Commercial & Industrial	8.95		.75		
Alger & Marquette Counties					
Brush	9.25				
Glaziers	9.25				
Bridges, Water Tanks, Radio & TV	11.00				
Chippewa & Mackinac Counties:					
Commercial-Industrial & Sign Painter	7.00			1.50	
Taper-Hand	7.45			1.50	
Taper-Machine	7.55			1.50	
Steel	9.50			1.50	
Glaziers	5.80			1.50	
Baraga, Houghton, Keweenaw & the northern portion of Ontonagon County:					
Brush, Paperhangers, Tapers and Glaziers	8.00				
Spray & Sandblasting	8.50				
Gegobic County & the Remainder of Ontonagon County:	6.00				
Brush, Paperhangers	6.00				
Spray	6.50				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAM FITTERS	$ 9.43	.70	.70	1.00	.02
ROOFERS	9.15		.50		
SHEET METAL WORKERS	10.08	.75+.08	.65		.04
SPRINKLER FITTERS	11.65	.65	.95		.08
TRUCK DRIVERS:					
Truck Driver	7.72	b22.00	b16.00		
Heavy Duty, Double Axle & Semi	7.85	b22.00	b16.00		
Euclid	8.08	b22.00	b16.00		

FOOTNOTES:

a. 7 Paid Holidays-New Year's Day-Memorial Day- Independence Day-Labor Day-Thankdgiving Day-Day after Thanksgiving & Christmas Day plus employer contributes 8% of Regular Hourly Tate to vacation pay credit for employee who has worked in business more than 5 years & 6% for employees in business less than 5 years

b. Per Week; Per Employee

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Welders receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 4% contribution for more than 5 years.

b. Per Week; Per Employee

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$ 7.30	.55	.35		.04
Class B	7.40	.55	.35		.04
Class C	7.70	.55	.35		.04
Class D	7.85	.55	.35		.04

LABORERS

CLASS A: General Construction Laborers

CLASS B: Chipping Hammers; Concrete Mixers; Green Cutting (air, electric or gas); Material Mixers (hand or machine; Motor driven buggies; Mortar Mixers; Sand Blasters; Tamping Machines; Vibrator operator; Laborers with concrete mixer to pour, including pour from trucks

CLASS C: Blasters; Buster Operators; Cement Gun Nozzleman; Drillers; Layers of all non-metallic pipe; Mixers

CLASS D: Underground Work, Tunnels and Shafts - muckers, caisson workers, miners, drillers, blasters.

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LC -ZONE II

LINE CONSTRUCTION: ZONE 11	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Heavy Equipment Operator	$10.12	.45	3%	a	.5%
Cable Splicer	10.54	.45	3%	a	.5%
Combination Digger Operator; Tractor Operator Groundman'					
1st 6 months	7.32	.45	3%	a	.5%
Over 6 months	7.91	.45	3%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 months	6.36	.45	3%	a	.5%
Over 6 months	6.94	.45	3%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 months	5.79	.45	3%	a	.5%
Over 6 months	6.62	.45	3%	a	.5%
Combination Truck Driver Groundman	5.60	.45	3%	a	.5%

FOOTNOTE:

a. 7 paid Holiday; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-7-PEO-1-2-SE-U

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 8.72	.80	1.00	10%	.02
CLASS B	7.99	.90	1.00	10%	.02
CLASS C	7.46	.80	1.00	10%	.02
CLASS D	6.95	.80	1.00	10%	

CLASS A - Regular equipment operator, crane, dozer, front end loader, job mechanic
CLASS B - Air Track drill, boom truck, concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumpcrete, belt crete, squeeze crete, sweeping machine trencher, winches, well pointsa nd freeze systems
CLASS C - Air compressor, conveyor, concrete saw, farm tractor (without attachments) generatOR, guard post driver, mulching pumps under 6" welders
CLASS D - Oiler, fireman, heater operator

POWER EQUIPMENT OPERATORS: STEEL ERECTION					
CLASS 1 - Operator	$ 8.95	.80	1.00	10%	.02
CLASS 2 - Compressor o& Welder	7.95	.80	1.00	10%	.02
CLASS 3 - Oiler & Fireman	7.05	.80	1.00	10%	

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Marquette
DECISION NO.: MI78-2012 DATE: Date of Publication
Supersedes Decision No. MI77-2052, dated May 13, 1977 in 42 FR 24618
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.06	.60	.50		.05
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS & STONEMASONS	8.03	.65	.50		.01
CARPENTERS & SOFT FLOOR LAYERS	9.24	.60	.60		.01
CEMENT MASONS	7.53	.65	.50		.01
ELECTRICIANS	7.60	.45	3%		.1of1%
ELEVATOR CONSTRUCTORS:					
Constructors	10.765	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
IRONWORKERS	9.50	.50	1.00	1.00	.04
LABORERS:					
Laborers	7.30	.55	.35		.04
Chipping Hammers; Concrete Mixers, Green Cutter (Air, Electric or Gas), Material Mixers, Mortar Mixers, Mortor driven buggy operator, sand-blasters, Tamping machines, vibrator operators	7.40	.55	.35		.04
LATHERS	8.85	.54	.10	.50	.01
MILLWRIGHTS	10.19	.60	.60		.01
PAINTERS:					
Brush & Glaziers	8.75				
PLASTERERS	7.98	.65	.50		.01
PLUMBERS & STEAMFITTERS	9.43	.70	.70	1.00	.02
ROOFERS	9.15		.50		
SHEET METAL WORKERS	10.08	.75+.08	.65		.04
SPRINKLER FITTERS	11.65	.65	.95		.08
TILE-MARBLE & TERRAZZO WORKERS	7.72	.65	.50		.01
TILESETTERS' FINISHERS	7.18	.45	.35		.01
TRUCK DRIVERS:					
Regular	7.72	22.00c	16.00c		
Heavy Duty, double axle and semi	8.08	22.00c	16.00c		
Euclid type equipment	8.08	22.00c	16.00c		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators					
Regular Equipment Operator Crane, Dozer, Front End Loaders Job Mechanic	8.72	.80	1.00	10%	.02
Air Track Drill, Boom Truck Concrete Mixers, Fork Truck, Material Hoist and Tugger, Pump, 6" andover, Pumpcrete, Belt Crete, Squeeze crete, Sweeping Machine, trencher, Winches, Well points and Greeze Systems	7.99	.80	1.00	10%	.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day & Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through G

b. Employer contributes 8% of regular hourly rate to vacation credit for employee who has worked in business more than 5 years. Emoployer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week, Per employee

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: See Below
DECISION NO. MI78-2013 DATE: Date of Publication
Supersedes Decision No: MI77-2053, dated May 6, 1977 in 42 FR 23377
DESCRIPTION OF WORK: Building (Does not include single family homes and garden type apartments up to and including four stories) and Heavy (excluding, Bridge, Airport and Sewer) Construction

COUNTIES: Allegan, Berrien Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Berrien County	$12.12	.50	.75		
Remaining Counties	11.11	.84	1.48		.02
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS & STONEMASONS:					
Allegan County (Casco, Clyde Ganges and Lee Townships) and Berrien County	9.95	.95	.60		
Allegan County (Allegan, Cheshire, Gun Plain, Martin, Otsego, Trowbridge, Valley, and Watson Townships) and Kalamazoo County	10.40	.60	.35		.09
Allegan County (Remainder)	9.10	.55	.25		.04
Calhoun County and Bellevue, Carnel, Kalamo, and Walton Townships in Eaton County	10.50	.85	.35		
Clinton and Ingham (except Onondaga, Leslie, Bunker Hill and Stockbridge Townships) Counties and the remainder of Eaton County	10.85		.80		.01
Jackson County and remainder of Ingham County	11.62	.70	.55		
CARPENTERS:					
Berrien County (Chickaming, New Buffalo and Three Oaks Townships)	12.03	.50	.57		.05
Clinton, Eaton (except Bellevue, Walton, Kalamo and Vermontville Townships), Ingham & Jackson Counties	10.61	.60	.50		.01
Remaining Counties and the remainder of Berrien and Eaton Counties	9.80	.60	.60		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Kalamazoo County; Calhoun Co; Allegan Co., (Twps of Allegan, Cheshire, Gunn Plain, Martin, Otsego, Trowbridge, Valley & Watson)	$ 9.78	.50	.50		.02
Allegan County (Casco, Ganges & Lee Townships) and Berrien County	9.15	.95	.60		
Remainder of Allegan County	8.70	.50	.50		.02
Remainder of Counties	9.78	.50	.50		.02
ELECTRICIANS:					
Allegan County (Laketon, Fillmore, Leighton Townships	10.25	.40	3%+.35		.01
Allegan County (Remainder) and Kalamazoo County	11.30	.40	9½%		.01
Berrien County	11.25	4.8%	7%		.2%
Calhoun County and Sunfeild, Vermontville, Kalamo, Bellevue Eaton and Brookfield townships in Eaton County	11.42	.40	9%		.01
Clinton and Ingham (except Onondaga, Leslie, Stockbridge and Bunker Hill Townships) Counties and the remainder of Eaton County	12.05	.40	3%+.75		.5%
Jackson County and remainder of Ingham County	11.01	.40	3%		
ELEVATOR CONSTRUCTORS:					
Allegan, Kalamazoo, and Calhoun Counties:					
Constructor	10.81	.745	.56	a	.025
Helper	70%JR	.745	.56	a	.025
Helper (Prob.)	50%JR				
Berrien County:					
Constructor	10.83	.745	.56	a	.025
Helper	70%JR	.745	.56	a	.025
Helper (Prob.)	50%JR				.025

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ELEVATOR CONSTRUCTORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Eaton, Ingham & Jackson Counties:					
Constructor	$12.41	.745	.56	a	.025
Helper	70%JR	.745	.56	a	.025
Helper (Prob.)	50%JR				
IRONWORKERS:					
Berrien County	10.55	.90	1.33		.03
Clinton, Ingham & Jackson Cos.					
Structural & Ornamental	11.18	8%	14%	17%	.09
Fence Erectors	10.18	8%	14%	17%	.09
Reinforcing	10.10	.98+.25	15%	15%	.07
Remaining Counties	10.70	.60	1.00		.08
LATHERS:					
All Counties except Berrien	8.85	.64	.10	.50	.01
MARBLE, TILE & TERRAZZO					
Allegan Co. (Gun Plain Otsego, Trowbridge Valley, Allegan, Cheshire, Martin and Watson Townships) and Kalamazoo County	8.85	.60			.05
Remainder of Allegan Co.	8.35	.45	.25		
Clinton, Ingham (except Onondaga, Leslie, Bunker Hill, and Stockbridge townships) and Eaton (except Kalamo, Carmel, Bellevue, and Walton Townships) Counties	10.03		.80		
Calhoun Co. & Bellevue, Carmel, Kalamo & Walton Twps. in Eaton County	10.50	.85	.35		
Jackson County and the Remainder of Ingham County					
Tile & Terrazzo Workers	10.90	.70	.55		
Marble Setters	11.62	.70	.55		
PAINTERS:					
Allegan Co. (Northern portion)					
Brush	8.05	.50	.25		.02
Paper hanging, Spray, Sandblasting, & Steamcleaning	8.55	.50	.25		.02

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Allegan County (S.E.¼) and Kalamazoo County					
Brush; Drywall Taping; Pan Roller	$ 9.45		.30		
Swing Stage; Structural Steel	10.10		.30		
Spray	10.35		.30		
Berrien County					
Brush	9.40				
Spray & Sandblasting; Drywall Taping	10.15				
Structural Steel	10.40				
Calhoun County					
Brush; Roller	8.30	.25			
Clinton, Eaton & Ingham Counties					
Brush and Tapers	10.87	.42	.40		.005
Structural Steel	11.27	.42	.40		.005
Spray & Sandblasting	11.62	.42	.40		.005
Jackson County					
Brush and Roller	11.02	.63	.20		.02
Spray and Sandblasters	11.77	.63	.20		.02
Drywall Taper	11.42	.63	.20		.02
PLASTERERS:					
Allegan County (Casco, Clyde, Ganges and Lee Townships) and Berrien County	9.35	.95	.60		
Remainder of Allegan County	8.83	.40	.25		.03
Remainder Counties	9.78	.50	.50		
PLUMBERS:					
Allegan County (Northern Tier Townships)	11.24	.60+.15	.75		.05
Allegan County (Remainder) and Kalamazoo County	11.71	.60	.86		

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PLUMBERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Berrien County (except city of Niles and vicinity)	$11.46	.84	.60		
City of Niles and Vicinity in Berrien County	11.25	.48	.80		.10
Calhoun County and Bellevue, Olivet, Hastings and Charlotte in Eaton County	11.19	1.30	.63		
Clinton and Ingham Counties and Sunfeild, Roxand, Oneida, Delta and Windson townships in Eaton County	11.90	.60	.70		
Jackson County	11.20	.87+.30	.80		.02
ROOFERS:					
Jackson County					
Composition	10.50	.85	.50	1.05	.10
Slate & Tile	11.25	.85	.50	1.05	.10
Allegan County					
Built-Up	7.25	.45	.35	.35	
Slate, Tile & Asbestos	7.50	.45	.35	.35	
Calhoun and Kalamazoo Counties:					
Composition	9.60			.25	
Slate, Tile & Asbestos	9.85			.25	
Clinton, Eaton and Ingham Cos.	8.35			.30	
SHEET METAL WORKERS:					
Berrien County	10.08	.65	.50		
Remaining Counties	9.98	.85	1.08	.68	.04
SOFT FLOOR LAYERS:					
Allegan, Berrien (except Chickaming, New Buffalo and Three Oaks townships), Calhoun, Kalamazoo Counties and Bellevue, Vermontville, Kalmo and Walton townships in Eaton County	8.40	.60	.60		.01
Clinton and Ingham Counties and the remainder of Eaton County	9.38	.60	.50		.01
Jackson County	10.61	.60	.50		.01
Chickaming, 3 Oaks & New Buffalo Twps. in Berrien Co.	12.03	.50	.57		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$11.92	.65	.95		.08
TRUCK DRIVERS:					
Allegan, Berrien and Kalamazoo Counties:					
8 cu yds. & under	7.99	b20.00	b17.00		
8 cu yds. & over	8.5	b20.00	b17.00		
Low Boys Semis	8.26	b20.00	b17.00		
Calhoun County					
Less than 8 cu. yds.	7.95	b21.00	b12.00	.20	
8 cu. yds, and over; Semi Tandem	8.05	b21.00	b12.00	.20	
Clinton, Eaton and Ingham Cos.					
8 cu yds. & under	7.63	b24.00	b22.00	c	
Truck Drivers on dump trucks					
8 cu. yds. Capacity and over pole trailers	7.73	b24.00	b22.00	c	
Low boys drivers; Double bottom drivers	7.83	b24.00	b22.00	c	
Jackson County	5.95	b24.00	b22.00		
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years, 6% contribution for more than 5 years, plus 7 paid holidays - A through G

b. Per week, Per employee

c. One year's service, one week vacation; 3 years service, two weeks vacation

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Allegan, Berrien, Calhoun and Kalamazoo Counties					
Group 1	$ 7.05	.55	.35	.55	.04
Group 2	7.20	.55	.35	.55	.04
Group 3	7.30	.55	.35	.55	.04
Group 4	7.17	.55	.35	.55	.04
Group 5	7.27	.55	.35	.55	.04
Group 6	7.37	.55	.35	.55	.04
Clinton, Eaton and Ingham Counties					
Group 1	7.60	.55	.35	.55	.04
Group 2	7.68	.55	.35	.55	.04
Group 3	7.74	.55	.35	.55	.04
Group 4	7.89	.55	.35	.55	.04
Group 5	7.84	.55	.35	.55	.04
Group 6	7.96	.55	.35	.55	.04
Group 7	8.215	.55	.35	.55	.04
Jackson County					
Group 1	7.43	.55	.35	.80	.04
Group 2	7.93	.55	.35	.80	.04

LABORERS:

Allegan, Berrien, Calhoun and Kalamazoo Counties

Group 1: All construction laborers on building and Heavy Construction not specified in Group 2 through 7 below

Group 2: Plasterer Tenders, Material Mixers, Operators of Portable Mixers; Air, Electric or Gasoline Tools; Motor Driven Buggies; Swing Scaffolds

Group 3: Jackhammer Operators

Group 4: Signal men

Group 5: Windlass Operator

Group 6: Crock Layers (or pipe layers), caisson work

Group 7: Top men on chimneys or towers over 30' in height

Clinton, Eaton and Ingham Counties

Group 1: Building Laborers

Group 2: Mortar Mixers, hand or machine

Group 3: Plasterer Tenders; Portable concrete mixer operator (14 and under); Air, Electric or Gasoline Tools; Tar Kettle tenders; Gasoline vibrators; Concrete gas buggies; Concrete saw; Signal men and top men

Group 4: Tunnel men; Concrete shovelers; Car pushers, etc.

Group 5: Windlass Operator (on caisson work)

Group 6: Crock layers (or pipe layers); Caisson workers; Tunnel muckers

Group 7: Tunnel Miners

Jackson County

Group 1: General Laborer

Group 2: Jackhammer and Acetylene Torch

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LC ZONE I

LINE CONSTRUCTION WILLIAMSTON, LOCKE, LEROY, WHEATFIELD & WHITE OAK TOWN SHIPS IN INGHAM COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$12.59	1.20	9%		½%
Cable Splicer	13.14	1.20	9%		½%
Combination Equipment Operator & Groundman	10.11	1.20	9%		½%
Groundman	8.77	1.20	9%		½%

LC -ZONE II

LINE CONSTRUCTION: ZONE 11 REMAINING COS: & THE REMAINDER OF INGHAM CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Heavy Equipment operator	$10.12	.45	3%	a	.5%
Cable Splicer	10.54	.45	3%	a	.5%
Combination Digger operator; Tractor operator Groundman'					
1st 6 months	7.32	.45	3%	a	.5%
Over 6 months	7.91	.45	3%	a	.5%
Light Equipment operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 months	6.36	.45	3%	a	.5%
Over 6 months	6.94	.45	3%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 months	5.79	.45	3%	a	.5%
Over 6 months	6.62	.45	3%	a	.5%
Combination Truck Driver Groundman	5.60	.45	3%	a	.5%

FOOTNOTE:
a. 7 paid Holiday; New Year's Day; Memorial Day; Independence Day; Labor Day; Thandsgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-3-PBO-1-2

POWER EQUIPMENT OPERATORS:

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.90	.80	1.00	10%	.05
CLASS B	11.65	.80	1.00	10%	.05
CLASS C	11.40	.80	1.00	10%	.05
CLASS D	10.85	.80	1.00	10%	.05
CLASS E	10.65	.80	1.00	10%	.05
CLASS F	9.45	.80	1.00	10%	.05
CLASS G	8.75	.80	1.00	10%	

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Oprs., Sweeping Machine, winch Truck, Bob Cat & Similar type equipment, Fork Truck (over 20' lift)

CLASS E - Pump 6" or over, Well Points, Freeze systems, Boom truck (non Swinging) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Firemen & Heater Operator

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MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION CLINTON, INGHAM & JACKSON COS.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where opeators work stations is 501 Or more above first sub level
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.40	.55	.75	10%	.05
CLASS B	11.15	.55	.75	10%	.05
CLASS C	10.90	.55	.75	10%	.05
CLASS D	10.55	.55	.75	10%	.05
CLASS E	9.30	.55	.75	10%	.05
CLASS F	8.25	.55	.75	10%	

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes, gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane; dozer; loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (single drum); material hoist, pump 6' or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

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MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION CALHOUN, CLINTON, EATON, INGHAM & JACKSON COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$10.61	.80	1.00	10%	.05
CLASS II	10.49	.80	1.00	10%	.05
CLASS III	9.83	.80	1.00	10%	.05
CLASS IV	9.31	.80	1.00	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip fom paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck(non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishng machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

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POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.24	.80	1.00	10%	.05
CLASS II	8.98	.80	1.00	10%	.05
CLASS III	8.52	.80	1.00	10%	.05
CLASS IV	8.27	.80	1.00	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip fom paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck(non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishng machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

STATE: Michigan COUNTIES: See Below
DECISION NO.: MI78-2014 DATE: Date of Publication
Supersedes Decision No. MI77-2054, dated May 6, 1977 in 42 FR 23384
DESCRIPTION OF WORK: Building (Does not include single family homes and garden type apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
St. Clair County	$ 12.15	1.35	1.39		
Remainder of Counties	11.11	.84	1.48		.02
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee Cos.					
Bricklayers & Stonemasons	11.05	.60	1.00		
Marble-Tile-Terrazzo Workers	10.39	.50	1.00		
St. Clair & Sanilac Counties					
Bricklayers & Stonemasons	11.66	1.05	.72		
Marble Setters	12.12	.60	1.00		
Terrazzo Workers	11.29	.60	1.00		
Tile Setters	11.68	.60	1.00		
Remainder of Counties					
Bricklayers & Stonemasons	10.27	.85	.50		
Marble-Tile-Terrazzo Workers	10.50				
CARPENTERS:					
Sanilac (Except the West 5 Miles & St. Clair Counties:					
Carpenters & Piledrivermen	11.11	.75	10%	11%	.04
Soft Floor Layers	10.00	.86	7%	8%	.03
Remainder of Counties & the West 5 Miles of Sanilac County:					
Carpenters & Piledrivermen	10.25	.60	.60		.01
Soft Floor Layers	9.38	.60	.60		.01
CEMENT MASONS:					
St. Clair & Sanilac Counties	10.89	1.05	.72		
Lapeer County	9.80	.50	1.00		
Genesee & Shiawassee Counties	9.90	.48	.45		.02
Remainder of Counties					
Cement Masonry on sidewalks, curbs & gutters not related to highway, road and street construction	9.57	.85	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Iosco County; Northern ½ of Co.:					
Contracts over $30,000	11.10	.40	3%+.30		1/10of1%
Contracts under $30,000	9.35	.40	3%+.30		1/10of1%
Bay Co; & Southern ½ of Iosco Co.	12.45	.40	3%+.30		½ of 1%
Genesee, Lapeer & Shiawassee Cos.	11.70	.40	3%+1.00		½%
Saginaw & Tuscola Counties	12.15		3%+1.00		½
Remainder of Counties	12.00	1.95	3%+1.06		.03
ELEVATOR CONSTRUCTORS:					
St. Clair County:					
Constructors	12.475	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (Prob.)	50%JR				
Remainder of Counties:					
Constructors	11.21	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
Genesee, Lapeer & Shiawassee Cos.	9.64	.55	.70		.02
St. Clair County	9.77	.55	.65		
Bay, Huron, Isoco, Tuscola & Sagianw Cos.	8.75		.50	.25	.01
IRONWORKERS:					
Structural & Ornamental	11.18	8%	15%	17%	.09
Reinforcing	10.10	.98+.25	15%	15%	.07
Fence Erectors	10.18	8%	14%	17%	.09
LABORERS:					
Iosco County; Unksilled	6.55	.55	.35		.04
Motar & Plaster Mixers, Sewer & Caisson Workers, Plasterer Tenders, Non-Metallic Pipe-Layers	6.70	.55	.35		.04
Cement Gun Nozzlemen, Blasters, Miners & rock Drillers	7.15	.55	.35		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	8.85	.64	.10	.50	.01
PAINTERS:					
Bay Iosco Cos., Huron (West of M-53) Cos., & the Townships of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta, & Wisner in Tuscola County:					
Commercial	8.85	.50	.80		.02
Industiral	9.45	.50	.80		.02
Spray	9.70	.50	.80		.02
Saginaw Co., & the Remainder of Tuscola County:					
Brush	9.95		.35		.02
Spray	10.70		.35		.02
Genesee, Lapeer, & Shiawassee Cos.	9.40	.50	.60		
Western ½ of Shiawassee County	10.87	.42	.40		.005
Huron, st. Clair & Sanilac Cos.:					
Commercial & Industrial	11.47	.50	.50		.01
Brush	11.97	.50	.50		.01
Open Steel & Spray					
PLASTERERS:					
Lapeer County	10.05	.50	1.00		
Bay, Huron, Iosco, Saginaw & Tuscola Counties	10.57	.85			
Genesee & Shiawassee Cos.	9.78	.50	.50		.02
St. clair & Sanilac Counties	11.14	1.05	.72		
PLUMBERS AND STEAMFITTERS:					
Bay Iosco., N. ½ of Tuscola & the NW ½ of Huron (running from Port Autin south to Sanilac County line)	10.74	.75	.50	1.60	
Genesee, Lapeer & Shiawassee Cos	11.47	1.00	1.10		.02
Saginaw & S. ½ of Tuscola (including Carco, Washjamerga and South of the Lapeer County line Counties	10.33	.79	1.02		.01
Remainder of Huron County; St. Clair & Sanilac Counties	10.75	.25	1.30	1.52	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Bay, Iosco, Saginaw, & Tuscola Cos.	10.75	.85	.60		.02
Genesee, Lapeer & Shiawassee Cos					
Composition	11.45	.60	.60		
Slate & tile	11.80	.60	.60		
St. Clair, Sanilac & Huron Cos.	7.70				
SHEET METAL WORKERS:					
Bay, Iosco, Huron, Saginaw & Tuscola Counties	11.11	.65	1.00		.02
Genesee, Lapeer & Shiawassee Cos.	9.89	.69	1.10	1.00	
St. Clair & Sanilac Counties	10.550	1.66	1.52	1.16	.11
SPRINKLER FITTERS	11.92	.65	.95		.08
TRUCK DRIVERS:					
Bay, Iosco, Saginaw & Tuscola					
Under 8 cubic yards	7.57	b24.00	b22.00	.26	
8 cubic yards & over	7.67	b24.00	b22.00	.26	
Euclid T pe Equipment	7.87	b24.00	b22.00	.26	
Genessee, Lapeer & Shiawassee	8.45	b24.00	b22.00		
Huron, St. Clair & Sanilac					
Pole Trailers, Low Boys Straddle Carriers, Double Bottoms & Special Load Permit Drivers	9.90	b24.00	b28.00		
Semi Drivers	9.80	b24.00	b28.00		
All Other Truck Drivers	9.65	b24.00	b28.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. 7 paid holidays - New Year's Day - Memorial Day - Independence Day; Labor Day; Thanksgiving Day - Day after Thankgiving Day and Christmas Day plus employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 6% for employees in business less than 5 years.

b. Per Week; Per Employee

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bay, Huron, Saginaw & Tuscola Counties					
CLASS A	$8.04	.55	.35		.04
CLASS B	8.16	.55	.35		.04
CLASS C	8.24	.55	.35		.04
CLASS D	8.81	.55	.35		.04
Genesee, Lapeer & Shiawassee Cos:					
CLASS A	8.39	.55	.55		.04
CLASS B	8.49	.55	.55		.04
CLASS C	8.59	.55	.55		.04
CLASS D	8.69	.55	.55		.04
CLASS E	8.94	.55	.55		.04
St. Clair & Sanilac Counties:					
GROUP 1	9.64	.55	.35		.04
GROUP 2	9.76	.55	.35		.04
GROUP 3	9.78	.55	.35		.04
GROUP 4	9.81	.55	.35		.04
GROUP 5	9.99	.55	.35		.04
GROUP 6	9.89	.55	.35		.04
GROUP 7	9.93	.55	.35		.04

LABORERS:

Bay, Huron, Saginaw & Tuscola Counties

CLASS A - all Construction Laborers on Building & Heavy Construction not specified in Classes, B,C, & D, below; Also includes pumps with a 3" or less discharge and not hooked up in a battersy; Mechanized Buggy Operator and Motar Mixer when done by hand.

CLASS B - Mechanized Mortar Mixers; Air, electric and gas driven tools; Vibrators

CLASS C - Air or Electric driven pavement Breakers; Plasterers Tenders; Plaster Mixers; Crock and/or Pipelayers; Signal Men & Top Man; Windlass and Tugger Operator; Caisson Worker

CLASS D - Drillers & Plasters; Burners

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LABORERS (CONT'D)

Genesee, Lapeer & Shiawassee Counties

CLASS A - Construction Laborers not specified in Classes B & E below

CLASS B - Mortar Mixer (includes concrete mixer ½ cu. yds. or smaller); Signal Men & Top Men (on caisson work; Air, Gasoline or Electric Tool Operators.

CLASS C - Jackhammer & Air Spade; Tunnel Menl Windlass Operators (on caisson work); Burner

CLASS D - Crock or Pipe Layers; Conduit and any Vertified Tile except 4" drain tile around Building; Caisson Workers & Tunnel Muckers

CLASS E - T nnel Miners

St. Clair & Sanilac Counties

GROUP 1 - General Laborers; Mason Tenders; all Demolition Laborers

GROUP 2 - Mortar Mixers (Hand or Machine)

GROUP 3 - Signal men & top men on caisson construction

GROUP 4 - Concrete Gas Buggies; Concrete Saw Operators, Plasterers Tenders

GROUP 5 - Crock or Pipelayers - caisson workers and muckers

GROUP 6 - Air Electric or Gas tool operator

GROUP 7 - Tunnel men, concrete shoulders and car pushers

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LINE CONSTRUCTION HURON, LAPEER, ST. CLAIR, SANILAC & TUSCOLA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	12.59	1.20	9%		½%
Cable Splicer	13.14	1.20	9%		½%
Combination equipment Operator & Groundman	10.11	1.20	9%		½%
Combination Driver-Groundman	9.52	1.20	9%		½%
Groundman	8.77	1.20	9%		½%

LC-ZONE II

LINE CONSTRUCTION: ZONE II BAY, IOSCO, GENESEE, SAGINAW & SHIAWASSEE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Heavy Equipment operator	10.12	.45	3%	a	.5%
Cable Splicer	10.54	.45	3%	a	.5%
Combination Digger operator; Tractor operator Groundman:					
1st 6 months	7.32	.45	3%	a	.5%
Over 6 months	7.91	.45	3%	a	.5%
Light Equipment operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 months	6.36	.45	3%	a	.5%
Over 6 months	6.94	.45	3%	a	.5%
Combination winch Truck Driver Groundman:					
1st 6 months	5.79	.45	3%	a	.5%
Over 6 months	6.62	.45	3%	a	.5%
Combination Truck Driver Groundman	5.60	.45	3%	a	.5%

Footnote: a-7 Paid Holidays; New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving; and Christmas Day.

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MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION ST. CLAIR COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	12.04	.80	1.00	10%	.05
CLASS B	11.81	.80	1.00	10"	.05
CLASS C	11.58	.80	1.00	10%	05
CLASS D	11.20	.80	1.00	10%	.05
CLASS E	10.05	.80	1.00	10%	.05
CLASS F	9.16	.80	1.00	10%	

CLASS A - Crane with boom & job or leads 220' or longer
CLASS B - Crane with boom and jib or leads 140' or longer
CLASS C - Regular crane operator
CLASS D - Regular Engineer
CLASS E - Engineer when operating Compressor (or welding machine)
CLASS F - Fireman or oiler

MICH -2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operating combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom jib 140' or longer Tower crane & derrick operator (where operators work stations is 501 or more above first sub level
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

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MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	11.90	.80	1.00	10%	.05
CLASS B	11.65	.80	1.00	10%	.05
CLASS C	11.40	.80	1.00	10%	.05
CLASS D	10.85	.80	1.00	10%	.05
CLASS E	10.65	.80	1.00	10%	.05
CLASS F	9.45	.80	1.00	10%	.05
CLASS G	8.75	.80	1.00	10%	.05

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Ait Tugger (single drum), Material Hoist, Boiler Oprs., Sweeping Machine,winch Truck, Bob Cat & Similar type equipment, Fork Truck (over 20' lift

CLASS E - Pump 6" or over, Well Points, Freeze systems, Boom truck (non Swinging Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

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POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION

IOSCO COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.24	.80	1.00	10%	.05
CLASS II	8.98	.80	1.00	10%	.05
CLASS III	8.52	.80	1.00	10%	.05
CLASS IV	8.27	.80	1.00	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope, paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharve or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist boom truck (power single type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM, air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propleeed or truck mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powreed - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

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POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION

REMAINDER OF COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	10.61	.80	1.00	10%	.05
CLASS II	10.49	.80	1.00	10%	.05
CLASS III	9.83	.80	1.00	10%	.05
CLASS IV	9.31	.80	1.00	10%	.05

CLASS I - Power shove, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip form paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck power single type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helpers, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 ore more up to 4" discharge if used 3 hours or more a day gas or siesel powered - excluding submersible pumps), trencher (service), boiler, vibrtaing compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment, finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. P. or over)

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Genesee, Lapeer, Saginaw, St. Clair & Shiawassee

DECISION NUMBER: MI78-2015

DATE: Date of Publication

Supersedes Decision Number MI77-2055, dated May 13, 1977 in 42 FR 24619

DESCRIPTION OF WORK: Residential Construction consisting of Single Family Homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
St. Clair County	$12.15	1.35	1.39		
Remainder of Counties	11.11	.84	1.48		.02
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee	11.05	.60	1.00		
Saginaw County	10.27	.85	.50		
St. Clair County	11.66	1.05	.72		
CARPENTERS:					
Saginaw County	7.27	.60	.50		.02
St. Clair County	11.11	.75	10%	11%	.04
Remainder of Counties	10.24	.60	.60		.01
CEMENT MASONS:					
Genesee & Shiawasee Counties	9.90	.48	.45		.02
Lapeer County	9.80	.50	1.00		
Saginaw County	9.57	.85	.50		
St. Clair County	10.89	1.05	.72		
ELECTRICIANS:					
Genesee, Lapeer & Shiawasee Cos.	7.28	.40	3%+.75		.02
Saginaw County	7.63		3%+.15		¼%
St. Clair County	12.00	1.95	3%+1.06		.03
ELEVATOR CONSTRUCTORS:					
St. Clair County					
Constructors	12.475	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (Prob.)	50%JR				
Remainder of Counties					
Constructors	11.21	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
Genesee, Lapeer & Shiawassee Cs Cos.	9.64	.55	.70		.02
Saginaw County	8.75		.50	.25	.01
St. Clair County	9.77	.55	.65		
IRONWORKERS:					
Structural & Ornamental	11.18	8%	14%	17%	.09
Reinforcing	10.10	.98+.25	14%	15%	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LABORERS:					
Saginaw County					
Laborers; Mortar Mixers (Hand)	8.04	.55	.35		.04
Plaster Mixers & Tenders	8.24	.55	.35		.04
Genesee, Lapeer & Shiawassee Cos.					
Laborers	8.39	.55	.55		.04
Air, Gas & Electric Tool Oprs	8.49	.55	.55		.04
Mortar Mixers	8.49	.55	.55		.04
Crock or Pipelayers	8.69	.55	.55		.04
St. Clair County					
Laborers; Mason Tenders	9.64	.55	.35		.04
Mortar Mixers	9.76	.55	.35		.04
Air, Gas & Electric Tool Oprs.	9.89	.55	.35		.04
Crock or Pipelayers	9.99	.55	.35		.04
LATHERS	8.85	.64	.10	.50	.01
MARBLE, TILE & TERRAZZO WORKERS:					
Genesee, Lapeer & Shiawasee Cos	10.39	.50	1.00		
Saginaw County	10.50				
St. Clair County:					
Marble Masons	12.12	.60	1.00		
Terrazzo Workers	11.29	.60	1.00		
Tile Setters	11.68	.60	1.00		
PAINTERS:					
Genesee & Eastern ¼ of Counties: West of Hwy. #53 in Lapeer	9.40	.50	.60		
St. Clair Co; & East of Hwy. #53 in Lapeer County	11.47	.50	.50		.01
Saginaw County	9.95		.35		.02
Western ¼ of Shiawassee County	10.35	.42	.40		.005
PLASTERERS:					
Saginaw County	10.57	.85			
Genesee & Shiawassee Counties	9.78	.50	.50		.02
Lapeer County	10.05	.50	1.00		
St. Clair County	11.14	1.05	.72		
PLUMBERS:					
Genesee, Lapeer & Shiawassee Cos.	11.47	1.00	1.10		.02
Saginaw County	10.33	.79	1.02		.01
St. Clair County	10.75	1.25	1.30	1.52	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
St. Clair County					
Regular E gineer	10.52	.80	.85	10%	.05
Regular Crane Operator	10.82	.80	.85	10%	.05
Remainder of Counties					
Regular Equipment Operator; Scraper; Dozer; Grader, Front End Loader	11.40	.80	1.00	10%	.05
Bob Cat & Similar Type Equip.	10.85	.80	1.00	10%	.05
Air compressors; Generators	9.45	.80	1.00	10%	.05
ROOFERS:					
Genesee, Lapeer & Shiawassee Cos.	11.45	.60	.60		
St. Clair County	7.70	.85	.60		
SHEET METAL WORKERS:					
Genesee, Lapeer & Shiawassee Cos.	9.89	.69	1.10	1.00	
Saginaw County	11.11	.65	1.00		.03
St. Clair County	10.550	1.66	1.52	1.16	.11
SOFT FLOOR LAYERS:					
St. Clair County	9.45	.75	7%	8%	.03
Remainder of County	9.38	.60	.60		.01
SPRINKLER FITTERS	11.92	.65	.95		.08
TRUCK DRIVERS:					
Genesee, Lapeer, & Shiawassee Cos.	8.45	b24.00	b22.00		
Saginaw County					
Truck drivers	7.57	b24.00	b22.00	.26	
8 Cubic yards & over	7.67	b24.00	b22.00	.26	
Euclid Type Equipment	7.87	b24.00	b22.00	.26	
St. Clair County					
Truck Drivers	9.65	b24.00	b28.00		
Semi Trucks	9.80	b24.00	b28.00		

FOOTNOTES:

a. 7 paid Holidays - New Year's Day - Memorial Day - Independence Day - Labor Day - Thanksgiving Day - Day after Thanksgiving - Christmas Day plus employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 6% for employees in business less than 5 years.

b. Per week; Per Employee

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: *See below
DECISION NO.: MI78-2016
DATE: Date of Publication
Supersedes Decision No.: MI77-2127 dated September 2, 1977 in FR 44450
DESCRIPTION OF WORK: Building Construction (Including Residential) and Heavy (Excluding Bridge, Airport and Sewer) Construction.

*Counties: Macomb, Monroe, Oakland, Washtenaw, & Wayne

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Monroe County	$12.43	.50	1.20		.04
Twps. of Bridgewater, Dexter, Freedom, Lima, Lydon, Manchester, Sharon & Sylvan in Washtenaw County	11.11	.84	1.48		.02
Remainder of Counties & the Remainder of Washtenaw County	12.15	1.35	1.39		.07
BOILERMAKERS:					
Monroe County	13.10	.70	1.00		.03
Remainder of Counties	11.07	1.10	1.20	1.50	.03
BRICKLAYERS & STONEMASONS:					
West of Hwy # 23 in Monroe Co.	10.54	.86	.55		.05
Washtenaw County	13.47		1.00		
Remainder of Counties & East of Hwy. # 23 in Monroe County	12.83	.80	8%+.10		.05
CARPENTERS & PILEDRIVERMEN					
Washtenaw County	11.14	.60	.50		.01
Remainder of Counties	11.11	.75	10%	11%	.04
CEMENT MASONS:					
South of Hwy. # 151 in Monroe County	13.34	.60			.02
Washtenaw County	13.27		1.00		
Remainder of Counties & North of Hwy. # 151 in Monroe County	11.71	.80	10%		.02
ELECTRICIANS:					
Washtenaw County	11.05	.50+4%	1%+.55	10%	2%
Monroe County:					
Building	13.00	.65	3%+.55		.1%
Residential	7.15	.65	3%+.55		.1%
Remainder of Counties:					
Building	12.00	1.95	3%+1.06		.03
Residential	12.00	1.95	3%+1.06		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Monroe County:					
Constructors	$12.355	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (prob.)	50%JR				
Washtenaw County					
Constructors	12.41	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (prob.)	50%JR				
Remainder of Counties					
Constructors	12.475	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
Helpers (prob.)	50%JR				
GLAZIERS	$ 9.77	.55	.65		
IRONWORKERS:					
Monroe County	12.30	.93	1.11		.05
Remainder of Counties:					
Structural & Ornamental	11.18	8%	14%	17%	.09
Reinforcing	10.10	.98+.25	15%	15%	.07
Fence Erectors	10.18	8%	14%	17%	.09
Riggers & Machinery Erectors	10.00	1.10	1.71	16%	.02
LABORERS: (BUILDING, RESIDENTIAL & HEAVY)					
Monroe County:					
Construction Laborer & Carpenter helper	9.74	.55	.35	.55	.04
Mortar Mixer, Mason & Plaster Tender, Carpenter Helper, Cement Mason Helper, Tool Operator & Caisson Worker	9.94	.55	.35	.55	.04
LATHERS:					
S.W. Corner of Monroe County & Western Portion of Washtenaw Co.	8.85	.64	.10	.50	.01
Remainder of Counties: Eastern Portion of Washtenaw County & Remainder of Monroe County	10.92	.97+.35	.72		
MILLWRIGHTS:					
Washtenaw County	11.14	.60	.50		.01
Remainder of Counties	10.80	.96	11%	24%	.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS:					
Washtenaw County	$13.47		1.00		
Remainder of Counties:					
Marble Mason	12.12	.60	1.00		
Marble Mason Finishers	10.37	.85	.80		
PAINTERS:					
Washtenaw County					
Brush	11.02	.63	.20		.02
Spray	11.77	.63	.20		.02
Tapers	11.42	.63	.20		.02
Remainder of Counties					
Brush	10.70	.74	1.00	1.00	50.00 P/Y
Spray:					
to 40' height	11.20	.74	1.00	1.00	50.00 P/Y
Over 40' height	11.325	.74	1.00	1.00	50.00 P/Y
PLASTERERS:					
South of Hwy. # 151 in Monroe Co.	13.00	.60			.01
Washtenaw County	13.47		1.00		
Remainder of Counties & Remainder of Monroe County	12.25	.85	.75		
PLUMBERS & STEAMFITTERS:					
Monroe County	11.18	.75	.80	1.25	.12
Washtenaw County	10.86	.85+.15	.75		.10
Remainder of Counties:					
Plumbers	10.75	1.25	1.30	1.52	.07
Pipefitters	10.55	1.55	1.50	1.35	.05
ROOFERS:					
Monroe County	12.11	.93	.85		.02
Washtenaw County:					
Composition	10.50	.85	.50	1.05	.10
Slate	11.25	.85	.50	1.05	.10
Remainder of Conties:					
Composition	10.81	.80	.80	1.00	
Slate	11.81	.80	.80	1.00	
SHEET METAL WORKERS:					
Monroe County	12.195	.93	1.15		.045
Remainder of Counties	10.550	1.66	1.52	1.16	.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Washtenaw County	$11.14	.60	.50		.01
Remainder of Counties	10.00	.86	7%	8%	.03
SOUND & COMMUNICATION WORKERS:					
Wayne, Oakland & Macomb Cos:					
Electrical Technician	8.28	b1.60	b6.00		
Electrical Technician Jr.	6.86	b1.60	b6.00		
SPRINKLER FITTERS:					
Monroe County	11.92	.65	.95		.08
Remainder of Counties	12.185	.90	.90		.10
TILE & TERRAZZO WORKERS:					
Washtenaw County	13.47		1.00		
Remainder of Counties:					
Terrazzo Workers	11.29	.60	1.00		
Terrazzo Workers' Finishers	10.11	.60	.40	.65	
Tile Setters	11.68	.60	1.00		
Tile Setters' Finishers	9.27	.85	.80	.90	
TRUCK DRIVERS: Building & Heavy Construction:					
Pole Trailer; Low Boys; Straddle Carrier; Double Bottoms & special Load Permits	9.90	b24.00	b28.00		
Semi Drivers	9.80	b24.00	b28.00		
All Other Truck Drivers	9.65	b24.00	b28.00		
TRUCK DRIVERS: Underground Construction					
Truck Drivers (Except dump trucks of 8 cubic yards capacity or over, pole trailers, semis, low boys, Euclid, double bottom & Fuel trucks	9.08	b24.00	b28.00		
Truck Drivers on dump trucks 8 cubic yards capacity or over, Pole trailers, semis & fuel trucks	9.21	b24.00	b28.00		
Low boys, Euclid & double bottom driver	9.41	b24.00	b28.00		

FOONOTES: a. 7 Paid Holidays-New Years Day-Memorial Day-Independence Day-Labor Day Thandsgiving Day-Day after Thanksgiving-Christmas Day plus Employer contributes 8% or Regular Hourly Rate to Vacation Pay Credit for employee who has worked in business more than 5 years & 6% for employees in business less than 5 years.

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LABORERS BUILDING, RESIDENTIAL & HEAVY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Washtenaw County:					
GROUP 1	8.59	.55	.35	.75	.04
GROUP 2	8.79	.55	.35	.75	.04
GROUP 3	8.91	.55	.35	.75	.04
Wayne, Oakland & Macomb Cos:					
GROUP 1	8.93	.80	.80	.85	
GROUP 2	9.01	.80	.80	.85	
GROUP 3	9.11	.80	.80	.85	
GROUP 4	9.16	.80	.80	.85	
GROUP 5	9.18	.80	.80	.85	
GROUP 6	9.26	.80	.80	.85	
GROUP 7	9.31	.80	.80	.85	
GROUP 8	9.68	.80	.80	.85	

LABORERS: BUILDING, RESIDENTIAL & HEAVY

Washenaw County:

GROUP 1 - All Construction Laborers not specified below
GROUP 2 - Mortar mixers; Material Mixers (hand or machine) Air, Gas, Electric Tool Operators; Power Buggie Operators; Scaffold Building or Dismantler; Windlass Operators; Tar and Kettle Operators
GROUP 3 - Crock or Pipe Layers; Caisson Workers

Wayne, Oakland & Macomb Counties:

GROUP 1 - All Construction Laborers not specidied below
GROUP 2 - Mortar Mixers, Scaffold Builders
GROUP 3 - Signal Men, Air gas or electric tool operators, Windlass and Tugger operator, Jackahmmer and Vibrator Operator
GROUP 4 - Crock grade man
GROUP 5 - Furnace Battery Heater Helper
GROUP 6 - Crock and Pipe Layers
GROUP 7 - Caisson Workers
GROUP 8 - Lansing Burners, Blasters, Powderman

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LABORERS: OPEN CUT CONSTRUCTION WASHENAW COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	7.70	.55	.35	.55	.04
CLASS 2	7.78	.55	.35	.55	.04
CLASS 3	7.83	.55	.35	.55	.04
CLASS 4	7.88	.55	.35	.55	.04
CLASS 5	7.93	.55	.35	.55	.04
WAYNE, OAKLAND, & MACOMB COS:					
CLASS 1	8.36	.75	.60	.75	.04
CLASS 2	8.44	.75	.60	.75	.04
CLASS 3	8.49	.75	.60	.75	.04
CLASS 4	8.54	.75	.60	.75	.04
CLASS 5	8.59	.75	.60	.75	.04
MONROE COUNTY					
CLASS 1	7.70	.55	.35	.55	.04
CLASS 2	7.80	.55	.35	.55	.04
CLASS 3	7.90	.55	.35	.55	.04
CLASS 4	7.95	.55	.35	.55	.04
CLASS 5	8.05	.55	.35	.55	.04

CLASS 1 - Construction Laborer
CLASS 2 - Mortar, & Material Mixers, Concrete form man, Signal Man, Wheel Point, Man, Manhole, Headwall & catch Basin Building, Guard Rail Builders & fence Erectors.
CLASS 3 - Air, gasoline, Electric Tool Ops., Vibrator Op., Drillers, Pumpman Tar Kettle Oprs., bracers, rodder, Reinfroced Steel or Mesh (under 40 H.P.) Windlass & Tugger Man
CLASS 4 - Trench Excavating Grade Man
CLASS 5 - Pipelayer

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LABORERS: TUNNEL, SHAFT & CASSION CONSTRUCTION WASHTENAW & MONROE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	8.33	.55	.35	.55	.04
CLASS 2	8.41	.55	.35	.55	.04
CLASS 3	8.45	.55	.35	.55	.04
CLASS 4	8.61	.55	.35	.55	.04
CLASS 5	8.81	.55	.35	.55	.04
CLASS 6	9.06	.55	.35	.55	.04
Wayne, Okaland & Macomb Cos:					
CLASS 1	8.36	.75	.60	.75	.04
CLASS 2	8.44	.75	.60	.75	.04
CLASS 3	8.94	.75	.60	.75	.04
CLASS 4	8.64	.75	.60	.75	.04
CLASS 5	8.84	.75	.60	.75	.04
CLASS 6	9.09	.75	.60	.75	.04

CLASS 1 - Tunnel, Shaft & cassion laborer, dump man, Shanty man, Hog house tender, Testing Man (on gas)
CLASS 2 - Manhole, Headwall catch basin builder, Bricklayers Tender, Mortar man, Material mixer, fence Erector & Guard rail Builder
CLASS 3 - Air Tool operator (Jackhammer amn, Brush Hammer man & Grinding Man) First Bottom man, Second bottom man, Cage Tender, Car pusher, carrier man, Concrete man, concrete form man, Concrete repair man, Cement invert laborer, Cement finisher, concrete shoveler, conveyor man, Floor man, Gasoline & Electric Tool operator, Gunnite man, grout operator, Heading dinry man, inside lock tender, pea gravel operator, pump man, outside lock tender, Vibrator man, top signal man switch man, track man, Tugger man, Utility man, Vibrator man, Winch Operator, concrete saw operator (under 40 H.P.)
CLASS 4 - Tunnel, shaft & cassion mucker, Bracer man, Under Plate man, Long Haul Dinky driver & well point man
CLASS 5 - Tunnel, shaft, & Cassion Miner, Driller Runner, Key board Operator, Power Knife operator, reinforced steel or mesh man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)
CLASS 6 - Dynamite man & Powerman

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LANDSCAPE LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS "A" Landscape Specialist, including air, gas, diesel, electric tool and/or equipment	$6.57				
CLASS "B" Landscape Laborers, Truck Drivers, Material Haulers & Small Power Equipment	4.82				

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LINE CONSTRUCTION Wayne, Macomb, Oakland Cos; Remainder of Washtenaw & Monroe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$12.59	1.20	9%		½%
Cable splicers	13.14	1.20	9%		½%
Combination Equipment Operator & Groundman	10.11	1.20	9%		½%
Combination Driver-Groundman	9.52	1.20	9%		½%
Groundman	8.77	1.20	9%		½%
LINE CONSTRUCTION: Twys. of Lyndon, Manchester, Sharson & Sylvan in Washtenaw Co; Twps. of Bedford, Erie LaSalle & Whiteford in Monroe County					
Lineman; Heavy Equipment Operator	10.12	.45	3%	a	.5%
Cable Splicers	10.54	.45	3%	a	.5%
Combination Digger Operator; Tractor Operator Groundman:					
1st 6 months	7.32	.45	3%	a	.5%
Over 6 months	7.91	.45	3%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 months	6.36	.45	3%	a	.5%
Over 6 months	6.94	.45	3%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 months	5.79	.45	3%	a	.5%
Over 6 months	6.62	.45	3%	a	.5%
Combination Truck Driver Groundman	5.60	.45	3%	a	.5%

FOOTNOTES:

7 paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day After Thanksgiving Day; and Christmas Day.

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MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	12.04	.80	1.00	10%	.05
CLASS B	11.81	.80	1.00	10%	.05
CLASS C	11.58	.80	1.00	10%	.05
CLASS D	11.20	.80	1.00	10%	.05
CLASS E	10.05	.80	1.00	10%	.05
CLASS F	9.16	.80	1.00	10%	

CLASS A - Crane with boom & jib or leads 220' or longer
CLASS B - Crane with boom and jib or leads 140' or longer
CLASS C - Regular Crane Operator
CLASS D - Regular Engineer
CLASS E - Engineer when operating Compressor (or welding machine)
CLASS F - Firemen or oiler

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where opeators work stations is 501 Or more above first sub level
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

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MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	10.61	.80	1.00	10%	.05
CLASS II	10.49	.80	1.00	10%	.05
CLASS III	9.83	.80	1.00	10%	.05
CLASS IV	9.31	.80	1.00	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip fom paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck(non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ yd or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishng machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

STATE: Minnesota COUNTIES: *See below
DECISION NUMBER: MN78-2009 DATE: Date of Publication
Supersedeas Decision No.: MN77-2119 dated August 12, 1977 in 42 FR 41082
DESCRIPTION OF WORK: Building Construction (Including Residential Construction)

*Counties: Carlton, Cook, Itasca, Koochiching Lake and St. Louis

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.65	.40	.25		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS:					
Bricklayers & Stonemasons:					
Koochiching County	10.40	.60	.25		
Cook, Lake & Carlton Counties & all that part of St. Louis County South of line between township 54 & 55 to 2 miles north of Cotton	10.27	.40	.30	.50	
Itasca County & the-northern half of St. Louis County	10.875	.30			
CARPENTERS:					
Building Construction:					
Koochiching County & Cities of Ashe Lake, Crane Lake, Kebetogama & Kinmount in St. Louis County	9.45	.40			
Cook County; Cities of Alborn, Arnold, Barlett, Birch, Brookston, Canyon, Clinton, Culver, Duluth, Floodwood, Cowan, Island, Kelsey, Lakewood, Meadowlands, Munger, Palmers, Payne, Praist, Shaw Taff in St. Louis County & Southern portion of Lake County					
Carpenters, Piledrivermen & Soft Floor Layers	9.15	.40	.50	.75	
Millwrights	9.37	.40	.50	.75	
Carlton County:					
Carpenters & Piledrivermen	9.20	.40	.50	.50	
Millwrights	9.34	.40	.50	.50	
Cities of Ball Club, Bass Lake, Big Fork, Blackberry, Bovey, Bowstring, Calument, Cohasset, Colerain, Deer River, Dora, Lake, Dunbar, Effie, Grand Rapids, Inger Marble, Marcell, Max, Pomroy, Spring Lake, Square Lake, Suomi, Talmoon, Warba & Wirt in Itasca County	9.14	.40	.50	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Cities of Allen, Aurora, Babbit, Britt, Biwabik, Buyck, Casco, Central, Lakes, Cook, Cusson, Ely, Embarrass, Eveleth, Florenton, Forbes, Gilbert, Hoyt Lakes, Indington, Iron Junction, Makinen, McComber, Masaba, Mountain, Iron, Ridge, Sax, Sherman Corners, Sherwood, Skibo, Soudon, Tower, Virginia, Wahlsten, Winton & Zim in St. Louis & Northern portion of Lake County					
Carpenters, Soft Floor Layers, and Tile Setters	$ 9.84	.40		.30	
Cities of Goodland, Keewatin, Nashwauk, Pengillu, Sawan River, Togo & Wawina in Itasca County & Cities of Bengal, Beer Lake Buhl Chrisholm, Gheen, Greaney, Hibbing, Kelly, Lake, Nett Lake, Orr Riley, Side Lake, Silica & Tovola in St. Louis County:					
Carpenters & Soft Floor Layers	9.64	.40		.30	
Site Preparation, Excavation & Incidential Paving:					
Lake, Cook, Carlton, Itasca & St. Louis Counties	8.28	.30		.30	
Koochiching County	7.32	.30			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Building Construction:					
Koochiching County:					
Cement Masons & Plasterers	$10.05	.60	.25		
Itasca Co. and other Northern portion of St. Louis County, North or White Face River					
Cement Masons	10.05	.30			
Plasterers	10.65	.30			
Cook, Lake, Carlton Counties & the city of Duluth in St. Louis County:					
Cement Masons	10.445	.30			
Plasterers	10.20	.30		.45	
Koochiching County	10.05	.30	.15		
Cook, Lake, Carlton Counties & South of T-55-N in St. Louis County	10.445	.30			
Itasca County & North of T-54-N in St. Louis County	10.05	.30			
ELECTRICIANS:					
Cook, Lake, Carlton Counties the southerly 12 Townships of Itasca Couty including Harris, Feely, Blackberry, Spang, Goodland, Sago & Wawina & all of the southerly part of County bounded on the north by the lines of Kelsey Township extended east & west in St. Louis County	10.78	4%	8%	11%	1.5%
Koochiching County, Itasca County, (except that section south of a line extending east and west of the south line of Grand Rapids & Trout Lake Township), Northern part of St. Louis County bounded by the South Line of Ellsburg Township extended east and west	10.75	4%	6%	11%	1¼%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
St. Louis & Lake Counties:					
Constructors	$ 9.99	.545	.35	4%+a	.02
Helpers	70%JR	.545	.35	4%+a	.02
Helpers (prob.)	50%JR				
GLAZIERS:					
Cook, Lake, St. Louis, Carlton, Koochiching Counties	$ 9.60	.40	.40	b	
IRONWORKERS	11.35	.30	.55		.02
LABORERS: BUILDING CONSTRUCTION					
Carlton County					
Laborers	8.30	.30	.35	.40	
Mason Tenders: Mortar Mixers and Jackhammer Operators	8.40	.30	.35	.40	
Cook, Lake, St. Louis Co. South of T-55-N, including the City of Duluth:					
Common Laborers & Flagman	8.35	.30	.35	.40	
Mortar Mixers, Carpenters & Mason Tender, Jackhammer & Vibrator Operator	8.45	.30	.35	.40	
Itasca & Koochiching Counties and north of T-55-N, including Cities of Hibbing, Chisolm & Buhl in St. Louis County					
Common Laborer	8.80	.20	.15		
Carpenter & Mason Tender, Mortar mixer, Bricklayer Tender and Jackhammer	8.90	.20	.15		
Pipelayer (non-metallic)	9.15	.20	.15		
LATHERS:					
St. Louis & Lake Counties	10.55	.30			
MARBLE, TILE & TERRAZZO WORKERS:					
St. Louis Co. (City of Duluth)					
Marble & Tile Setter	10.43	.30			
Remainder of Counties & Remainder of St.Louis County					
Marble Setters	10.355	.555	.33		
Tile Setters	10.25	.37	.50		
Marble & Tile Setters' Finishers	9.35	.37	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush, Tapers & Rollers	$10.08	.40	.40		.09
Spray, Structural Steel & Paperhangers	10.68	.40	.40		.09
PLUMBERS & STEAMFITTERS:					
Koochiching County	13.10				
Cook & Carlton Counties & Southern half of St. Louis & Lake Counties	10.41	.30	.75	1.00	.05
Itasca Coutny & Northern portions of St. Louis & Lake Counties	10.65	.56	.64	1.00	.05
ROOFERS:					
Cook, Lake, Carlton Counties & Southern half of St. Louis County					
Roofers	9.23	.30	.25	1.00	
2nd Roofers	8.98	.30	.25	1.00	
Kettlemen	8.78	.30	.25	1.00	
Itasca & Koochiching Counties, the Northern half of St. Louis County					
1st Roofer	9.86	.52	.55		
2nd Roofer	9.56	.52	.55		
SHEET METAL WORKERS:					
Cook, Lake, Carlton Counties & Southern half of St. Louis County	10.35	.40	.44	1.00	
Itasca & Koochiching Counties, the Northern half of St. Louis County	10.92	.52	.55		
TRUCK DRIVERS:					
Building Construction:					
Koochiching County	8.80				
Itasca County	8.80				

FOOTNOTES:

a. Employer contributes 4% Basic Hourly Rate for over 5 years service, 2% of Basic Hourly Rate for 6 months to 5 years service as Vacation Pay Credit. Six (60 Paid Holdiays, New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

b. 2 weeks vacation

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LABORERS: Counties of Itaska and St.Louis Counties North of T-55, Site Preparation, Excavation & Incidental Paving:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.63	.20	.15	.25	
CLASS II	8.73	.20	.15	.25	
CLASS III	8.88	.20	.15	.25	
CLASS IV	8.93	.20	.15	.25	
CLASS V	8.98	.20	.15	.25	
CLASS VI	9.03	.20	.15	.25	
CLASS VII	9.13	.20	.15	.25	
CLASS VIII	9.23	.20	.15	.25	

CLASS I - Unskilled-Laborers, Laborers; wrecking & demolition; Bricklayer tender, drill runner helper, Landscape gardner, Sod layer & nurseryman pipihandler (water, gas cast iron); Salamander heater & blower tender; Carpenter tender; Stonemasons tender

CLASS II - Bituminous Shoveler, Bottom man (sewer , water or gas trench), Cement handler (bulk or bag); Chain saw man, compaction equipment (hand operator); Concrete mixer operator (1 bag), Concrete Shoveler, tamper & puddler (paving)) Concrete Vibrator, Conduit layers (w/o wiring); Dumper (wagon, truck etc.), Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters, Kettlemen (Bituminous or lead), Mortar mixer, Power buggy, Joint drawer, tunnel laborer (atmospheric pressure)

CLASS III - Bitminous Tamper, Cofferdam work, Caisson work

CLASS IV - Drill Runner (Heavy, including churn drill)

CLASS V: Bituminous Raker, Floater, Utility Men, Pipelayers (sewer, water, gass); Leadsman (Gunnite)

CLASS VII - Powderman

CLASS VIII -Tunnel Miner

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LABORERS Site preparation, Excavation & Incidential Paving Koochiching County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	7.35	.20	.15		
CLASS 2	7.45	.20	.15		
CLASS 3	7.60	.20	.15		
CLASS 4	7.70	.20	.15		
CLASS 5	7.75	.20	.15		
CLASS 6	7.80	.20	.15		
CLASS 7	7.85	.20	.15		
CLASS 8	7.50	.20	.15		

CLASS 1 - Skilled Laborers, Bricklayers & Carpenters Tenders; Drill Runner Helper; Laborers Wreching & Demolition, Landscape Gardner, Pipe Handler (Water, Gas, Cast Iron), Salamander Heater, & Blower Tender, Sod Layer & Nurseryman; Stonemasons tender

CLASS 2 - Bituminous Shoveler, Bottom man (Sewer, Water or gas trench), Cement Coverman (Batch Trucks); Cement handler (Bulk or bag); Chain Saw Man, Compaction equipment (hand operated), Concrete mixer (1 bag); Concrete Shoveler, Tamper & Puddler (paving), Concrete vibrator, Conduit layers (w/o wiring); Drill runner (heavy, incl. Churn Driver Dumper (wagon truck, etc.); Jackhammerman, Joint Sawer, Kettlemen (Bituminous or Lead), Mortar Mixer Paving Buster; Power Buggy; Tunnel Laborer (atmospheric pressure)

CLASS 3 - Form setters (Municipal type curb & Sidewalk) form setter(pavement)

Class 4 - Bituminous Tamper, caisson work & cofferdam

CLASS 5 - Bituminous raker, floater, & Utility man; Leadman

CLASS 6 - Nozzleman (Gunnite)

CLASS 7 - Pipelayer, (Sewer, Water & Gas)

CLASS 8 - Powderman, Tunnel Miner

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MINN-14-LAB

LABORERS - SITE PREPARATION EXCAVATION & INCIDENTIAL PAVING Cook, Lake, Carlton & St. Louis Counties South of T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.18	.30	.35	.40	
CLASS II	8.28	.30	.35	.40	
CLASS III	8.43	.30	.35	.40	
CLASS IV	8.48	.30	.35	.40	
CLASS V	8.53	.30	.35	.40	
CLASS VI	8.58	.30	.35	.40	
CLASS VII	8.68	.30	.35	.40	
CLASS VIII	8.78	.30	.35	.40	

CLASS I - Unskilled Laborers, Laborers; wrecking & demolition; Bricklayer tender, drill runner helper, Landscape gardner, Sod layer & nurseryman Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tneder; Stonemasons tender

CLASS II - Bituminous Shoveler, Bottom man (sewer, water or gas trench), Cement handler (bulk or bag); Chain saw man, compaction equipment (hand operated); Concrete mixer operator (1 bag), Concrete Shoveler, tamper & puddler (paving) Concrete Vibrator, Conduit layers (w/o wiring); Dumper (wagon, truck, etc.), Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters, Kettleman (Bituminous or lead), Mortar mixer, Power buggy, Joint drawer, tunnel laborer (atmospheric pressure)

CLASS III - Bituminous Tamper, Cofferdam work, Caisson work

CLASS IV - Drill Runner (Heavy, including churn drill)

CLASS V - Bituminous Raker, Floater & Utility Man, Pipelayers (sewer, water, gas); Leadman (Gunite)

CLASS VI - Nozzleman (Gunnite)

CLASS VII - Powderman

CLASS VIII - Tunnel Miner

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MINN-1-PEO-1

POWER EQUIPMENT OPERATORS BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.10	.45	.40		
CLASS 2	11.70	.45	.40		
CLASS 3	11.35	.45	.40		
CLASS 4	11.25	.45	.40		
CLASS 5	11.15	.45	.40		
CLASS 6	10.90	.45	.40		
CLASS 7	10.78	.45	.40		
CLASS 8	10.70	.45	.40		
CLASS 9	10.43	.45	.40		
CLASS 10	10.15	.45	.40		
CLASS 11	9.70	.45	.40		

CLASS 1 - Helicopter Operators (Hoisting Material)
CLASS 2 - Truck & crawler Cranes with 200' of Boom & over including Jib
CLASS 3 - Truck & crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib.
CLASS 4 - Traveling Tower Crane
CLASS 5 - Master Mechanic
CLASS 6 - Derrick (Guy & Stiff Leg); Hoist engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator, (inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7 - Air compressor Operator; Pump & or Conveyor; 2 or more Mechanics; Hoist engineer (2 drum); Mechanic or welder; Pumpcrete or Complaco type Machine Operator; Fork Lift Operator
CLASS 8 - Boom truck Operator; concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for elevator cylinder or Building Construction; Front End Loader Opr., Hoist Engineer (1 drum); Power Plant Engineer (100 KWH & over); Straddle carrier Operator; Tractor Operator (over D-2); Well Point Pump Operator
CLASS 9 - Concrete Batch Plant Opeator; gunnite Operator; Tractor Operator (D-2 or similar size 7 front End Loader Operator-up to ½ cu. yd.)
CLASS 10 - Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakemen; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11 - Mechanic Space Heater (Temporary Heat) Oiler or Greaser

DECISION NO. MN78-2009

MINN-7M-PEO-2-3

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING POWER EQUIPMENT OPERATORS; Cook, Lake, & St. Louis Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 14.20	.45	.40		
GROUP 2	10.91	.45	.40		
GROUP 3	10.65	.45	.40		
GROUP 4	10.52	.45	.40		
GROUP 5	10.43	.45	.40		
GROUP 6	9.75	.45	.40		
GROUP 7	9.45	.45	.40		

GROUP 1 - Helicopter Pilot
GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity
GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge Oper. (power) & Yds. & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer
GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning

POWER EQUIPMENT OPERATORS (Cont'd)

or bending machine Op. Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op.,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

MINN-6-PEO

SITE, PREPARATION, EXCAVATION & INCIDENTIAL PAVING

(JURISDICTION - NEXT PAGE)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.90	.45	.40		
GROUP 2	10.61	.45	.40		
GROUP 3	10.35	.45	.40		
GROUP 4	10.23	.45	.40		
GROUP 5	10.13	.45	.40		
GROUP 6	9.45	.45	.40		
GROUP 7	9.15	.45	.40		

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity

GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge Oper. (power) & Yds. & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning

POWER EQUIPMENT OPERATORS (Cont'D) SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING-CARLTON CO; KOOCHICHING CO., EAST OF A NORTH SOUTH LINE FROM THE CANADIAN BORDER TO PELLAND TO BIG FALLS & MINN. HWY. #6; ITASCA COUNTY EAST OF THE WESTERN RIGHT OF WAY OF MINN. HWY. #6.

or bending machine Op. Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, ti .ching machine Op., (sewer, water, gas) turnapull op.,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

MINN-7-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remainder of Itasca & Koochiching					
GROUP 1	13.45	.45	.40		
GROUP 2	9.27	.45	.40		
GROUP 3	9.02	.45	.40		
GROUP 4	8.88	.45	.40		
GROUP 5	8.80	.45	.40		
GROUP 6	8.27	.45	.40		
GROUP 7	7.87	.45	.40		

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity

GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge Oper. (power) & Yds. & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning

(POWER EQUIPMENT OPERATORS (Cont'd)

or bending machine Op. Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op.,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

MINN-62-TD

TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

Cook, Lake, Carlton & St. Louis Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	9.20	.40	.50		
GROUP 2	8.90	.40	.50		
GROUP 3	8.80	.40	.50		
GROUP 4	8.60	.40	.50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

MINN-5-TD

DECISION NO MN78-2009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING					
ITASCA & KOOCHICHING COS.					
GROUP 1	$ 8.02	.40	.50		
GROUP 2	7.72	.40	.50		
GROUP 3	7.62	.40	.50		
GROUP 4	7.42	.40	.50		

GROUP 1
Driver (hauling machinery for employer's own use including operation of hand & power operated winches); Truck train mechanic; Welder; Tractor-Trailer; Off road truck.

GROUP 2
Tri-Axle (including 4 Axles); Dump dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" Frame; Ready mix concrete; Slurry driver.

GROUP 3
Bituminous distributor driver; Bituminous distributor (1 man operation); Tandem axle.

GROUP 4
Bituminous distributor spray (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster and stableman; Tractor operator (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry operator; Single axle.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

DECISION NUMBER: NV78-5009

DATE: Date of Publication

Supersedes Decision No. NV77-5007 dated September 23, 1977, in 42 FR 48662.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$ 13.66	$ 1.10	$ 1.20		
Elko, Eureka, White Pine Cos.	11.21	.84	1.20		
Remaining Counties	13.00	1.02	1.20		.07
BOILERMAKERS	13.625	1.075	1.00	.75	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	12.27	.70	.60		.06
Remaining Counties and Nye County (north of Hwy. #6)	11.45	.50	.60		.01
BRICK HOD CARRIERS:					
Statewide excluding Clark, Esmeralda, Lincoln, Nye County (south half):					
Zone A: 0-35 miles from Courthouse in Reno, Nevada	9.60	.50	.90		.05
Zone B: 35-75 miles from Courthouse in Reno, Nevada	10.50	.50	.90		.05

DECISION NO. NV78-5009 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$ 11.36	.65	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.51	.65	.90	1.00	.10
Piledrivermen	11.56	.65	.90	1.00	.10
Millwrights	12.06	.65	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities described above:					
Carpenters	11.86	.65	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.01	.65	.90	1.00	.10
Piledrivermen	12.06	.65	.90	1.00	.10
Millwrights	12.56	.65	.90	1.00	.10

DECISION NO. NV78-5009 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	$ 12.11	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	12.26	.65	.90	1.00	.10
Piledrivermen	12.41	.65	.90	1.00	.10
Millwrights	12.81	.65	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	13.36	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	13.51	.65	.90	1.00	.10
Piledrivermen	13.56	.65	.90	1.00	.10
Millwrights	14.06	.65	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Carpenters	11.15	.70	1.16		.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.30	.70	1.16		.05
Piledrivermen	11.35	.70	1.16		.05
Millwrights	11.75	.70	1.16		.05
CEMENT MASONS:					
Clark, Lincoln, Nye Counties:					
Cement Masons	11.40	1.00	.70		.08
Cement Floor Finishing Machine and Color Work	11.65	1.00	.70		.08
Lake Tahoe Area:					
Cement Masons	10.80	.70	.90	1.25	.05
Mastic, Magnesite and all Composition Masons	11.05	.70	.90	1.25	.05
Troweling Machine; Grinder Operator and Kelly Float	11.30	.70	.90	1.25	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Remaining Counties:					
Cement Masons	$ 9.35	.70	.90	$1.25	.05
Mastic, Magnesite and all Composition Masons	9.60	.70	.90	1.25	.05
Troweling Machine; Grinder Operator and Kelly Float	9.85	.70	.90	1.25	.05
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6)	11.40	.70	1.16		.05
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	14.36	.73	3%+1.30		.08
Cable Splicers	14.69	.73	3%+1.30		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	13.33	.84	3%+1.07		.08
Cable Splicers	14.66	.84	3%+1.07		.08
Lake Tahoe Area:					
Electricians; Technicians	14.33	.84	3%+1.07		.08
Cable Splicers	15.66	.84	3%+1.07		.08
ELEVATOR CONSTRUCTORS:					
Nevada east of 118° longitude and south of 39° north latitude:					
Elevator Constructors	13.41	.745	.56	3%+a	.025
Elevator Constructors' Helpers	9.39	.745	.56	3%+a	.025
Elevator Constructors' Helpers (Prob.)	6.705				
Nevada west of 118° longitude:					
Elevator Constructors	14.82	.745	.56	3%+a	.025
Elevator Constructors' Helpers	10.37	.745	.56	3%+a	.025
Elevator Constructors' Helpers (Prob.)	7.41				
GLAZIERS:					
Clark, Esmeralda, Lincoln and Nye Counties	13.50	.50	.40		.05
Remaining Counties	11.22	.58	1.50	1.25	
IRONWORKERS:					
Elko, Eureka, White Pine Cos. Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	10.65	.65	1.24		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (Cont'd)					
Remaining Counties:					
Fence Erector	$ 10.66	$ 1.24	$ 2.22	$1.46	.06
Ornamental; Reinforcing; Structural	11.55	1.24	2.22	1.46	.06
LATHERS:					
Clark, Esmeralda, Lincoln, and Nye Counties	10.60	.70	1.00	1.00	.16
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (south half)					
Groundman	11.09	.73	3%		3/4%
Linemen; Line Equipment Op.	14.79	.73	3%		3/4%
Cable Splicers	15.53	.73	3%		3/4%
Lake Tahoe Area:					
Lineman	14.33	.84	3%+1.07		.08
Line Equipment Operators	13.00	.84	3%+1.07		.08
Groundman	11.00	.84	3%+1.07		.08
Cable Splicer	15.66	.84	3%+1.07		.08
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	13.33	.84	3%+1.07		.08
Line Equipment Operator	12.00	.84	3%+1.07		.08
Groundman	10.00	.84	3%+1.07		.08
Cable Splicers	14.66	.84	3%+1.07		.08
MARBLE MASONS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	12.27	.70	.60		.06
Remaining Counties and Nye County (north half)	11.45	.50	.60		.01
MARBLE, TERRAZZO, TILE HELPERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	9.65	.70	.60		
Remaining Counties and Nye County (north half)	6.87	.50	.60		.01
MASON TENDERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	10.02	.66	1.35		
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	12.64	.75	.35		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	$ 12.99	.75	.35		.06
Buffing Steel; Sandblasters, Structural Steel	13.34	.75	.35		.06
Steeplejack	14.14	.75	.35		.06
Remaining Counties including Lake Tahoe Area:					
Brush and Roller Spray; Brush-swing stage, up to 40 ft.; Brush-steel; Sandblaster; Taper; Paperhangers	11.95	.70	.75		.005
Spray-swing stage up to 40 ft.	12.20	.70	.75		.005
PLASTER HOD CARRIERS:	12.45	.70	.75		.005
Statewide excluding Clark, Esmeralda, Lincoln, Nye County (south half):					
Plaster Hod carriers serving Plasterers	10.75	.50	.90		
Plaster Hod Carriers working on any type of Gun	11.35	.50	.90		
PLASTER TENDERS:					
Clark, Esmeralda, Lincoln, and Nye County (south half)	11.12	.66	1.35		
PLASTERERS:					
Clark, Lincoln, Nye Counties	11.68	1.00	.70		.08
Remaining Counties	11.22	.70	1.00		.03
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.53	1.25	2.32	1.85	.08
Remaining Counties and Nye County (north half)	11.74	.73	.90	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	11.74	.73	.90	1.95	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, and Nye County (south half)	13.75	.65			
Remaining Counties and Nye County (north half)	11.60	.70	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (South half), White Pine Counties	$ 13.67	.93	$ 1.61		.12
Remaining Counties and Nye County (north half)	11.22	1.04	2.13		.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, and Nye Counties	13.07	.65			.15
Remaining Counties including Lake Tahoe Area	11.48	.70	.20	.28	
SPRINKLER FITTERS	15.05	.65	.95		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, and Nye County (south half)	12.27	.70	.60		.06
Remaining Counties and Nye County (north half)	11.45	.50	.60		.01

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS				
Clark, Esmeralda, Lincoln, Nye County (south half)				
Group 1	$ 8.00	.66	$ 1.53	$1.00
Group 2	8.05	.66	1.53	1.00
Group 3	8.08	.66	1.53	1.00
Group 4	8.10	.66	1.53	1.00
Group 5	8.12	.66	1.53	1.00
Group 6	8.13	.66	1.53	1.00
Group 7	8.15	.66	1.53	1.00
Group 8	8.18	.66	1.53	1.00
Group 9	8.19	.66	1.53	1.00
Group 10	8.21	.66	1.53	1.00
Group 11	8.26	.66	1.53	1.00
Group 12	8.29	.66	1.53	1.00
Group 13	8.31	.66	1.53	1.00
Group 14	8.34	.66	1.53	1.00
Group 15	8.36	.66	1.53	1.00
Group 16	8.425	.66	1.53	1.00
Group 17	8.45	.66	1.53	1.00
Group 18	8.52	.66	1.53	1.00

LABORERS

Clark, Esmeralda, Lincoln and Nye County (South half)

Group 1: Debris Handler; Dry packing of concrete and filling of form-bolt holes; Dumpman; Gas and oil pipeline laborers; Demolition Laborers; General or construction Laborers; Spotter; Window Cleaner; Flagman

Group 2: Cutting Torch Operator (demolition); Tarman and Mortorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape gardener and nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic tank digger and installer (lead man); Tank scaler and cleaner

Group 8: Cesspool digger and installer

Group 9: Concrete curer - impervious membrane and oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, raker, spreader; Buggymobile; Cement Dumper (on 1 yard or larger mixers and handling bulk concrete); Cement grinding machine operator; Concrete core cutter; Concrete saw man, excluding tractor type; Gas and oil pipeline wrapper, pot tender and form man; Tree climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or pavement breaker

Group 13: Laying of all non-metallic pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and oil pipeline wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (core, diamond or wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS*:					
Remaining Counties:					
Building Construction:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada, also Washoe Valley between Reno, Nevada 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 Stead Air Force Base; also the Tahoe Basin from the Summit of the Lake:					
Group 1	$ 8.20	.80	.90		.10
Group 2	8.30	.80	.90		.10
Group 3	8.45	.80	.90		.10
Group 4	8.70	.80	.90		.10
Group 5	9.00	.80	.90		.10
Group 6-A	9.00	.80	.90		.10
Group 6-B	8.70	.80	.90		.10
Group 6-C	8.35	.80	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.80	.80	.90		.10
Group 2	8.90	80	.90		.10
Group 3	9.05	.80	.90		.10
Group 4	9.30	.80	.90		.10
Group 5	9.60	.80	.90		.10
Group 6-A	9.60	.80	.90		.10
Group 6-B	9.30	.80	.90		.10
Group 6-C	8.95	.80	.90		.10

LABORERS: (Cont'd) Remaining Counties (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Building Construction (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	.80	.90		.10
Group 2	9.10	.80	.90		.10
Group 3	9.25	.80	.90		.10
Group 4	9.50	.80	.90		.10
Group 5	9.80	.80	.90		.10
Group 6-A	9.80	.80	.90		.10
Group 6-B	9.50	.80	.90		.10
Group 6-C	9.15	.80	.90		.10
Zone 4: Area over 40 road miles from the communties named in Zone 1:					
Group 1	9.70	.80	.90		.10
Group 2	9.80	.80	.90		.10
Group 3	9.95	.80	.90		.10
Group 4	10.20	.80	.90		.10
Group 5	10.50	.80	.90		.10
Group 6-A	10.50	.80	.90		.10
Group 6-B	10.20	.80	.90		.10
Group 6-C	9.85	.80	.90		.10
Heavy and Highway Construction:					
Area 1:					
Group 1	8.20	.80	.90		.10
Group 2	8.30	.80	.90		.10
Group 3	8.45	.80	.90		.10
Group 4	8.70	.80	.90		.10
Group 5	9.00	.80	.90		.10
Group 6-A	9.00	.80	.90		.10
Group 6-B	8.70	.80	.90		.10
Group 6-C	8.35	.80	.90		.10
Area 2:					
Group 1	9.35	.80	.90		.10
Group 2	9.45	.80	.90		.10
Group 3	9.60	.80	.90		.10
Group 4	9.85	.80	.90		.10
Group 5	10.15	.80	.90		.10
Group 6-A	10.15	.80	.90		.10
Group 6-B	9.85	.80	.90		.10
Group 6-C	9.50	.80	.90		.10

*LABORERS - Area Definition - See "Area Definition" following TRUCK DRIVERS

LABORERS
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler; Flagman

Group 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzle tender; Guinea Chaser (stakeman); Panel forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad trackmen (builders); Sloper; Semi-skilled wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yd.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Driller's helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic worker (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Post-hole digger (air, gas or electric); Post driver; Riprap-stonepaver and rock slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash windows, doors, plumbing and electrical fixtures)

Group 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, cailker and bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt Rakers

Group 5: Blasters and powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection) Clark, Esmeralda, Lincoln, Nye Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 10.70	$ 1.00	$ 2.00	.50	.14
Group 2	10.98	1.00	2.00	.50	.14
Group 3	11.27	1.00	2.00	.50	.14
Group 4	11.41	1.00	2.00	.50	.14
Group 5	11.63	1.00	2.00	.50	.14
Group 6	11.74	1.00	2.00	.50	.14
Group 7	11.86	1.00	2.00	.50	.14
Group 8	12.03	1.00	2.00	.50	.14
Group 9	12.16	1.00	2.00	.50	.14

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler Crusher (asphalt or concrete plant); Plant Operator, generator, pump or compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. with attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Bridge type Unloader and Turntable Operator; Chip Spreading Machine; Concrete Pump (small portable); Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds.); Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and wheel type (over 3/4 yards and up to and including 1½ yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yards and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yds, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 100 flywheel HP and over or similar)(Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (boom attachments); Traveling PIpe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge, Dual drum mixer; Hoist, stiff legs, guy derrick, or similar type, up to and including 100 tons; Monorail locomotive (diesel, gas or electric); Motor patrol-blade Operator (single engine); Multiple engine tractor operator (Euclid and similar type except Quad 9 cat); Rubber-tired earth moving equipment (single engine over 50 yds. struck); Rubber-tired earth moving equipment (multiple engine, euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader operator (crawler and wheel type over 6½ yds.); Tower crane repairman; Shovel, backhoe, dragline, clamshell operator (over 5 cu. yds. MRC); Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader; Automatic slip form; Crane (over 100 tons); Hoist stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator (less than 750 cu.yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired self loading scraper (paddle wheel-auger type self-loading) (2 or more units); Tandem equipment (2 units only); Tandem tractor (quad 9 or similar type); Tunnel mole boring machine; Rubber-tired Scraper (pushing without push cat, push-pull) (50¢ per hour additional)

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment ($1.00 per hour additional to base rate)

POWER EQUIPMENT OPERATORS* (Except Piledriving and Steel Erection) Remaining Counties	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1-A	$9.18	$10.33	$1.73	$2.25	$1.02	.10
Group 2	9.58	10.73	1.73	2.25	1.02	.10
Group 3	9.79	10.94	1.73	2.25	1.02	.10
Group 4	10.35	11.50	1.73	2.25	1.02	.10
Group 5	10.58	11.73	1.73	2.25	1.02	.10
Group 6	10.71	11.86	1.73	2.25	1.02	.10
Group 7	10.89	12.04	1.73	2.25	1.02	.10
Group 8	11.31	12.46	1.73	2.25	1.02	.10
Group 9	11.54	12.69	1.73	2.25	1.02	.10
Group 10	11.79	12.94	1.73	2.25	1.02	.10
Group 10-A	11.92	13.07	1.73	2.25	1.02	.10
Group 11	12.10	13.25	1.73	2.25	1.02	.10
Group 11-A	13.27	14.42	1.73	2.25	1.02	.10

*POWER EQUIPMENT OPERATORS-Area Definition-See "Area Definition" following Truck Drivers

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1-A: Asssistant to Engineer, including brakeman, deckhand, fireman, oiler, partsman (heavy duty repair shop parts room when needed), Switchman, Tar pot fireman; Boiler tender

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot fireman (power agitated)

Group 3: Box operator (bunker); Concrete curing machine (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Roto-mist; Screedman (except asphaltic or concrete paving); Oiler (truck crane); Rodman or chainman; Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast jack tamper; Ballast regulator; Ballast tamper multiple-purpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky; Fork lift (construction job site); Ross carrier; Skip loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Screedman (Barber-Greene and similar) (asphalt or concrete paving); Shuttle car; Signalman

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 6: Boom truck or dual purpose "A" frame truck; B.L.H. lima road pactor or similar; Chip box spreader (Flaherty type or similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International full slab vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors; Self-propelled tape machine; Auger type drilling equipment up to and including 30 ft. depth drilling capacity m.r.c.

Group 7: Compressor (over 2); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade setters; Grade checker; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-greene and similar); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and support4d); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (over 2); Refrigeration plants; Self-propelled boom type lifting device (center mount) (10 ton capacity or less); Slusher; Soil tester (certified); Surface heater and planer; Trenching machine (maximum digging capacity 3 ft. depth); Truck type loader; Welding machines (gasoline or diesel); Roller (asphalt); Instrumentman; Auger type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt plant engineer; Car passer; Cast-in-place pipe laying machine; Combination slusher and motor; Dozer; Concrete batch plant (multiple units); Elevating grader; Grooving and grinding machine (highways); Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical trench shield; Mixermobile; Push cats; Road oil mixing machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck" m.r.c., Euclid, T-pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer; Sheepfoot; Small tractor (with boom); Soil stabilizer (P&H or equal); Timber Skidder (rubber tired) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine; Vermeer T-600B rock cutter

Group 9: Canal finger drain digger; Chicago boom; Combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunite); Lull Hi-lift (20 ft. or over); Mucking machine; Tractor with boom (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 10: Boom type backfilling machine; Bridge crane; Cary-lift or similar; Chemical grouting machine; Derricks; Derrick barges (except excavation work); Euclid loader and similar types; Heavy duty rotary drill rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress wire-wrapping machine; Rubber-tired scraper, self-loading; Self-propelled reservoir-debris equipment floating (200 HP and over); Shuttle car (reclaim station); Single engine Scraper (over 35 cu. yds.); Train loading station; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar; Chief of Party

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (hammerhead and gantry); Grade-alls (up to and including 1 cu. yd.); Motor patrol; Power shovels, clamshells, Draglines; cranes (up to and including 1 cu. yd.); Rubber-tired scraper, self-loading (twin engine); Self-propelled boom-type lifting device (center mount) (over 10 tons); CMI dual lane auto-grader SP30 or similar

Group 11: Automatic asphalt or concrete slip form paver; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multiple-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power shovels, clamshells, draglines, backhoes, grade-alls (over 1 yd. and up to and including 7 cu. yds. m.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber-tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt); Tandem cats and scrapers; Tower crane mobile; Universal Liebher and tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons); Euclid loader when controlled from the pullcat

Group 11-A: Band wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of helicopter (when used in construction work); Power shovels and draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS STEEL ERECTION Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.69	$ 1.73	$ 2.25	$1.02	.10
Group 2	10.10	1.73	2.25	1.02	.10
Group 3	11.19	1.73	2.25	1.02	.10
Group 4	11.34	1.73	2.25	1.02	.10
Group 4-A	11.65	1.73	2.25	1.02	.10
Group 5	12.17	1.73	2.25	1.02	.10
Group 6	12.61	1.73	2.25	1.02	.10
Group 6-A	13.22	1.73	2.25	1.02	.10
Group 7	14.31	1.73	2.25	1.02	.10

POWER EQUIPMENT OPERATORS
Steel Erection
Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel-driven (100 K.W. or over); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (Structural steel or tank erection only)

Group 4: Heavy duty repairman; Tractor operator

Group 4-A: Combination heavy-duty repairman-welder

Group 5: Boom Truck or Dual Purpose A-frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton m.r.c. or less); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist

Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type Lifting Device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

POWER EQUIPMENT OPERATORS PILEDRIVING Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.18	$ 1.73	$ 2.25	$1.02	.10
Group 1-A	9.55	1.73	2.25	1.02	.10
Group 1-B	9.78	1.73	2.25	1.02	.10
Group 2-A	9.78	1.73	2.25	1.02	.10
Group 2-B	10.60	1.73	2.25	1.02	.10
Group 3	10.92	1.73	2.25	1.02	.10
Group 3-A	11.36	1.73	2.25	1.02	.10
Group 4	11.93	1.73	2.25	1.02	.10
Group 5	12.11	1.73	2.25	1.02	.10
Group 6	13.27	1.73	2.25	1.02	.10

POWER EQUIPMENT OPERATORS
Piledriving
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Comrpessor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type Lifting Device (center mount) (10 ton capacity or less m.r.c.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type Lifting Device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work)

Group 6: Cranes (over 125 tons)

TRUCK DRIVERS Clark, Esmeralda, Lincoln, Nye Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS Clark, Esmeralda, Lincoln, Nye Counties					
Group 1	$9.97	.51	.70		
Group 2	10.08	.51	.70		
Group 3	10.13	.51	.70		
Group 4	10.29	.51	.70		
Group 5	10.47	.51	.70		
Group 6	10.97	.51	.70		

TRUCK DRIVERS
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and fuel trucks (under 2500 gals.); Pickups; Service; Repairman helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and fuel trucks (2500 to 4000 gals.); Truck driver working on gas and oil pipeline (including winch truck and all sizes of trucks); Truck greaser and tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds); Warehouse Clerk

Group 4: Dump trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and fuel trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type spreader trucks; Dumpster; Fork lift; Ross carrier - highway; Road oil spreading truck, time spent spreading oil

Group 5: Dump trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and fuel trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck repairman

Group 6: D.W. and similar-type equipment, D.W. and 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within teamster jurisdiction, regardless of types of attachment including power units pulling off highway belly dumps in tandem

TRUCK DRIVERS* Remaining Counties	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
DUMP (single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement Spreaders:						
Under 4 yards	$ 9.20	$10.35	.51	.65		.05
4 yds. and under 8 yds.	9.40	10.55	.51	.65		.05
8 yds. and under 18 yds.	9.60	10.75	.51	.65		.05
18 yds. and under 35 yds.	9.75	10.90	.51	.65		.05
35 yds. and under 60 yds.	10.00	11.15	.51	.65		.05
60 yds. and under 75 yds.	10.15	11.30	.51	.65		.05
75 yds. and under 100 yds.	10.30	11.45	.51	.65		.05
100 yds. and over	10.45	11.60	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	9.60	10.75	.51	.65		.05
8 yds. and including 12 yds.	9.70	10.85	.51	.65		.05
Over 12 yards	9.90	11.05	.51	.65		.05
WATER TRUCKS & Jetting Trucks:						
Up to 2,500 gallons	9.40	10.55	.51	.65		.05
2,500 gals. and over	9.60	10.75	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.85	11.00	.51	.65		.05
FLATRACK; Industrial Lift with Mechanical Tailgate:						
Single unit - 2 axle	9.40	10.55	.51	.65		.05
Single unit - 3 axle	9.50	10.65	.51	.65		.05

TRUCK DRIVERS* (Cont'd) Remaining Counties	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	$ 9.25	$10.40	.51	.65		.05
18,000 pounds and over	9.35	10.50	.51	.65		.05
WINCH TRUCKS, A-Frame:						
Under 18,000 pounds	9.35	10.50	.51	.65		.05
18,000 pounds and over	9.45	10.60	.51	.65		.05
HEAVY DUTY TRANSPORT (highbed); Heavy Duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.75	10.90	.51	.65		.05
BOOTMAN, combination; Bootman and Road Oiler	9.65	10.80	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel drivers; Fuel man and Fuel Island Man	9.35	10.50	.51	.65		.05
HELICOPTER PILOT (when transporting men or materials	10.15	11.30	.51	.65		.05
LIFT JITNEYS And FORK LIFTS	9.45	10.60	.51	.65		.05
WAREHOUSE CLERK	9.30	10.45	.51	.65		.05
TIRE REPAIRMAN	9.60	10.75	.51	.65		.05
TRUCK REPAIRMAN	9.90	11.05	.51	.65		.05

*TRUCK DRIVERS -Area definition - See "Area Definition" following this page.

AREA DEFINITIONS
Remaining Counties
LABORERS
Heavy and Highway Construction
POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
TRUCK DRIVERS

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.E. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner of township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, range 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thense westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly along the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following lines:
Commencing at the S.W. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly to the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Tehnce northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 31N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

DECISION NUMBER: NV78-5010

DATE: Date of Publication

Supersedes Decision No. NV77-5072 dated July 8, 1977, in 42 FR 35562.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.87	.85	$ 1.20		
BRICKLAYERS	12.27	.70	.60		.06
CARPENTERS:					
Carpenters	11.19	.65	.90	.80	.03
Floor Layers	11.215	.65	.90	.80	.03
Millwrights	11.69	.65	.90	.80	.03
CEMENT MASONS:					
Cement Masons	8.85	1.00	.70	2.00	.08
Floor Finishing Machine	9.20	1.00	.70	2.00	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	13.22	.73	1%+1.30		.05
Cable Splicers	13.55	.73	1%+1.30		.05
Groundman	10.58	.73	1%+1.30		.05
IRONWORKERS:					
Reinforcing; Ornamental; Structural	11.56	1.24	2.22	1.46	.06
MASON TENDERS	10.02	.65	1.35		
PAINTERS:					
Brush; Roller	9.76	.75	.60	1.50	.06
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers; Buffing; Sandblasters, Steel	10.11	.75	.60	1.50	.06
PLUMBERS; Steamfitters	11.53	1.25	2.32	1.85	.08
ROOFERS	13.75	.65			
SHEET METAL WORKERS	11.92	.93	1.61	1.00	.05
SPRINKLER FITTERS	15.05	.65	.95		.08

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.08	.51	$ 1.25	$ 1.25	
Group 2	8.13	.51	1.25	1.25	
Group 3	8.16	.51	1.25	1.25	
Group 4	8.18	.51	1.25	1.25	
Group 5	8.20	.51	1.25	1.25	
Group 6	8.21	.51	1.25	1.25	
Group 7	8.23	.51	1.25	1.25	
Group 8	8.26	.51	1.25	1.25	
Group 9	8.27	.51	1.25	1.25	
Group 10	8.29	.51	1.25	1.25	
Group 11	8.34	.51	1.25	1.25	
Group 12	8.37	.51	1.25	1.25	
Group 13	8.39	.51	1.25	1.25	
Group 14	8.42	.51	1.25	1.25	
Group 15	8.44	.51	1.25	1.25	
Group 16	8.505	.51	1.25	1.25	
Group 17	8.53	.51	1.25	1.25	
Group 18	8.60	.51	1.25	1.25	

LABORERS

Group 1: Laborer - general; Laborer - demolition (cleaning of bricks, lumber, etc.); Dry packing of concrete and filling of form-bolt holes; Flagman, spotter, debris handler and dumpman; Fence builder; Tool attendant (jobsite only); Gas and oil pipeline laborer

Group 2: Cutting torch operator (demolition); Tarman and Mortarman

Group 3: Guinea Chaser

Group 4: Fine grader; highway and street paving, airport runways and similar work; Landscape gardener, nurseryman and grounds keeper

Group 5: Laborer - packing rod steel and pans

Group 6: Underground laborer including caisson bellowers (except tunnels)

LABORERS (Cont'd)

Group 7: Chucktender (except tunnels); Scaler; Tank scaler and cleaner

Group 8: Cesspool digger and installer

Group 9: Concrete curer - impervious membrane and oiler of all materials and form oiler; Riprap stonepaver; Sandblaster (pot tender); Making and caulking of all non-metallic pipe joints

Group 10: Operators and tenders of pneumatic and electric tools, vibrating machines, and similar mechanical tools not separately classified herein, including hand guided ditch witch and hand type roller; Asphalt raker, ironer, spreader; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man excluding tractor type; Concrete core cutter; Gas and oil pipeline wrapper - pot tender and form man; Operator of cement grinding machines; Roto-scraper; Tree climber, faller, chain saw operator; Pittsburgh chipper and similar type brush shredders

Group 11: Rock slinger; Scaler (using bos'ns chair or safety belt or power tools)

Group 12: Driller and/or pavement breaker

Group 13: Laying of all nonmetallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and oil pipeline wrappers - 6 inch pipe and over

Group 15: Cribber or shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills; Sandblaster (nozzleman)

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.98	.95	2.00	.30	.04
Group 2	10.22	.95	2.00	.30	.04
Group 3	10.46	.95	2.00	.30	.04
Group 4	10.57	.95	2.00	.30	.04
Group 5	10.76	.95	2.00	.30	.04
Group 6	10.86	.95	2.00	.30	.04
Group 7	9.56	.95	2.00	.30	
Group 7-A	9.27	.95	2.00	.30	
Group 7-B	9.16	.95	2.00	.30	
Group 7-C	8.92	.95	2.00	.30	

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, pump or generator; Engineer oiler and Signal Man; Heavy duty repairman's helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yard or less (w/o drag-type attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier; Self-propelled Tar Pipe-lining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or concrete Spreading, Mechanical tamping or finishing Machine - Roller (all types and sizes), Soil, cement, asphalt - finish; Asphalt plant engineer; Deck engine; Grade checker; Heavy duty welder; Machine tool; Pavement breaker; Pneumatic heading shield - tunnel; Road oil mixing machine; Forklift, under five tons; Rubber-tired, heavy duty equipment (Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Sliploader, wheeltype, over 3/4 yards, up to and including 1½ yards; Slip form pump (power-driven hydraulic lifting device for concrete forms); Tractor operator - drag-type shovel, bulldozer, tamper, scraper and push tractor

Group 6: Combination heavy duty repairman and welder; Concrete mixer - paving; Concrete mobile mixer; Concrete pump or pumpcrete gun; Crushing plant engineer; Elevating Grader; Heavy duty repairman; Highline cableway; Hoist (Chicago boom and mine); Kolman belt loader and similar type; Lift slab machine; Loader operator - Athey, Euclid, Hancock, Sierra or similar type; Motor patrol (any type or sizes); Multiple-engine earth-moving machinery; Pneumatic concrete placing machine - Hackley-Presswell or similar type; Rotary Drill, excluding caisson type; Skiploader, wheel-type, over 1½ yards; Surface heater and planer; Tractor loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling pipe wrapping, cleaning and bending machine; Trenching machine (over 6 feet depth) Universal equipment (shovel, backhoe, dragline, clamshell, derrick, derrick barge, crane, piledriver and mucking machine); Forklift, over 5 tons

Group 7: Driller Operator; Fishing tool engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drill Helper

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 10.29	.42	.75		
Group 2	10.40	.42	.75		
Group 3	10.45	.42	.75		
Group 4	10.61	.42	.75		
Group 5	10.79	.42	.75		

TRUCK DRIVERS

Group 1: Light duty driver

Group 2: Bootman; Truck Greaser; Light vehicle dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy duty driver; Forklift driver; Equipment parts stockroom clerk

Group 5: Extra heavy duty driver

SUPERSEDEAS DECISION

STATE: NEW MEXICO COUNTY: STATEWIDE
DECISION NO. NM78-4021 DATE: Date of Publication
Supersedes Decision No. NM77-4103 dated May 20, 1977 in 42 FR 26169
DESCRIPTION OF WORK: Sewer & Water & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$5.11	.10	.20	.10	.04
Power saw operator-saw filer	5.26	.10	.20	.10	.04
Millwrights & Piledriver	5.36	.10	.20	.10	.04
CEMENT MASONS	4.94	.26			
IRONWORKERS:					
Reinforcing	4.58	.25	.25		
Structural	7.99	.50	.75		.04
PAINTERS:					
Brush	4.57				
Spray	5.20				
LABORERS:					
Common laborer; carpenter tender concrete buggy operator (hand); concrete workers	2.65	.20	.15		
Wagon, air track, drill & diamond drillers' tender (outside)	2.71	.20	.15		
Air & power tool man; asphalt raker; batching plant scaleman; tenders (to cement masons and plasters); chain sawman; concrete touchup-man; concrete saw man; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; scaler; sand-blaster helper; vibrator compactor (hand type); vibrator-man (hand-type); concrete power buggyman, wagon; air track drill and diamond drillers (outside)	2.86	.20	.15		
Gunite pumpcreteman & nozzleman; multiplate setter; pipelayer	3.16	.20	.15		
Manhole builder	3.36	.20	.15		
Powderman-blaster-make up	3.31	.20	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$4.88	.15	.10		.01
Group II	5.08	.15	.10		.01
Group III	5.66	.15	.10		.01
Group IV	5.68	.15	.10		.01
Group V	5.68	.15	.10		.01
Group VI	5.83	.15	.10		.01
Group VII	5.88	.15	.10		.01
Group VIII	6.03	.15	.10		.01
Group IX	6.53	.15	.10		.01
Group X	7.33	.15	.10		.01

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP I
Concrete paving curing machine
GROUP II
Belt type conveyors (material & concrete); broom (self propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attachment); Industrial locomotive brakeman; front end loader (2 cy or less); fireman; oiler; screedman; roller (pull type); mulching machine; roller (self-propelled)
GROUP III
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (electric general or welding machine)
GROUP IV
Bulldozer (including self-propelled roller with dozer attachment); batch or continuous mix plant (concrete soil-cement, or asphalt); roller (steel wheel); front end loader (2 cy thru 10 cy); scraper operator; motor grader
GROUP V
Asphalt distributor; asphalt paving or laydown machine; asphalt retort heater; mixer, heavy duty, asphalt or soil cement; trenching machine; clam type shaftmucker; backhoe, clamshell, dragline, gradall, shovel(under 3/4 cy); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM & over); crushing screening and washing plants; drilling machine (cable core or rotary); mixer, concrete (1 cy and less); pump (6" intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker; tractor (50 drawbar HP or over)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

GROUP VI

Concrete paver mixer; hoist (2 drum and over); sideboom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 cy to 3 cy); cranes (crawler or mobile) 20 ton to 40 ton; front end loader (over 10 cy); mixer, concrete (over 1 cy); mechanic and/or welder)

GROUP VII

Concrete slip-form paving machine; concrete paving finishing machine; concrete paving longitudinal float; gunite machine; refrigerator; jumbo form or drilling stage; slusher; concrete paving spreader; pumpcrete machine; grout pump operator

GROUP VIII

Mine hoist; bulldozer (multiple units); scraper (multiple units); mucking machine; backhoe, clamshell, dragline, gradall, shovel (over 3 CY); cranes (crawler or mobile) over 40 tons

GROUP IX

Belt loader (CMI types) operator; derrick, cableway

GROUP X

Pipemobile operator; mole operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Distributor (asphalt)	$4.57	.26			
Dumpster or dumptor	4.65	.26			
Dump or batch truck:					
Under 8 cy	4.36	.26			
8 cy and under 16 cy	4.46	.26			
16 cy and under 20 cy	4.60	.26			
20 cy and over	4.65	.26			
Diesel-powered transport (non-self-loading) 10 yds & over	4.88	.26			
Flatbed:					
1-1/2 ton	4.36	.26			
Over 1-1/2 ton	4.51	.26			
Lumber carrier	4.39	.26			
Lowboy, heavy equipment	4.98	.26			
Lowboy, light equipment	4.60	.26			
Off-highway hauler	4.63	.26			
Pick-up truck 3/4 ton or under	4.21	.26			
Service station attendant	4.25	.26			
Spreader box	4.30	.26			
Spreader box (self-propelled)	4.54	.26			
Swamper or rider helper	4.17	.26			
Tank Truck:					
3,000 gal. or under	4.44	.26			
3,001 gal. to 6,000 gal.	4.54	.26			
6,001 gal. and over	4.64	.26			
Teamster, 2 or 4 or more	4.17	.26			
Trailer or semi-trailer dump	4.73	.26			
Transit mix	4.60	.26			
Warehousemen	4.35	.26			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION -- AREA I					
AREA I-A					
Lineman-Technician	9.00	.60	3%+.60		1/2%
Cable splicers	9.65	.60	3%+.60		1/2%
Equipment operator, includes helicopter operator	8.58	.60	3%+.60		1/2%
Equipment mechanic, includes helicopter mechanic & powderman	7.88	.60	3%+.60		1/2%
Groundman & Jackhammer operators:					
1st 6 months	4.88	.60	3%+.60		1/2%
2nd 6 months	5.51	.60	3%+.60		1/2%
Experienced	6.36	.60	3%+.60		1/2%
AREA 1-B					
Linemen-Technician	9.82	.60	3%+.60		1/2%
Cable splicers	10.51	.60	3%+.60		1/2%
Equipment operator, includes helicopter operator	9.35	.60	3%+.60		1/2%
Equipment mechanic, includes helicopter mechanic & powderman	8.58	.60	3%+.60		1/2%
Groundman & Jackhammer operators:					
1st 6 months	5.31	.60	3%+.60		1/2%
2nd 6 months	5.99	.60	3%+.60		1/2%
Experienced	6.96	.60	3%+.60		1/2%
LINE CONSTRUCTION -- AREA II					
AREA II-A					
Lineman	10.50	.60	3%+.70		1/2%
Cable splicers	11.55	.60	3%+.70		1/2%
Equipment operator (includes helicopter operator)	9.98	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic) & powderman	9.14	.60	3%+.70		1/2%
Groundman & Jackhammer operators:					
1st 6 months	5.67	.60	3%+.70		1/2%
2nd 6 months	6.41	.60	3%+.70		1/2%
Experienced	7.46	.60	3%+.70		1/2%
AREA II-B					
Lineman	11.24	.60	3%+.70		1/2%
Cable splicers	12.29	.60	3%+.70		1/2%
Equipment operator (includes helicopter operator)	10.72	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic) & powderman	9.14	.60	3%+.70		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION AREA II-B (CONTD):					
Groundman and Jackhammer operator:					
1st 6 months	$ 6.41	.60	3%+.70		1/2%
2nd 6 months	7.15	.60	3%+.70		1/2%
Experienced	8.20	.60	3%+.70		1/2%
AREA II-C					
Lineman	11.87	.60	3%+.70		1/2%
Cable splicers	12.92	.60	3%+.70		1/2%
Equipment operator (includes helicopter operator)	11.35	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic) & powderman	10.51	.60	3%+.70		1/2%
Groundman & Jackhammer operators:					
1st 6 months	7.04	.60	3%+.70		1/2%
2nd 6 months	7.78	.60	3%+.70		1/2%
Experienced	8.83	.60	3%+.70		1/2%
AREA II-D					
Lineman	12.60	.60	3%+.70		1/2%
Cable splicers	13.65	.60	3%+.70		1/2%
Equipment operator (includes helicopter operator)	11.35	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic) & powderman	11.24	.60	3%+.70		1/2%
Groundman & Jackhammer operators:					
1st 6 months	7.77	.60	3%+.70		1/2%
2nd 6 months	8.51	.60	3%+.70		1/2%
Experienced	9.56	.60	3%+.70		1/2%

LINE CONSTRUCTION AREA DEFINITIONS

AREA I - Line construction work for electric and telephone utilities, REA Co-ops, railroads and municipalities:
AREA I-A -- BERNALILLO COUNTY
AREA I-B -- STATEWIDE, EXCEPT BERNALILLO COUNTY

AREA II - Other Line construction work including switching stations and sub-stations adjacent to power plants
AREA II-A -- From nearest basing point cities, towns and mileage from main post office
Albuquerque -- 15 miles from main post office
Santa Fe -- 15 miles from main post office
Las Vegas -- 8 miles from main post office
Farmington -- 8 miles from main post office
Raton -- 6 miles from main post office
Tucumari -- 6 miles from main post office
Aztec -- 6 miles from main post office
Roswell -- 12 miles from main post office
Ruidoso -- 12 miles from main post office
Portables -- 12 miles from main post office
Carrizozo -- 12 miles from main post office
Clovis -- 12 miles from main post office
Gallup -- 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

AREA II-B - Extending up to 20 miles beyond Area II-A
AREA II-C - Extending up to 30 miles from Area II-A
AREA II-D - Anything beyond 30 miles from Area II-A

All work in Los Alamos County use Area II-C rates.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: BRONX, KINGS, QUEENS, NEW YORK AND RICHMOND

DECISION NO.: NY78-3007

DATE: DATE OF PUBLICATION

Supersedes Decision No. NY77-3025 dated June 17, 1977 in 42 FR 31105.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.38	1.02	1.82		
Boilermakers	13.19	5%	15%	7%	.02
Bricklayers	11.04	1.48	3.38	.30	.01
Bricklayers (rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	9.15	1.13	1.33		
Carpenters, Building: Carpenters, Dock Builders, Millwrights, Piledrivermen, Soft Floor Layers	11.45	1.40	1.78	.70	.04
Carpenters, Heavy: Carpenters, Dock Builders, and Piledrivermen	11.45	1.40	1.78	.70	.04
Carpenters, Millwrights, Piledrivermen, Soft Floor Layers (Rehabilitation work on residential buildings over 4 stories defined to include demolition repair, and alteration on any existing structure which is intended for predominantly residential use)	9.16	1.25	.49		.04
Cement masons	11.40	1.74	1.19		.02
Electricians and Linemen	12.25	7%	3%+ a	5.7%+b	½%
Electricians and Linemen (Rehabilitation work on buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	9.50	7%	1%+a	5.365%	½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator Constructors	11.32	.745	.35+e	c+d	.02
Elevator Constructors helpers	8.44	.745	.35+e	c+d	.02
Elevator Constructors helpers probation	5.66				
Elevator Constructors Modernization	9.35	.495	.32+e	c+d	.02
Elevator Constructors helpers Modernization	7.01	.495	.32+e	c+d	.02
Elevator Constructors Repair	8.50	.495	.32+e	c+m	.02
Elevator Constructors Repair helpers	6.38	.495	.32+e	c+d	.02
Glaziers	11.20	.66	1.66	.67	.01
Ironworkers:					
Ornamental Finisher	10.67	1.18	2.55	.78	.05
Reinforcing	10.41	1.325	1.985	.75+g	.03
Structural	11.50	1.55	3.00	1.60+f	.07
Laborers:					
Asphalt Laborers	9.85	1.10	1.05	h	
Asphalt Rakers	10.11	1.10	1.05	h	
Asphalt Tampers	9.87	1.10	1.05	h	
Cement Concrete Workers	9.40	.8025	1.3525	i	
Masons Tenders	9.40	.687	1.495		
Masons Tenders (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	7.52	.79			
Blasters (Heavy)	10.29	1.035	1.775	1.75	
Concrete Breakers, Chippers, Jackhammers, Pneumatic tools, Spades (Heavy)	8.82	1.035	1.775	1.75	
Wagon Drills (heavy)	9.05	1.035	1.775	1.75	
Powder Carriers (heavy)	7.92	1.035	1.775	1.75	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (cont'd):					
Laborers (Building and Heavy)	9.05	1.35	1.48		
Curb Setters (Highway)	12.26	1.10	1.05	h	
Laborers, Puddlers, Concrete Rakers	9.88	1.10	1.05	h	
Pavers (Highway)	12.26	1.10	1.05	h	
Rammers (Highway)	11.16	1.10	1.05	h	
Demolition:					
Barmen	9.80	8%	10%		
Barmen Helpers	9.50	8%	10%		
Plasterers helpers (Kings)	9.70	2.80		.80	
Plasterers helpers (Queens)	9.60	1.55		1.35	.01
Plasterers helpers (Bronx-NY Richmond)	8.35	.90	1.40	.35	
Lathers, Mettalic	10.41	1.325	1.985	.75+p	.03
Lathers, Nail-on (Kings-Queens)	8.40	.655	1.655	.70	.01
Lathers, Nail-on (Bronx-NY-Richmond)	8.60		.25		.01
Leadburners	10.75	.40	.25	f	.01
Marble setters:					
Carvers	10.15	1.06	1.26	k	
Cutters and Setters	10.00	1.06	1.26	k	
Sawyers, Rubbers, and Polishers	10.28	1.06	1.26	k	
Crane operators and Derrickmen	8.28	1.06	1.26	k	
Painters:					
Brush	9.55	8½%	5%+q	3%	
Brush (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	8.50	.90	.50		
Spray, Spray Gun, Scaffold Work	11.38	8½%	5%+q	3%	
Structural Steel	11.68	11%	14%	1%	
Structural Steel Spray	12.68	11%	14%	1%	
Pointers, Caulkers and Cleaners	10.17	1.10	1.87		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
Kings	$10.60	1.10		1.40	.01
Queens	9.60	1.55		1.35	.01
Bronx-NY-Richmond	9.30	1.10	1.54	.90	.01
Bronx-NY-Kings-Queens-NY-Richmond (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	7.17	2.30			
Plumbers:					
NY-Bronx	10.55	4.70	s		
NY-Bronx (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	7.92	3.52	r		
Kings-Queens	10.20	1.90	2.14	1.19	.22
Richmond	10.63		1.58	1.05	.30
Roofers:					
Composition, Damp, Waterproofers	9.65	1.79	2.65	.65	
Composition, Damp, Waterproofers (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structre which is intended for predominantly residential use)	6.86	1.34	1.84	.49	
Slate-Tile (Kings-Queens)	11.07	.55			
Slate-Tile helpers(Kings-Queens)	5.13	.50	1.40	1.40	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Slate-Tile (Bronx-NY-Richmond)	$ 9.70	.50	1.40	1.60	
Slate-Tile helpers (Bronx-NY-Richmond)	7.90	.50	1.00	1.20	
Sheet Metal Workers	12.57	2.24	1.22	.43	.02
Sprinkler Fitter and Steamfitters	10.97	2.65	1.12	.86	.07
Stonemasons	11.00	.50	1.00		
Stone Derrickmen and Riggers	12.12	.98	1.01		
Terrazzo Workers	11.18	1.21	1.50		
Terrazzo Workers helpers	9.84	1.21	1.50		
Tile Setters	9.15	.85	2.10		
Tile Setters helpers	7.90	.50	1.27		
Timbermen (Heavy)	10.41	1.40	1.78	.70	.04
Tuckpointers:					
Sandblasters	10.02	1.05	1.82	.70	.05
Steamcleaners	9.17	1.05	1.82	.70	.05
Waterproofers	8.92	1.05	1.82	.70	.05
Truckdrivers, Building:					
Ready mix Concrete, Sand, Gravel and Asphalt		.9675	1.8525	n+p	
Euclids and Turnapulls	8.825	.9675	1.8525	n+p	
4-Wheel, Hi-Lo Lift operators	7.525	.9675	1.8525	n+p	
Euclids and Turnapulls (Heavy)	8.825	.9675	1.8525	n+p	
Welder-receive rate prescribed for craft performing the operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to an Annuity and Security Benefit fund.

b. Holidays: A through F, Columbus Day, Day after Thanksgiving, Election Day, and Employees Birthday.

c. Holidays: A through F, Columbus Day, Election Day, Lincoln's Birhtday, Washington's Birthday, Armistice Day.

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks vacation.

e. Employer contributed $8.00 per day to an Annuity Fund.

f. Holidays: New Year's Eve and Christmas Eve provided the employee works a full half day preceeding the holiday.

g. Work on Christmas Eve and New Year's Eve will terminate at Noon, but employee will receive a full days pay.

h. Holidays: B, C, D, E, Election Day, Columbus day, providing the employee works at least 1 day in the week in which the holiday occurs.

i. If men work the last regular work day before Christmas Day or the last reuglar day before New Year's Day, the work day will end at Noon, but men will be paid for a full 7 hour day; However, if men are required to work after Noon they will be paid an additional time and a half for the hours worked.

j. Holidays: A through F, Washington's Birthday, Christmas Eve, Good Friday, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and regular scheduled work days immediately preceeding and following the holiday.

k. One half days pay for Labor Day.

l. Employer contributes $6.01 per day to an additional Security Benefit Fund.

m. Employee with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service but less than 15 years service receive 3 weeks vacation, 15 or more years of service receive 4 weeks vacation.

n. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Election Day, Veterans' Day, provided the employee works 2 days in the claendar week in which the holiday falls and each remaining work day during such calendar week.

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FOOTNOTES (CONT'D)

p. For each 15 days worked within the contract year an employee will receive one day's vacation with pay with a maximum vacation of 3 weeks per year.

q. Employer contributes $5.00 per day to an Annuity Fund.

r. Employer contributes $4.50 per day to an Annuity Fund.

s. Employer contributes $6.00 per day to a Security Bebefit Fund.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Double Drum Hoist	$11.66	.93	1.95	.70+a	.02
Stone Derrick, Cranes, Cherry Pickers	12.17	.93	1.95	.70+a	.02
Hoists, Fork Lifts, House Cars, Plasterer (platform machine), Plasterer Bucket, Plasterer Pump, Compressors-Welding Machines (cutting concrete-tank work), Paint Spraying, Sandblasting, and All Equipment Used For Hoisting Material	11.74	.93	1.95	.70+a	.02
Cranes: All types-crawler or truck					
100' to 149' Boom	12.67	.93	1.95	.70+a	.02
150' to 249' Boom	12.92	.93	1.95	.70+a	.02
250' to 349' Boom	13.17	.93	1.95	.70+a	.02
350' to 450' Boom	13.67	.93	1.95	.70+a	.02
Steel Erection:					
Three Drum Derricks	12.25	.93	1.95	.70+a	.02
Cranes, 2 Drum Derricks, Cherry Pickers	11.74	.93	1.95	.70+a	.02
Compressors, Welding Machines	10.51	.93	1.95	.70+a	.02
Tower Cranes	12.19	.93	1.95	.70+a	.02

FOOTNOTE:

A. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday (Iron League Only), Decoration Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day and Christmas Day providing the employee is employed during the payroll week in which the holiday occurs.

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POWER EQUIPMENT OPERATORS
HEAVY AND HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels.

Class 2: Mine hoist, Cranes, etc, used as mine hoists.

Class 3: Gradalls, Ketstones, Cranes (with digging buckets including sand dock cranes, bridge cranes), Trenching machines.

Class 4: Rigs (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Piledrivers.

Class 5: Raise Bore Drill.

Class 6: Mucking machines, Back filling machines, Cranes, Paver dual drums.

Class 7: Elevator (manually operated), Concrete pavers, Cableways, Land Derricks, Mixers, Power Houses (which contain low pressure units).

Class 8: Power Houses (other than above), Compressors (3 or more in battery), Stone Crusher, Double Drum Hoist, Concrete pumps, Well point pumps, Tugger machines (caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection), Concrete plant, Conveyor attachment, Well Drilling machine.

Class 9: River cofferdam pumps, Welding machines, Boilers, High pressure, Compressors (portable, single or two in a battery), not over 100' apart, Concrete breaking machines, Hoists, Single drum, Load Masters, Locomotives and Dinkies over 10 tons, Mixers (concrete with loading attachment), Push button machines.

Class 10: Long Boom Land Cranes:
a---100' to 149'
b---150' to 249'
c---250' to 450'
d---350' to 450'

Class 11: Junior engineers when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over.

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POWER EQUIPMENT OPERATORS (CONT'D)
HEAVY AND HIGHWAY CONSTRUCTION

Class 12: Junior engineers when operating the following equipment and attachments: Scrapers, Turnapulls, Tugger hoists used exclusively for handling excavated material, Tractors (rubber tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers under 20 tons, Austin Western and machines of a similar nature, Bulldozers, Loaders rubber tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards, Conveyors, Motor Graders, Curb and Gutter Pavers and machines of a similar nature.

Class 13: Junior engineers when operating the flowing pieces of minor equipment: Tractors, Locomotives 10 tons and under, Post hole diggers, Motor Generators, Road Finishing machines, Mixers 16S and under with or without loading devices, Rollers 5 tons and under, Tugger hoists, Dual purpose trucks, Fork lifts, Dempster Dumpsters, Firemen tending to: Steam operated shovels, power boilers, steam operated piledrivers, steam operated derrick boats, steam operated water rigs.

Class 14: Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Draglines, Backhoes, Keystones, Gradalls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in a battery), Power Houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck.

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Fork, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: ND78-5019

DATE : Date of Publication

Supersedes Decision No. ND77-5100 dated Decmeber 9, 1977, in 42 FR 62339

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
(except Walsh County	$ 10.77	.35	.57		.005
BOILERMAKERS:					
(except Walsh County)	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Burleigh and Morton Counties	9.70		.15		
Grand Forks, Steele and Walsh Counties	10.80		.15		
Cass and Richland Counties	10.40	.60	.15		
Ward County	9.60		.15		
CARPENTERS:					
Burleigh and Morton Counties					
Carpenters	9.05	.50			.02
Piledrivermen	9.175	.50			.02
Grand Forks, Steele (Northern Area) and Walsh Counties					
Carpenters	9.11		.20		
Piledrivermen	9.37		.20		
Millwrights	9.86	.50	.50	.50	.02
Cass, Richland and Steele (Southern Area) Counties					
Carpenters	9.36		.30		.02
Ward County					
Carpenters	8.63				.02
Piledrivermen	8.86				.02
Millwrights	9.86	.50	.50	.50	.02
CEMENT MASONS:					
Grand Forks and Steele Counties	7.86		.15		
Cass and Richland Counties	8.41				
ELECTRICIANS:					
Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo					
Zone (A) Within 0-15 miles of each main P. O.					
Electricians	9.97	.40	3%	6%	1½%
Cable Splicers	10.45	.40	3%	6%	1½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.					
Electricians	$ 10.57	.40	3%	6%	1½%
Cable Splicers	11.18	.40	3%	6%	1½%
Zone (C) Over 30 miles of each main P. O.					
Electricians	11.45	.40	3%	6%	1½%
Cable Splicers	11.95	.40	3%	6%	1½%
Burleigh, Morton and Ward Cos.					
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Manden					
Zone (A) within 0-25 miles of each main P. O.					
Electricians	10.00	.40	3%	6%	1½%
Cable Splicers	10.40	.40	3%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	11.75	.40	3%	6%	1½%
Cable Splicers	12.15	.40	3%	6%	1½%
ELEVATOR CONSTRUCTORS:					
(Except Walsh County)	10.87	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Structural; Reinforcing	10.35	.52	.70		.05
PAINTERS:					
Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	8.85				.02
Sandblasting; Structural Steel Spray	9.60				.02
Burleigh and Morton Counties					
Brush, Roller, Paper and Vinyl hanging	7.70				
Spray painting (more than 20 hours per week or 60 hours per month)	8.20				
Sandblast, swing stage, or chair work, structural steel and bridges, stacks, water towers, storage tanks	8.70				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Ward County					
Brush	$ 7.70				
Spray	8.05				
PLASTERERS:					
Grand Forks, Walsh & Steele Cos.	8.56		.15		
Ward County	9.40				
Cass and Richland Counties	9.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele and Walsh Counties	10.08	.55	.25		.01
Burleigh and Morton Counties	11.15	.65	.55		.02
Ward County	10.20	.50	.55		.04
ROOFERS:					
Cass and Richland Counties	8.70				
Ward County	6.75				
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	10.60		.20		
Cass and Richland Counties	9.70	.40	.25		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	8.50				
SPRINKLER FITTERS:					
(Except Walsh County)	10.55	.65	.95		.08

FOOTNOTE:

a. Employer credits 6% basic hourly rate for employee with 6 months to 5 years' service; 8% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Building Construction					
Grand Forks and Steel Counties					
Group 1:					
Laborers; Concrete Bucket Dumpman	$ 7.12	.20			
Group 2:					
All power tools (air, gas and electric); Operators or tools that come under the laborers' jurisdiction; Brick, Plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	7.27	.20			
Group 3:					
Hod Carriers; Non-metallic pipelayers; Gas line wrapping or taping; Sand blaster and gunnite nozzleman where under laborers' jurisdiction; Cutting torch for demolition	7.47	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers, Concrete Bucket Man	6.55	.20			
Group 2:					
All Power Tool Operators of tools that come under the Laborers' jurisdiction, Mortar Mixer, brick and plasterer tenders	6.65	.20			
Group 3:					
Hod Carriers, Non-metallic Pipelayers, Gas line wrapping or taping, Cutting torch for demolition	6.75	.20			

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cass and Richland Counties					
Group 1: Laborers; Concrete Bucket Dumpman	$ 6.69	.20			
Group 2: All Power Tool Operators of tools that come under the Laborers' jurisdiction; Brick and Plasterer tender; Mortar Mixer	6.79	.20			
Group 3: Hod Carriers; Non-metallic Pipe layer; Gas line wrapping and taping (Distribution Only); Cutting torch for demolition	6.84	.20			
Ward County					
Group 1: Laborers; Concrete bucket dumpman	6.69	.20			
Group 2: All Power Tool Operators of all tools that come under the laborers' jurisdiction; Mortar Mixer; and Plasterer tender	6.79	.20			
Group 3: Non-metallic Pipe layer; Gas line wrapping or taping (Distribution Only); Cutting torch for demolition	6.94	.20			

POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Helicopter operator hoisting material; Truck and crawler cranes over 150 ft. boom, excluding jib; Traveling tower cranes	$ 9.60	.45	.40		
Group 2: Derrick, guy or stiff leg; Tower cranes; Overhead cranes; Hoist operator-2 drums or more; All terrain vehicle cranes (cherry picker, etc.); Tractors with boom attachment; Drill rigs-rotary or churn; Locomotive operators; Hydraulic and cable-type backhoes 3/4 yds. and over; Truck and crawler cranes 150 ft. boom and under, excluding jibs	8.65	.45	.40		
Group 3: Mechanic welder; Hoist operator 1 drum; Boom truck operator; Tractor over 75 HP; Straddle carrier or forklift, 3000 lbs. or over; Concrete batch plant operator; Concrete batch mixer or concrete pump operator; Boiler operator; R.T. tractor backhoe 3/8 to 3/4 yds.; Front end loader operator over 1½ yds.; any air compressed operation over 300; Well points; Power plant engineer; Oiler	8.05	.45	.40		
Group 4: Mechanic helper; Greaser; Forklift under 3000 lbs.; Self-propelled scissor jax; Front end loader 1½ yds. and under; Self-propelled compactors; Tractor 75 HP and under; Pickup sweeper; Pump operator over 3"; Gunite Operator; Brakeman; Air compressor 300 and under	7.05	.45	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Site Preparation Excavation and Incidential Paving (except Walsh County)					
LABORERS:					
Group 1	$ 3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidential Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS:					
Group 1	8.80	.45	.40		
Group 2	8.65	.45	.40		
Group 3	8.50	.45	.40		
Group 4	8.45	.45	.40		
Group 5	8.20	.45	.40		
Group 6	7.97	.45	.40		
Group 7	7.04	.45	.40		
Group 8	6.89	.45	.40		
Group 9	6.79	.45	.40		
Group 10	6.45	.45	.40		
Site Preparation Excavation and Incidential Paving (except Walsh County					
TRUCK DRIVERS					
Single Axle	6.42	.40	.35		
Tandem	6.52	.40	.35		
Agitator Dumpcrete		.40	.35		
Off road heavy end dumps, 20 yds. and under; Tandem semi, Lowboy	6.77	.40	.35		
Euclid, over 20 yards	7.40	.40	.35		

LABORERS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: General Contruction Laborer (chip spreader leverman, fine grader, Form grader, Landscaper worker; Pump operator (per-water) Tunnel worker, sign erector); Reinforce steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Salamander heater and blower tender

Group 2: Semi-Skilled Laborer (Joint Filler Machine Operator, Chip spreader Operator); Bulk Cement Handler; Conduit Layer, telephone of electricial); Form setter (pavement); Gas, electric or penumatic tool operator (chipping hammer, grinders and paving breakers, tamper (dirt); Concrete vibrator operator); Chain saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multi-plate pipe layer; Culvert pipe layer

Group 3: Caisson work; Bottom Man, (sanitary sewer, storm sewer, water and gas lines); Concrete mixer operator (one bag capacity); Mortar mixer

Group 4: Pipe layers (sanitary sewer, storm sewer, water and gas lines); Drill runner (including wagon churn or air track); Powderman, gunite and Sandblast, Nozzleman

POWER EQUIPMENT OPERATORS

Site preparation Excavation and Incidential Paving (except Walsh County)

Group 1: Cableway Operator; Crane Operator with over 135' boom, all types; Derrick (Guy and Stiff leg), (power), (Skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Helicopter Operator; Mole Operator, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

Group 2: Concrete mixer stationary plant operator over 34E; Dredge operator or engineer; Dredge operator (power and engineer; Elevator Grader operator; Locomotive, crane operator; Master mechanic; Mixer (paving); Concrete paving operator, road; Power shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper tandem; Tandem pusher Quad 9 or similar; Tractor operator (pipeline); Side boom; Truck crane Hydrocrane operator, 15 ton and over

Group 3: Dope machine operator (pipeline); Drill rigs, heavy duty rotary or churn or cable drill; Front end loader operator, 6 cu. yds. and over, Locomotive, all types; Pipeline wrapping, cleaning and bending machine operator; Power actuated horizontal boring machine over 6" operator (pipeline); Pumpcrete operator; Refrigeration plant engineer; Slip form operator (power driven)(paving); Tandem scraper - twin engine, 50 cu. yds. struck and over

POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 4: Asphalt Paving Machine Operator, Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant operator (gravel and stone or gravel washing crushing and screening plant operator); Front end Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor patrol, finishing earth work and Bituminous; Mechanic or welder (heavy duty); Rubber-tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper operator; Tractor type or rubber tired dozer, D-6 and over; Trenching machine operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operator (or similar type)

Group 5: Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and spray operator, concrete Mixer Operator on job site 16S or over, paving breaker or tamping Machine Operation including Machine with power shovel attachments (power driven), power actuated jack operator, power plant engineer, 100 K.W.H. and over (when an engineer is in charge or crushing or blacktop plants with the operation of these plants no power plant engineer shall be required); Push tractor, self-propelled traveling soil cement stabilizer, truck mechanic

Group 6: Bituminous spreader and Bituminous finishing machiner operator (helper(power), concrete saw operator (multiple blade) (power operated), Distributor operator, fine grade machine, roller, steel and self-propelled rubber, on hot mix asphalt paving, sheepsfoot racker with dozer attachment tractor type or rubber tired dozer under D-6 H.P.

Group 7: Brakeman or switchman; Concrete batch plant operator (cement, rock and sand) Electronic; Concrete mixer operator on job site under 16S; Crane truck oiler; Grader operator (motor patrol)(hauling road); Gravel screening plant operator (portable unit crushing or washing); Greaser (truck or tractor); Gunnite operator gunall; Hoist engineer (power); Launchman (tankerman or pilot license); Pick-up sweeper, 1 yd. and over hopper capacity; Shouldering machine operator (power Apsco or similar type); including self-propelled sand chip spreader; Flaherty or similar; Sheepsfoot roller or compactor (self-propelled)

Group 8: Boom truck operator, crawler type and/or steiger or similar tractor pulling compaction or areating equipment, farm type rubber tired tractor with backhoe attachment, off-road self-propelled rubber, on other than hot mix asphalt paving, self-propelled vibrating packer operator pad type (35 hp and over)

Group 9: Concrete batch operator (cement, rock and sand)(manual), Form trench digger (power), Front end loader operator, up to 1 cu. yd., Hyster carrier or forklift, Leverman, Mechanic's helper or greaser helper, Oiler (power shovel, crane, dragline), Pugmill operator, pump operator (well points), self-propelled broom

Group 10: Conveyor operator; Curb machine operator (manual); Dredge deck hand; Farm tractors, rubber-tried for compacting and areating; Front end loader (farm type rubber tired tractor); Paint machine striping operator; Stump chipper operator; Tie tamper and ballast machine operator

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Cable Splicer; Lineman; Tractor Dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension pulling machines	$ 10.53	.45	1%		1/2%
Group 2: Groundman-operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; All fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixture erection	8.46	.45	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	7.04	.45	1%		1/2%
Group 4: Groundman - truck or tractor dirver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	6.46	.45	1%		1/2%

SUPERSEDEAS DECISION

STATE: OHIO
COUNTIES: *See below
DECISION NUMBER: OH78-2007
DATE: Date of Publication
Supersedes Decision No.: OH77-2131 dated August 26, 1977 in 42 FR 43341
DESCRIPTION OF WORK: Building Construction (Does not include family homes & garden type apartments up to and including 4 stories)

*ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, DARKE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GEAUGA, GREENE, HAMILTION, HIGHLAND, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MUSKINGUM, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, SHELBY, UNION, AND WARREN

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Adams, Brown, Butler (excluding Middletown & vic.), Clermont, Hamilton, Highland, & Warren (excluding Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos.	$12.16	.75	1.00		.02
Butler (Middletown & vic.), Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos.	11.47	.75	1.00		.02
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross, & Union Cos.	12.67	.45	.85		.02
Gallia, Lawrence, Meigs, Pike, & Scioto Cos.	11.05	.50	.70		.03
Geauga Co.	13.93				
BOILERMAKERS:					
Darke, Delaware, Shelby & Union Cos.	13.10	.70	1.00		.03
Geauga Co.	12.23	.60	1.10		.03
Remaining Cos.	9.40	.75	1.00	1.40	.02
BRICKLAYERS; Caulkers; Cleaners; Marble setters; Pointers; Stonemasons; Terrazzo workers; & Tile setters:					
Adams & Scioto Cos.:					
Bricklayers; Caulkers; Cleaners; Marble setters; Pointers; & Stonemasons	9.90				
Brown, Butler, Clermont, Hamilton, Preble (Twps. of Dixon, Israel, Lanier, Somers, & Gratis), & Warren Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	12.095	.55	.35		.02
Marble setters	11.485	.55	.35		
Terrazzo workers & Tile setters	11.435	.55	.35		
Champaign & Clark Cos.	10.60				
Clinton & Highland Cos.	8.50				
Darke, Miami, & Shelby Cos.	10.35	.75	.25		.02
Delaware, Franklin, Madison, Pickaway, & Union Cos.:					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
Bricklayers; Stonemasons	$10.64	.80	.80		.02
Rubble work	10.24	.40	.80		.01
Marble setters; Terrazzo workers; & Tile setters	10.85				
Fairfield & Perry Cos.	9.50	.60	.50		.02
Fayette, Pike, & Ross Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	11.35				
Gallia & Meigs Cos.	11.25	.50			
Geauga Co.	12.37	.60	.80		
Greene, Montgomery, & Preble (Rem. of Co.) Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	10.35	.75	.75		.02
Marble setters; Terrazzo workers; & Tile setters	9.16	.75	.25		
Lawrence Co.	10.70		.50		.05
Licking & Muskingum Cos.	10.33	.60	.50		.02
CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers:					
Adams, Fayette, Gallia, Highland, Lawrence, Meigs, Pike, Ross, & Scioto Cos.:					
Carpenters; Soft floor layers	10.17	.50	.75		.03
Piledrivermen	10.46	.50	.75		.03
Millwrights	10.79	.40	.37		.03
Brown, Butler, Clermont, Clinton, Hamilton & Warren Cos.:					
Carpenters; Piledrivermen	11.55	.60	.65		.075
Millwrights	11.69	.50	.85		.10
Soft floor layers	8.70	.60	.65		.05
Champaign, Clark, Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, & Union Cos.:					
Carpenters	10.14	.53	.70		.02
Millwrights	10.79	.53	.70		.02
Piledrivermen	10.79	.53	.70		.02
Soft floor layers	10.14	.53	.70		.02
Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.:					
Carpenters; Piledrivermen	10.35	.65	1.00		.05
Millwrights	10.16	.65	1.00		
Soft floor layers	9.30	.65	.70		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Geauga Co.:					
Carpenters; Soft floor layers	$12.10	.77	1.25		.03
Millwrights	11.95	.77	1.40		.03
Piledrivermen	12.10	.77	1.25		.03
CEMENT MASONS:					
Adams, Lawrence (excluding Fayette, Union, & Rome Twps.), Pike, & Scioto Cos.	11.02		.60		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.	11.43	.75	.70		.15
Champaign, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	9.78	.50	.60		.07
Clark Co.	10.60				
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, Ross, & Union Cos.	10.15	.50	.20		.03
Geauga Co.	12.37	.60	.80		
Lawrence Co. (Fayette, Union, & Rome Twps.)	10.70		.50		.05
ELECTRICIANS:					
Adams, Pike (S. part), & Scioto Cos.	10.75	.50	3%+.50	1.02	.04
Brown, Clermont & Hamilton Cos.:					
Up to & incl. 18 mi. radius from Hamilton Co. Court House	12.15	.70	3%+.40		½%
18 to 21 mi. radius from Hamilton Co. Court House	12.45	.70	3%+.40		½%
21 to 25 mi. radius from Hamilton Co. Court House	12.55	.70	3%+.40		½%
Over 25 mi. radius from Hamilton Co. Court House	12.70	.70	3%+.40		½%
Butler & Warren (Twps. of Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington) Cos.:					
W. of Interstate #75:					
Electricians	12.10	.45	3%+.75		½%
Cable splicers	12.60	.45	3%+.75		½%
E. of Interstate #75:					
Electricians	12.65	.45	3%+.75		½%
Cable splicers	13.30	.45	3%+.75		½%
Champaign, Clark, & Madison (Twps. of Paint, Pike, Somerford, Stokes, & Union) Cos.	10.79	.45	3%+.80		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Rem. of Co.) Cos.:					
Electrical communications installers within 11 mi. radius of 3rd & Main Street, Dayton	$11.83	.50	3%+1.00		.5%
Electrical communications installers beyond 11 mi. radius of 3rd & Main Street, Dayton	12.06	.50	3%+1.00		.5%
Delaware, Fairfield, Franklin, Madison (E. portion), Pickaway (N. & central portions), & Union Cos.	11.48	.40	3%+.87		.03
Fayette, Highland, Pickaway (S. part), Pike (N. part), & Ross Cos.	11.60	.40	3%		.02
Gallia Co.	11.57	.50	3%+.60	1.00	.04
Geauga Co. (Bainbridge, Chester, & Russell Twps.)	12.15	.50	3%+.43		.02
Geauga Co. (Auburn, Middlefield, Parkman, & Troy Twps.)	12.59	.60	7%		.7%
Geauga Co. (Rem. of Co.)	11.88	.70	3%+.50		.3%
Lawrence Co.	11.32	.50	3%+.60	1.00	.04
Licking Co.	10.80	.40	3%+.62		.03
Meigs Co.	10.65	.50	3%+.77	1.27	.04
Muskingum & Perry Cos.	10.80	.40	3%+.62		.03
Shelby Co.	11.74	.32	3%+.37		.04
ELEVATOR CONSTRUCTORS:					
Adams, Brown, Butler, Clermont, Clinton, Darke, Hamilton, Highland, Miami, Preble, & Warren Cos.:					
Elevator constructors	11.78	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Champaign, Clark, Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross, Shelby, & Union Cos.:					
Elevator Constructors	11.705	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gallia & Meigs Cos.:					
Elevator Constructors	$11.465	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Geauga Co.:					
Elevator Constructors	12.79	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Greene & Montgomery Cos.:					
Elevator Constructors	11.78	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Lawrence, Pike, & Scioto Cos.:					
Elevator Constructors	11.465	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams, Lawrence & Scioto Cos.	10.00		.50		
Brown, Butler (Hamilton & Vic.), Clermont, Clinton, Hamilton, Highland (Part), & Warren (Lebanon & South) Cos.	10.10		.35		.005
Champaign, Butler (excluding Hamilton & Vic.), Clark, Darke, Fayette, Highland (Part), Miami, Montgomery, Preble, Shelby, & Warren (North of Lebanon) Cos.	9.88		.50		.01
Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Pike, Ross, & Union Cos.	10.52		.57		.005
Geauga Co.	12.83	.55	.65		.01
IRONWORKERS:					
Adams (Part), Gallia, Lawrence, Pike (Part), & Scioto Cos.:					
To 10 mi. from Union Hall in Ashland, Kentucky	11.27	.90	1.05		.01
10 to 15 mi. from Union Hall in Ashland, Kentucky	11.42	.90	1.05		.01
15 to 20 mi. from Union Hall in Ashland, Kentucky	11.52	.90	1.05		.01
20 mi. & over from Union Hall in Ashland, Kentucky	11.62	.90	1.05		.01
Adams (Part), Brown, Butler (S. ½ of Co.), Clermont, Hamilton & Warren (S. ½ of Co.) Cos.:					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (Cont'd)					
Ornamental; Structural	$11.48	.90	1.05		.03
Reinforcing	10.68	.90	1.85		.02
Butler (N. ½ of Co.), Champaign (W. 2/3 of Co.), Clark (W 3/4), Clinton, Darke, Fayette (Part), Greene, Highland (W 4/5), Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos.:					
Within 15 mi. radius of Local Union #290 office	10.96	.90	1.25		.04
Beyond 15 mi. radius of Local Union #290 office	11.11	.90	1.25		.04
Champaign (Rem. of Co.), Clark (E. ½), Fayette (Part), Highland (E. 1/5), Muskingum, Perry, Pike (Part), & Ross Cos.	11.10	.90	1.55		.05
Delaware, Fairfield, Licking, Madison, Pickaway, & Union Cos.	11.00	.90	1.55		.05
Franklin Co.	10.85	.90	1.55		.05
Geauga Co.	12.22	.80	1.10		.03
Meigs Co.	10.92	.75	.85		.01
LATHERS:					
Adams, Brown, Gallia, Pike, & Scioto Cos.	9.315		.10		
Butler, Champaign, Clinton, Darke, Fayette, Greene, Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos.	11.04		.20		.01
Clark, Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross, & Union Cos.	11.05		.10		.01
Clermont, Hamilton, Highland, & Warren (S. ½) Cos.	12.52		.25		.025
Geauga Co.	13.03		1.00		.01
Lawrence Co.	10.925		.10		
LINE CONSTRUCTION:					
Adams, Gallia, Lawrence, Meigs, Pike (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish, & Union), & Scioto Cos.:					
Linemen; Operators: All mechanized equipment	11.28	.45	3%+.50	1.00	½%
Cable splicers; Linemen welder	12.41	.45	3%+.50	1.00	½%
Groundmen	9.02	.45	3%+.50	1.00	½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd):					
Brown, Clermont, & Hamilton Cos.:					
Linemen up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati	$11.30	.70	3%+.40		½%
Linemen over 18 to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati	11.60	.70	3%+.40		½%
Linemen over 21 to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati	11.70	.70	3%+.40		½%
Linemen over 25 mi. radius from Hamilton Co. Court House, Cincinnati	11.85	.70	3%+.40		½%
Butler & Warren (Twps. of Deerfield, Hamilton, Harlem, Massie, Salem, Turtle Creek, Union & Washington Twps.) Cos.:					
E. of Interstate 75:					
Linemen	12.65	.45	3%+.75		½%
Cable splicers	13.15	.45	3%+.75		½%
Groundmen:					
0-1 yr.	6.33	.45	3%+.75		½%
1-2 yrs.	7.59	.45	3%+.75		½%
Over 2 yrs.	8.86	.45	3%+.75		½%
W. of Interstate 75:					
Equipment ops.; Linemen	12.10	.45	3%+.75		½%
Cable splicers	12.60	.45	3%+.75		½%
Groundmen:					
0-1 yr.	6.05	.45	3%+.75		½%
1-2 yrs.	7.26	.45	3%+.75		½%
Over 2 yrs.	8.47	.45	3%+.75		½%
Champaign & Clark Cos.:					
Cable splicers; Linemen	9.11	.35	3%		.25%
Equipment ops.:					
0 to ½ yr.	5.49	.35	3%		.25%
½ to 1 yr.	6.54	.35	3%		.25%
1 yr. or more	7.66	.35	3%		.25%
Groundmen or truck drivers:					
0 to 1 yr.	4.47	.35	3%		.25%
1 yr. or more	5.27	.35	3%		.25%
Clinton, Darke, Greene, Miami, Montgomery, Preble, Warren (Twps. of Wayne, Clear Creek & Franklin) Cos.	11.83	.50	3%+1.00		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd):					
Delaware & Madison Cos. (Twps. of Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant), Pickaway Co. (Twps. of Darby, Circleville, Harrison, Jackson, Madison, Monroe, Muhlenberg, Scioto, Walnut, & Washington) & Union Cos.:					
Cable splicers; Equipment ops.; Linemen	$12.41	.35	3%		½%
Groundmen:					
0 to 6 mos.	5.92	.35	3%		½%
After 6 mos.	6.30	.35	3%		½%
After 12 mos.	6.72	.35	3%		½%
After 18 mos.	7.11	.35	3%		½%
Fairfield & Licking Cos.:					
Cable splicers	12.46	.50	3%		½%
Equipment ops.; Linemen	11.73	.50	3%		½%
Groundman; Truck drivers:					
Over 1 yr.	9.31	.50	3%		½%
0 - 1 yr.	8.32	.50	3%		½%
Fayette, Highland, Pickaway (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), Pike (excluding Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), & Ross Cos.:					
Equipment ops.; Linemen	10.95	.28	3%		½%
Truck drivers	6.47	.28	3%		½%
Groundman	6.17	.28	3%		½%
Franklin Co.:					
Cable splicers; Linemen	9.88	.35	3%		½%
Equipment operators:					
0 to ½ yr.	6.30	.35	3%		½%
½ to 1 yr.	7.52	.35	3%		½%
1 yr. or more	8.81	.35	3%		½%
Groundmen or truck drivers:					
0 to 1 yr.	5.13	.35	3%		½%
1 yr. or more	6.06	.35	3%		½%
Geauga (Bainbridge, Chester, & Russell Twps.):					
Linemen; Cable splicers; Equipment ops.; & Welders	12.73	.35	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd):					
Groundman after 12 mos.	$ 6.72	.35	3%		½%
Groundman after 18 mos.	7.11	.35	3%		½%
Geauga (Auburn, Middlefield, Parkman, & Troy Twps.):					
Linemen; Cable splicers; Operator pole digging equipment	13.23	.45	3%		½%
Groundmen 1st 6 mos.	6.62	.45	3%		½%
Groundmen 2nd 6 mos.	7.94	.45	3%		½%
Groundmen 2nd yr.	9.26	.45	3%		½%
Groundmen 3rd yr.	9.92	.45	3%		½%
Groundmen over 3 yrs.	10.58	.45	3%		½%
Geauga (Rem. of Co.):					
Linemen; Cable splicers; Equipment op.	13.08	.70	3%+.50		½%
Truck drivers	9.16	.70	3%+.50		½%
Groundmen more than 2 yrs.' experience	8.50	.70	3%+.50		½%
Groundmen less than 2 yrs.' experience	7.19	.70	3%+.50		½%
Muskingum & Perry Cos.:					
Cable splicer; Equipment ops.; & Linemen	11.43	.35	3%		½%
Groundmen:					
0 to 6 mos.	5.92	.35	3%		½%
After 6 mos.	6.30	.35	3%		½%
After 12 mos.	6.72	.35	3%		½%
After 18 mos.	7.11	.35	3%		½%
Pickaway (Twps. of Deer Creek, Perry, Pickaway, Salt Creek, & Wayne), Pike (N. part), & Ross Cos.:					
Equipment ops.; & Linemen	10.95	.28	3%		½%
Truck drivers	6.47	.28	3%		½%
Groundmen	6.17	.28	3%		½%
Shelby Co.:					
Linemen	11.93	.50	3%		½%
Groundmen; Truck drivers	7.72	.50	3%		½%
Equipment operators	10.74	.50	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:					
Adams, Brown, Butler, Clermont, Fayette, Gallia, Hamilton, Highland, Lawrence, Meigs, Pike, Ross, Scioto, & Warren Cos.:					
Marble setters' finishers	$10.385				
Marble sanders; Polishers; Stockmen; Waxers; & Sawyers	10.55				
Terrazzo workers' finishers; & grinders	10.335				
Terrazzo base grinders (While operating base grinding machine)	10.755				
Tile setters' finishers	10.285				
Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	8.34				
Delaware, Fairfield, Franklin, Madison, Pickaway, & Union Cos.:					
Marble setters' finishers; Terrazzo workers' finishers; & Tile setters' finishers	8.65				
Terrazzo base grinders	9.00				
Terrazzo floor grinders	8.80				
Geauga Co.:					
Marble setters' finishers	11.41		1.00		
Terrazzo workers' finishers	12.12		.85		
Tile setters' finishers	11.94		1.00		
PAINTERS:					
Adams, Highland, Pike, & Scioto Cos.:					
Brush; Paperhangers; Tapers; Wall covering, washing; Exterior buildings under 40'	11.00		.40		
Rollers; Floor sanding; Power tools	11.25		.40		
Sandblasting; Steamcleaning; Hazardous material; & Burning	12.00		.40		
Brown, Clermont, & Hamilton Cos.:					
Commercial:					
Brush	11.55		.25		
Spray	11.95		.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Industrial:					
Brush	$11.70		.25		
Spray	12.10		.25		
Butler & Warren Cos.:					
Commercial:					
Brush	10.08				
Spray	10.58				
Industrial:					
Brush	10.23				
Spray	10.73				
Champaign & Clark Cos.:					
Brush; Paperhangers (Tools furnished)	7.80	.10	.25		
Swing stage	8.15	.10	.25		
Spray	8.50	.10	.25		
Structural steel	8.35	.10	.25		
Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.:					
Brush; Roller	11.05	.40	.40		.02
Scaffolds; Structural steel; & Swing stage	11.45	.40	.40		.02
Sandblasting; Spray; & Steam-cleaning	11.55	.40	.40		.02
Paperhangers	11.30	.40	.40		.02
Spackling & finishing; & Taping	11.05	.40	.40		.02
Steeple jack work	11.80	.40	.40		.02
Delaware, Fairfield, Fayette, Franklin, Madison, Pickaway, & Union Cos.:					
Brush; Paperhangers; Rollers; & Wall washing	10.14	.65	.65		.02
Spray	10.64	.65	.65		.02
Structural steel; & Swing stage	10.44	.65	.65		.02
Sandblasting; Steamcleaning; & Water tanks	10.84	.65	.65		.02
Drywall tapers & finishers	10.54	.65	.65		.02
Gallia, Lawrence, & Meigs Cos.:					
Brush; Roller	8.50			d	
Drywall taping; Paperhanger; & Wall washers	9.05			d	
Spray	9.55			d	
Open Structural steel	9.25			d	
Geauga Co.:					
Brush; Roller; Paperhangers	11.66	.63	.74		.05
Swing stage; Window Jack; & Bos'n chair	11.96	.63	.74		.05
Tapers	12.36	.63	.74		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Licking, Muskingum, & Perry Cos.					
Brush; Paperhangers	$7.50				
Structural steel	8.00				
Spray	7.95				
Smoke stacks; Tanks; & Water towers	8.00				
Ross Co.:					
Brush; Roller; & Taping	9.00				
Structural steel	9.25				
Sandblast; & Spray	9.75				
Shelby Co.:					
Brush; Roller; Drywall taping	8.65	.73	.50		.03
Wallcovering; Swing stage; Safety belts; Spiders; Cherry pickers - brush or rollers	8.90	.73	.50		.03
Spray; Sandblasting; Steam-cleaning; Mitts; High pressure water cleaning; & blow down	9.15	.73	.50		.03
Stilts & automatic drywall tools	9.40	.73	.50		.03
Petroleum storage tanks (over 30' high) brush, rollers	9.05	.73	.50		.03
Structural steel (open skeleton) - brush or rollers	8.95	.73	.50		.03
Elevated water tanks & stacks - brush, roller or spray	10.15	.73	.50		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Adams, Lawrence (except Twps. of Fayette, Union, & Rome), Pike, & Scioto Cos.	$11.02		.60		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.	12.295		.50		.02
Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	11.25				
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross, & Union Cos.	10.34	.50	.30		.02
Gallia & Meigs Cos.	11.25	.50			
Geauga Co.	12.37	.60	.80		
Lawrence Co. (Twps. of Fayette, Union & Rome Twps.)	10.70		.50		.05
PLUMBERS; Steamfitters:					
Adams, Gallia, Highland, Lawrence, Pike, & Scioto Cos.:					
Within 10 mi. radius of Portsmouth	11.67	.55	.75		
10 - 20 mi. radius of Portsmouth	11.92	.55	.75		
20 - 35 mi. radius of Portsmouth	12.02	.55	.75		
Over 35 mi. radius of Portsmouth	12.27	.55	.75		
Brown, Clermont, Hamilton, & Warren (N. of Rte #63 excl. Lebanon & S. Lebanon) Cos.:					
Plumbers; Gas fitters	12.27	.75	1.05		.05
Pipefitters; Steamfitters	12.20	.90	1.225		.08
Butler Co. (N. ½)	12.35	.60	1.00		.05
Butler (S. ½) & Warren (S. of Rte #63 incl. Lebanon & S. Lebanon) Cos.	12.27	.65	1.10		.02
Champaign, Clark, Greene (Twps. of Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), & Madison (W. of Rte #38 incl. city of London) Cos.	11.81	.58	.80		.04
Clinton, Darke, Fayette, Greene (excl. Twps. of Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), Miami, Montgomery, & Preble Cos.	12.21	.55	.70		.03

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Delaware, Fairfield, Franklin, Licking, Madison (E. of Rte #38 not incl. city of London), Perry, Pickaway, Ross, & Union Cos.	$12.47	.55	.80		.05
Geauga Co.:					
Pipefitters	11.97	1.05	1.10		.05
Plumbers	12.28	.75	1.00		.02
Meigs Co.	11.43	.52	.55		.045
Muskingum Co.	10.83	.45	.50		.08
Shelby Co.	12.00	.50	.75		.05
ROOFERS:					
Adams, Gallia, Lawrence, Meigs, Muskingum, Pike, & Scioto Cos.	11.00		.45		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.:					
Roofers	12.32		.85		.01
Pitch	12.92		.85		.01
Champaign, Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Perry, Pickaway, Ross, & Union Cos.	11.195	.60	.65		.01
Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.:					
Slate, Tile, & Asbestos Composition, Damp & Waterproof Workers	10.72	.80	.50		
	10.50	.80	.50		
Geauga Co.	13.18	.25	.50		
SHEET METAL WORKERS:					
Adams, Delaware, Fairfield, Fayette, Franklin, Gallia, Lawrence, Licking, Madison, Meigs, Muskingum, Perry, Pickaway, Pike, Ross, Scioto, & Union Cos.	10.82	.45&e	1.05		.10
Brown, Clermont, Hamilton, & Highland Cos.	12.035	.90	.81		.04
Butler, Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren Cos.	11.24	.55&e	.94		.15
Geauga Co.	12.20	.60	1.13		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$12.30	.65	.95		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. 7 paid holidays: A through F, & Day after Thanksgiving
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. 6 paid holidays: A,C,E,F, Decoration Day & Veterans' Day
e. 3% of gross earnings to SASMI

LABORERS:					
Adams, Gallia, Highland, Lawrence, Meigs, Pike, & Scioto Cos.:					
Common laborers; Signalmen	7.77	.65	.55		.10
Sheeting & Shoring men	7.87	.65	.55		.10
Bottom men; Carpenters' tenders; Mason tenders; Mortar mixers; Plasterers' tenders; & Sewer pipe layers	7.92	.65	.55		.10
Air & machine driven tool op.; Asphalt rakers & smoothers; Burning & cutting torches; Chain saws; & Powered concrete buggies; Hand spikers	8.02	.65	.55		.10
Gunnite machine op.; Gunnite nozzlemen; Powdermen & blasters	8.34	.65	.55		.10
Brown, Clermont, Clinton, & Hamilton Cos.:					
GROUP 1	10.00	.60	.50		.05
GROUP 2	10.10	.60	.50		.05
GROUP 3	10.15	.60	.50		.05
GROUP 4	10.20	.60	.50		.05
GROUP 5	10.35	.60	.50		.05
GROUP 6	10.50	.60	.50		.05
GROUP 7	10.75	.60	.50		.05
GROUP 8	9.47	.60	.50		.05
GROUP 9	9.62	.60	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
GROUP 1: Common laborers; Cement masons' helpers; Hand operated mechanical mule; Mechanical sweeper; Signal man					
GROUP 2: Bottom man; Pipelayer					
GROUP 3: Burning torch operator; Jackhammer; Mechanical & air tamper operator; Mechanical concrete buggies; Power operated mechanical mule; Concrete pump hose man; Vibrator man					
GROUP 4: Plasterers' tender; Mason tender; Stone mason tender; Bottom jackhammer man					
GROUP 5: Plaster mixer pump operator					
GROUP 6: Tunnel laborer					
GROUP 7: Gunnite nozzle operator					
GROUP 8: Demolition Construction - Wrecking laborers					
GROUP 9: Demolition Construction - Jackhammer man; Burner; & wall man					
Butler & Warren Cos.:					
Common laborers	$ 9.44	.55	.40		.05
Asphalt rakers; Tampers; Smoothers hand air pump; Hand air tamper chisel; Vibrator power tamper op.	9.54	.55	.40		.05
Gunnite operators; Sandblaster; Concrete pumps & hose men	9.79	.55	.40		.05
Mason tenders; Mortar mixers; & scaffold builders	9.77	.55	.40		.05
Champaign & Clark Cos.:					
Laborers general; Carpenters' tenders; Waterboy; Flagman; & Signalman	7.60	.55	.40		.05
Plasterers' tenders; Mason tenders; Mortar mixers; Air & machine driven tool ops.; Jackhammer; Barko & chain saw; Sewer pipe layer; Bottom man; Wagon drill; Hand spikers; Asphlat raker & tamper; Power concrete & buggies; Gunnite machine op. & nozzle man	7.85	.55	.40		.05
Miners & muckers for tunnel & caisson; Powder man & blaster	8.10	.55	.40		.05
Darke, Greene, Miami, Montgomery, & Preble Cos.:					
Unskilled	8.44	.55	.40		.05
All machine & Power driven tools; Power buggies; Vibrators; Chipping hammers, & railroad spikers					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
by hand; Swinging scaffold over 15'	$ 8.59	.55	.40		.05
Jackhammer; Air drill; Sand blaster; Sewer pipe layers; Man-hole builders, & Bottom men	8.64	.55	.40		.05
Caisson work; Scaffold with power tools	8.69	.55	.40		.05
Torch man on wrecking	8.74	.55	.40		.05
Caisson work with jackhammer	8.89	.55	.40		.05
Gunnite op.; Wagon drill op.; & blaster-powder man	8.94	.55	.40		.05
Tenders to bricklayers & masons	9.07	.55	.40		.05
Tenders to lathers & plasterers	9.11	.55	.40		.05
Delaware Co.:					
Building & Construction laborers; Signalman; Flagman; Tool crib-man; Carpenter tender; Finisher tender; Concrete handler; Utility construction laborers; Guardrail erectors	8.41	.65	.55		.10
Bottom men; Scaffold builders; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition work; Swinging scaffold; Mucker; Caisson work; Cofferdam worker; Powder men & dynamite blasters; Creosote worker; Mortar mixer tenders; Plasterers' tenders; Hod carrier; Laser beam set up men	8.61	.65	.55		.10
Gunnite op.	9.01	.65	.55		.10
Fairfield, Fayette, Franklin, Madison, Pickaway, & Union Cos.:					
Common laborers; Carpenter tenders; Pouring of all concrete; Cleaning debris; Cleaning of all material; General clean up; Landscape; Sod layers; Salamander; Flagmen; Wire mesh handlers or setters; Loading & unloading all trucks; Handling & conveying all material; Washing of all					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
windows; a man on bucket pouring concrete; Conveyor belt	$ 8.34	.55	.40		.05
Brick tender; Stone mason tender; Plasterers' tenders; Mortar mixers & Operator; Cement mason tender; All scaffold builders (swinging scaffolds); Jack hammer op.; Air or electrical pneumatic tool op.; Power driven tools; Power buggy ops.; Power wheelbarrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sand & vacuum cleaning; Gunnite nozzle man; Wagon & churn drill ops.; Concrete saw op. & brush feeders on pulverizers; Pipelayers; Bottom man; Laser gun, Burners; Sandblasting of concrete; Vibrator man; Signal man; Caisson bottom man; & Forklift op.	8.54	.55	.40		.05
Geauga Co.:					
Laborers; Equipment replacing wheelbarrow & concrete buggy	9.97	1.27	1.20		
Power driven tools & vibrators; Sewer & Utilities laborers; Fine brick tenders	10.12	1.27	1.20		
Jackhammer; Acetylene burner mucker	10.17	1.27	1.20		
Swinging scaffold; Mason tender handling carbon block & bottom block material; Air track & Wagon drill	10.22	1.27	1.20		
Gunnite op.; Blasters & Shooters; Caisson; Well; Cylinder; Cofferdams; Mine workers w/o air	10.29	1.27	1.20		
Topman on free standing radial stack	10.47	1.27	1.20		
Acid brick tenders	10.37	1.27	1.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Licking Co.:					
Brick tender; Stonemason tender; Plasterer tender; Mortar mixer & operator; Cement mason tender; All scaffold builders; Swinging scaffolds; Jackhammer ops.; Air or electrical pneumatic tool ops.; Power driven tools; Power buggy ops.; Fork lift ops.; Power wheelbarrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolitions; Gunnite nozzle man; Wagon & churn drill ops.; Concrete saw ops.; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man	$ 8.49	.55	.40		.05
Common laborers; Carpenter tender; Pouring of all concrete; Cleaning of all material; General clean-up incl. vacuum cleaning; Landscape; Sod layers; All portable heaters; Loading & unloading all trucks; Handling & Conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; Water pumps up to & incl. 4" intake	8.27	.55	.40		.05
Muskingum & Perry Cos.:					
Planters (landscape); Tree trimmers; Plumbers' helpers; Carpenters' tenders; Building & construction laborers	8.42	.55	.40		.05
Air & machine driven tool ops.; Asphalt plant aggremeter ops.; Asphalt plant mixer men; Brick slingers; Car pushers & tunnel laborers; Caulkers; yarners & Wrenchmen; Cement handlers; Concrete puddlers (behind mixers); Curb cutters & setters;					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Hand spikers ops.; Jackhammer ops.; Muckers; Mason tenders; Mortar mixers; Pipe layers: Proportioning plant ops.; Pump men (under 4"); Road form setters; Sewer bottom men; Stone mason tenders; Sheeting & shoring men; Vibrator op.; Plasterers' tenders; Cutting with burning torches; Dumpmen (batch trucks)	$ 8.52	.55	.40		.05
Brick droppers; Lock tenders; Powdermen or blasters	8.67	.55	.40		.05
Ross Co.:					
Brick tenders; Stonemasons' tenders; Plasterers' tenders; Mortar mixer & ops.; Cement masons' tenders; All scaffold builders (Swinging scaffolds), Jackhammer ops.; Air or electrical pneumatic tool ops.; Power driven tools; Power buggy ops.; Fork lift ops.; Power wheelbarrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolition; Gunnite nozzle man; Wagon & churn drill ops.; Concrete saw ops.; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man; Carpenters' tenders	8.26	.55	.40		.05
Common laborers; Pouring of all concrete; Cleaning debris; Clean-up incl. vacuum cleaning; Landscape; Sod layers; Loading & unloading all trucks; Handling & conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; All water pumps up to & incl. 3" intake	8.06	.55	.40		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Shelby Co.:					
Building laborers; Laser beam; Power wheelbarrow or Power buggy	$ 7.85	.55	.40		.05
Vibrators; Spikers by hand (Railroad); Cement finishers' helpers	8.00	.55	.40		.05
All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tampers; Torch man; Tunnel	8.00	.55	.40		.05
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & Wagon drill helper	8.15	.55	.40		.05
Blaster-Powder man; Gunnite ops.; Muckers & miners (tunnel & caisson) free air; Sandlasters; & Wagon drill/operator	8.35	.55	.40		.05

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POWER EQUIPMENT OPERATORS	Geauga Co.	Remaining Cos.	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$12.37	11.81	.61	1.00		.11
GROUP B	12.22	11.65	.61	1.00		.11
GROUP C	11.87	11.29	.61	1.00		.11
GROUP D	11.09	10.51	.61	1.00		.11
GROUP E	10.77	10.18	.61	1.00		.11
GROUP F	9.09	8.48	.61	1.00		.11

CLASSIFICATION DEFINITIONS

GROUP A: A-frame; All rotary drills used on caisson work for foundations & sub-structure work; Boiler operator or compressor operator (when compressor or boiler is mounted on crane, piggyback op.); Boom trucks; Cableways; Cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes; Derricks; Draglines; Elevating grader or Euclid loader; Floating equipment; Gradalls; Helicopter op. hoisting building materials; Helicopter winch opertor hoisting builders material; Hoes; Hoisting engines (2 or more drums); Lift slab or panel jack operators; Locomotives; Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps w/boom; Panelboard (all types on site); Piledriver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Trench machines (over 24" wide)

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats

GROUP C: Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (1 drum); House elevators; Man lift; Power boilers (over 15 lbs., pressure); Pump op. installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D: Compressors on building construction; Conveyors (building material); Gunite machines; Mixers (cap. more than 1 bag); Mixers (1 bag cap. side 1 loaders); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder op.

GROUP E: Back fillers & tampers; Batch plant; Bar & joint installing machine; Bullfloats; Burlap & curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman (asphalt); Farm type tractor (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over ½' discharge); Hydro seeders; Self-propelled power spreaders; Self-propelled sub-grader; Tire repairman; Tractors pulling sheep foot roller or grader; Vibratory compactors (with integral power)

GROUP F: Oiler; Helper; Signalman; Light plant operator; Power driven heaters (oil fired); Power boilers (less than 15 lbs., pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge)

DECISION NO. OH78-2007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Adams, Brown, Highland, Lawrence (W. of Coal Grove & W. of St. Rte #75), Pike, Ross, & Scioto Cos.:					
Jeep; Station wagons; Pickups; Fuel trucks; Dumps to & incl. 2 tons; Bus drivers (incl. all equipment used for hauling men & materials)	$8.22	$19.00a			
Dumps over 2 tons; Tandems; Semi-tractor; Lowboys; Fork lifts (incl. mason tending work); Euclids	9.14	19.00a			
Butler Co. (N. ½):					
Tandem axle trucks; Tandem axle dump trucks; Winch trucks; Fork lifts; Truck warehouse men	8.79	23.00b	28.00a		
Single axle trucks; Jeeps; Pickups	8.64	23.00b	28.00a		
Euclid trucks; Mechanics	9.09	23.00b	28.00a		
Lowboys & drags	9.05	23.00b	28.00a		
Semi combination & combination of hauling units	8.89	23.00b	28.00a		
Clinton, Darke, Greene, Miami, Champaign, Montgomery, & Preble Cos.:					
Straight flat & dump truck;			8.00a	c	
Winch truck	6.23	21.50a	8.00a	c&e	
Ready mix & dump crete	6.29	21.50a	8.00a	c&e	
Tandem truck & tractor trailer combination	6.34	21.50a	8.00a	c&e	
Euclid to 12 yds.	6.40	21.50a	8.00a	c&e	
Euclid over 12 yds.	6.76	21.50a	8.00a	c&e	
Delaware, Fayette, Franklin, Madison, & Pickaway Cos.:					
Dump & straight	8.71	17.00a			
Tandem & semi-farm tractor	8.81	17.00a			
Lowboy	8.91	17.00a			

DECISION NO. OH78-2007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
Gallia, Lawrence (E. of Ohio St. Rte #75), & Meigs Cos.:					
Truck helpers; Pickups; Station wagons; Panel trucks; Yardmen; Warehousemen; Flatbody material truck (straight job); Greasers; Washers; Tiremen; Gas pump attendants; Dump trucks (up to 5 cubic yards)	$9.15	$82.33d	$52.00d	$1.00	
Tank trucks (straight)	9.25	82.33d	52.00d	1.00	
Dump trucks (5 cubic yds. & over); Semi-dump trucks; Semi-trailers (whether flat, rack or pole & hauled or pushed by truck or tractors); Agitator or mixer trucks (up to 5 cubic yds.); Tank truck (semi)	9.40	82.33d	52.00d	1.00	
Low boy trailers; Winch trucks; Fork trucks; Distributor trucks (front end & back end); Truck crane; Monirail truck	9.45	82.33d	52.00d	1.00	
Material checker & receiver	9.50	82.33d	52.00d	1.00	
Agitator or mixer truck (5 cubic yards & over)	9.55	82.33d	52.00d	1.00	
Mechanic's helper	9.50	82.33d	52.00d	1.00	
Mechanic	9.80	82.33d	52.00d	1.00	
Tri-axle dump trucks; Hydraulic lift tailgate truck & farm type tractors; End dumpsters; Turna-rockers; Ross carriers; Athey wagon or similar equipment; A-frame; Hydrolift; Dual purpose trucks	9.80	82.33d	52.00d	1.00	

FOOTNOTES:

a. per week per employee
b. per week per employee providing employee has been on payroll at least 30 days
c. 1 yr's employment - 1 wk's paid vacation; 7 yrs' employment - 2 wks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period.
d. per month per employee
e. an employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Yr's Day, Memorial Day, July 4th Labor Day, Thanksgiving Day, & Chirstmas Day shall receive 8 hrs pay for said holidays

STATE: Tennessee COUNTIES: *See below
DECISION NUMBER: TN77-1151 DATE: Date of Publication
Supersedes Decision No.: TN77-1129 dated October 7, 1977 in 42 FR-54734
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments or less), and Heavy Construction.

*Counties: Hamilton (Building and Heavy Construction); Marion, Polk & Rhea (Building Construction ONLY).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.75	.45	.20		.01
Boilermakers	10.05	.95	1.05		.02
Bricklayers:					
Bricklayers; Stonemasons;					
Blocklayers:					
Polk County	8.25				
All other counties	10.15	.45	.30		
Carpenters:					
Carpenters, soft floor layers	8.88	.50	.50		.03
Piledrivermen	9.505	.50	.50		.03
Millwrights	9.33	.50	.50		.03
Cement masons:					
Polk County	8.25				
All other counties	9.00				
Electricians:					
Electricians	9.65	.70	3%+.45		1%
Cable splicers	9.90	.70	3%+.45		1%
Elevator constructors:					
Mechanics	9.50	.745	.56	4%+a+b	.025
Helpers	6.65	.745	.56	4%+a+b	.025
Probationary helpers	4.75				
Glaziers	8.47			4%	
Ironworkers	9.16	.55	.50		1%
Lathers	9.25				
Leadburners	10.25	.35		d	.01
Marble, Tile, & Terrazzo:					
Hamilton, Marion, & Rhea Counties	10.15	.45	.30		
Painters:					
Commercial	7.75	.35	.30		
Industrial; Paperhanging; & Drywall	8.00	.35	.30		
Sandblasting	8.25	.35	.30		
Plasterers:					
Polk County	8.25				
All other counties	9.35				
Plumbers, pipefitters, steamfitters	10.20	.45	.50	f	.08

TN77-1151 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Composition, damp & waterproofers	8.80		.10		
Slate and tile	9.00		.10		
Kettlemen	8.40		.10		
Sheet metal workers:					
Hamilton County	9.72	.58	.66		.04
All other counties	10.22	.58	.66		.04
Sprinkler fitters	10.35	.65	.95		.08
Truck Drivers:					
Up to 3 tons	6.96	e	g		
3 to 5 tons	7.11	e	g		
5 to 7 tons	7.26	e	g		
Special equipment	7.46	e	g		

PAID HOLIDAYS WHERE APPLICABLE:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day; G- Washington's Birthday; H-Good Friday; J-Christmas Eve.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employer who has worked in business more than 5 years, and 2% for employee who has worked less than 5 years.

d. Holidays, A through J.

e. $21.50 per week for each employee.

f. Paid Holiday: D.

g. $18.00 per week for each employee.

TN77-1151 - (Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.25	.20	.30		
GROUP B	6.55	.20	.30		
GROUP C	6.45	.20	.30		
GROUP D	6.55	.20	.30		
GROUP E	6.60	.20	.30		
GROUP F	6.90	.20	.30		
GROUP G	6.95	.20	.30		
GROUP H	6.65	.20	.30		
GROUP I	6.80	.20	.30		
GROUP J	6.80	.20	.30		
GROUP K	7.05	.20	.30		

TN77-1151 - (Cont'd)

LABORERS

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling,cleaning,and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying reinforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work.

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator.

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demoliton work, flagging of rigs.

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powderman, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel laborers

GROUP I: Chuck Tender; Top lander on shaft work

GROUP J: Tunnel laborer, including men required to go down in pier hole drilled by machines

GROUP K: Head miner

TN77-1151 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.75	.30	.30		.05
GROUP B	7.95	.30	.30		.05
GROUP C	7.35	.30	.30		.05
GROUP D	7.05	.30	.30		.05

GROUP A: Backhoes; cableways; ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end-loaders; locomotives (over 20 tons); shovels; dozers; fork-lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherrypickers; tower cranes; skylift; gradall.

GROUP B: Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist; (not handling steel or stone); pump-crete machine; concrete pumps; backfillers (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; forklifts; (6' lift or under); paving machines (Blacktop/concrete); boat operator or engineer (30 tons or over); blacktop rollers; switchman; locomotive (under 20 tons); maintainers.

GROUP C: Asphalt plant; barber-green type loader; engine tender (other than steam) mixers (over 2 bags, not to include central plants); pumps (not more than 3); scrifiers; spreader box (bituminous); asphalt mixers; portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower engineman; dredge booster pump; boat operator or engineers (under 30 tons); finishing machine; fireman & oiler (Combination); motor crane oiler & driver; welding machines (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); greaser or fuel truck.

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron Hidalgo, Starr & Willacy

DECISION NO.: TX78-4016

DATE: Date of Publication

Supersedes Decision No. TX77-4280, dated September 30, 1977, in 42 FR 53171

DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.09	.50	.50		
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS	6.00				
CARPENTERS	5.11				
CEMENT MASONS	3.50				
ELECTRICIANS	6.425				
GLAZIERS	3.55				
IRONWORKERS:					
Structural & ornamental	3.50				
Reinforcing	4.02				
LABORERS:					
Common laborers	2.65				
Air tool operators	2.65				
Mason tenders	2.65				
Mortar mixers	2.65				
Plasterers' tenders	2.65				
PAINTERS	4.19				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	8.40	.40	.20		.05
ROOFERS:					
Roofers	4.06				
Kettlemen	4.40				
SHEET METAL WORKERS	4.23				
SPRINKLER FITTERS	11.15	.65	.95		.08
TILE SETTERS	3.75				
TRUCK DRIVERS	2.65				

WELDERS _ receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Taylor
DECISION NO.: TX78-4017 DATE: Date of Publication
Supersedes Decision No. TX77-4263, dated September 30, 1977, in 42 FR 53167.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories.) (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.00				
ASBESTOS WORKERS	10.03	.40	.76		.025
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS	7.20				
CARPENTERS	6.00	.25	.30		
CEMENT MASONS	5.41				
ELECTRICIANS:					
Electricians	9.40	.60	3%		1/4%
Cable splicers	9.65	.60	3%		1/4%
GLAZIERS	4.50				
IRONWORKERS	6.65	.55	.50		.10
LABORERS:					
Laborers	3.20				
Mason tenders	3.80				
LINE CONSTRUCTION:					
Lineman	9.40	.60	3%		1/4%
Cable splicers	9.65	.60	3%		1/4%
Groundman (over 1 year of experience)	7.05	.60	3%		1/4%
Groundman (under 1 year of experience)	5.64	.60	3%		1/4%
Equipment operator	7.71	.60	3%		1/4%
Flat bed truck driver	5.89	.60	3%		1/4%
PAINTERS:					
Brush, tape & bedding, paperhanger	7.65		.30		
Spray	8.525		.30		
PLASTERERS	6.60				
PLUMBERS & PIPEFITTERS	8.63	.30	.65		.05
POWER EQUIPMENT OPERATORS:					
Backhoes	4.75				
Cranes, derricks, draglines	5.575				
Drilling	5.575				
Oilers	4.65				
ROOFERS	3.94				
SHEET METAL WORKERS	6.26				
SOFT FLOOR LAYERS	3.75				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Jefferson & Orange
DECISION NO.: TX78-4018 DATE: Date of Publication
Supersedes Decision No. TX77-4260, dated September 30, 1977, in 42 FR 53162.
DESCRIPTION OF WORK: Building (including Residential) Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$10.60	1.30	.80		.06
Orange County	10.595	.525	.90		.04
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS & STONEMASONS	11.705	.63	.50		.04
CARPENTERS:					
Carpenters:					
Commercial	10.615		.30		.05
Residential construction of not more than two units & condonimium townhouses of not more than 6 units, excluding all apartments construction & multiple buildings for rental purposes	9.25		.30		
Millwrights	11.355				
Piledrivermen	10.96		.30		
CEMENT MASONS	10.20				
ELECTRICIANS	12.40	.50	3%+.285		.06
ELEVATOR CONSTRUCTORS:					
Mechanics	10.35	.745	.35	4%+a+b	.02
Helpers	70%JR	.745	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS:					
Northern ½ of Jefferson Co.	9.975				
Southern ½ of Jefferson Co. & all of Orange Co.:					
Commercial	10.25				
Residential	10.10				
IRONWORKERS	9.85	.55	1.00		.10
LABORERS:					
GROUP 1 - Common laborer; asphalt ironer & raker; sand blaster, exclusive of preparation for painters; dumper, spotter & wagon drill; powder-man-blaster; well driller	6.68	.38	.53		.02
GROUP 2 - Carpenter tender	6.83	.38	.53		.02
GROUP 3 - Cement masons tender; air tool op. (jackhammer-vibrator)	6.88	.38	.53		.02
GROUP 4 - Plaster & lather tender; pipelayers, non-metallic pipe, including handling & laying pumpcrete pipe	6.98	.38	.53		.02
GROUP 5 - Mortar mixers, hod carriers & mason tender	7.03	.38	.53		.02
GROUP 6 - Machine man & nozzleman for gunniting 1½" and over	7.155	.38	.53		.02
LATHERS	10.585	.30			.01
LINE CONSTRUCTION:					
Linemen	12.685	.50	3%		1/2%
Groundmen	9.26	.50	3%		1/2%
PAINTERS:					
Southern ½ of Jefferson Co. & all of Orange Co.:					
GROUP 1 - Brush, wood & wall, paperhanger:					
Commercial	10.25				
Residential	10.10				
GROUP 2 - Brush, steel:					
Commercial	10.30				
Residential	10.15				

DECISION NO. TX78-4018

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 3 - Spray:					
Commercial	$10.75				
Residential	10.62				
GROUP 4 - Sandblaster, power cleaning; All time spent rigging:					
Commercial	10.575				
Residential	10.36				
GROUP 5 - Brush, hot paint or creosote:					
Commercial	11.00				
Residential	10.36				
GROUP 6 - Spray, hot paint or creosote:					
Commercial	11.50				
Residential	10.89				
Twenty-five cents (25¢) per hour premium on all work from stage, chair, window jack or ledge in all classifications					
Northern ⅓ of Jefferson Co.:					
GROUP 1 - Brush:					
Commercial	10.075				
Residential	9.825				
GROUP 2 - Paper & vinyl hanger:					
Commercial	10.325				
Residential	10.075				
GROUP 3 - Brush, steel:					
Commercial	10.25				
GROUP 4 - Spray:					
Commercial	10.50				
Residential	10.25				
Twenty-five cents (25¢) per hour above the prevailing wage rate when working on window jacks or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications					
PIPEFITTERS	10.49	.65	.72		.08
PLASTERERS	10.50	.77	.30		.02
PLUMBERS	11.56	.30			.03
ROOFERS	9.11	.20	.35	.25	.03
SHEET METAL WORKERS:					
Commercial	10.41	3%+.40	.27		.10
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apartment is indivudually conditioned by a separate & independent unit or system					
	6.98	3%+.40	.27		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TILE SETTERS	10.395	.63	.30		.04
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons & wash, grease, fireman, fuel pump operators when used on construction	4.40				
GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69				
GROUP 3 - Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts	4.85				
GROUP 4 - Euclids (not self-loading)	4.95				
GROUP 5 - Warehousemen-material checker	4.965				

DECISION NO. TX78-4018

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru G

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.985		.25		
GROUP 2	9.25		.25		
GROUP 3	8.58		.25		
GROUP 4	8.39		.25		

GROUP 1 - Heavy Duty Mechanic; Blade Grade, self-propelled; Bull Clam; Back Filler; Derrick - power operated, all types; Draglines; Push Cat; Bulldozer and all types of Cat Tractors; Cableway; Backhoe; Shovel; Crane-power operated, all types; Elevating Grader, self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines & Batch Plants; Scoopmobiles; Fingerlift Operator; Elevator when used to haul men or material on construction work; Well Point System & operation of similar dewatering devices
GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO.: TX78-4019 DATE: Date of Publication
Supersedes Decision No. TX77-4261, dated September 30, 1977, in 42 FR 53165.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.15	.70	.70		.07
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS & STONEMASONS	9.60		.30		.03
CARPENTERS	8.97	.48	.40		.01
CEMENT MASONS	7.45				
ELECTRICIANS:					
Electricians	9.95	.60	3%		1/10%
Cable splicers	10.20	.60	3%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.83	.55	1.00		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	8.955	.55	1.00		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	5.175	.275	.27		
GROUP 2 - Air tool op. (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe	5.45	.275	.27		
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tender, lather tenders	5.375	.275	.27		
GROUP 4 - Wagon drill	5.525	.275	.27		
GROUP 5 - Blasters & powder men	5.775	.275	.27		
LATHERS	6.75	.20			.01
LINE CONSTRUCTION:					
Linemen	9.95	.60	3%		
Operators	80%JR	.60	3%		
Groundmen (more than 1 year experience)	55%JR	.60	3%		
Groundmen (less than 1 year experience)	50%JR	.60	3%		
Flat bed truck operator	70%JR	.60	3%		
PAINTERS:					
Brush	7.35	.30	.20		.04
Spray	8.10	.30	.20		.04
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	9.66	.39	.45		.04
ROOFERS	3.50				
SHEET METAL WORKERS	10.30	.35	.55		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	3.00				

DECISION NO.TX78-4019

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 7.20	.30	.50		.10
GROUP 2	8.10	.30	.50		.10
GROUP 3	8.50	.30	.50		.10

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated
GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

STATE: Texas COUNTIES: Bee, Kleberg & Nueces
DECISION NO.: TX78-4020 DATE: Date of Publication
Supersedes Decision No. TX77-4254, dated September 30, 1977, in 42 FR 53150.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidenal to Building Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.09	.50	.50		
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS:					
Bee County	5.50				
Kleberg & Nueces Counties	8.81	.28	.30		.05
CARPENTERS:					
Carpenters	7.74	.51	.30		.05
Millwrights	9.80				1%
CEMENT MASONS	8.50				
ELECTRICIANS:					
Electricians	10.55	.60	3%		1/2%
Cable splicers	10.675	.60	3%		1/2%
GLAZIERS (excluding Kleberg Co.)	6.85		.20		
IRONWORKERS	7.92	.55	1.00		.07
LABORERS:					
GROUP 1 - General laborer (any work not specifically defined herein)	4.80	.28	.10		
GROUP 2 - Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form ops., scaffolding, water proofers; Cement finishers; Power tool ops. icludes paving buster, jackhammer, chipping gun, air tamper, barie tamper, electric vibrator, air or gasoline driven vibrator or drills, sump pumps & any & all power driven equipment operated by laborers	5.00	.28	.10		
GROUP 3 - Pipe wrappers & dopers	5.15	.28	.10		
GROUP 4 - Gunnite nozzlemen; Powderman or blaster	5.25	.28	.10		
LATHERS	7.75	.30	.20	1.00	.01
LINE CONSTRUCTION:					
Linemen	10.75	.40	3%		1/2%
Cable splicers	10.875	.40	3%		1/2%
Groundmen (1st year)	5.38	.40	3%		1/2%
Groundmen	5.91	.40	3%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	8.18				.02
MARBLE, TILE & TERRAZZO FINISHERS:					
Marble, tile & terrazzo finisher	5.87				
Terrazzo floor machine operator	6.07				
Terrazzo base machine operator	6.22				
PAINTERS:					
Brush	7.75	.40	.25		2/10%
Sign	8.00	.40	.25		2/10%
Spray	8.15	.40	.25		2/10%

DECISION NO. TX78-4020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 9.90				.01
PLUMBERS & STEAMFITTERS	8.565	.335	.35		.035
ROOFERS:					
Roofers; Kettleman; Waterproofers; Deckmen	6.775		.25		
SHEET METAL WORKERS	8.67	.23	.275		.01
SOFT FLOOR LAYERS	7.74	.51	.30		.05
SPRINKLER FITTERS	11.15	.65	.95		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX78-4020

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.35	.32	.55		
GROUP 2	7.225	.32	.55		
GROUP 3	6.425	.32	.55		
GROUP 4	6.575	.32	.55		

GROUP 1 - Air Compressor over 125 CFM, gasoline or diesel powered; Asphalt Plant Mixer; Back Filler; Backhoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or waterwell); Bull Clam; Bulldozer; Cableway; Clamshell; Crane, power operated (all types); Crusher; Derrick, power operated (all types); Dragline; Elevating Grader; Elevator, outside the building; Euclids and similar type machines; Forklift (on construction except in warehouses); Grade-All; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine; Tugboat (on construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; Mechanic; Lubrication Engineer (required on grease racks and service trucks); All other equipment of similar nature coming within the Heavy Equipment Class when power operated

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Flexplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon Drill; Welding Machine (3 to 6) other than electric; All other equipment of similar nature coming within the Light Equipment Class when power operated

GROUP 3 - Oilers, 1st year

GROUP 4 - Oilers, 2nd year

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide

DECISION NUMBER: WY78-5014 DATE: Date of Publication

Supersedes Decision No. WY78-5008 dated January 27, 1978, in 43 FR 3868.

DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 7.49	.60	.60		.15
CEMENT MASONS	7.82	.50	.35		
IRONWORKERS:					
Structural	8.00	.35			
Reinforcing	6.32	.35			
PAINTERS:					
Brush and Spray	6.93				
LINE CONSTRUCTION:					
All work over 34.5 KV all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, streets and highway lighting:					
Cable Splicer	10.42	.35	3%		3/4%
Linemen	9.47	.35	3%		3/4%
Equipment Operators	8.55	.35	3%		3/4%
Groundmen	7.03	.35	3%		3/4%
All work 34.5 KV and under:					
Lineman	9.47	.35	3%		3/4%
Line Equipment Operator	8.19	.35	3%		3/4%
Groundman	7.03	.35	3%		3/4%

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc. Scissor Man or Hopper Man; Stake Jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition Crews	$ 5.37				
Group 2: Ashpalt Raker and Tamper; Bin Wall Installer; Biutminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type) Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type concrete buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	5.47				

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 3: Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage, lift belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	$ 5.62				
Group 4: Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	5.89				
Group 5: Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5.85				
Bull Gang; Dumpman; Mucker; Trackman	5.69				
Miners (drillers) Machine Men; Rimbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	6.12				
Nipper; Chucktender; Topman; Toplander	5.96				

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.01	.35	.35		.02
Group 2	7.06	.35	.35		.02
Group 3	7.11	.35	.35		.02
Group 4	7.15	.35	.35		.02
Group 5	7.18	.35	.35		.02
Group 6	7.23	.35	.35		.02
Group 7	7.27	.35	.35		.02
Group 8	7.29	.35	.35		.02
Group 9	7.40	.35	.35		.02
Group 10	7.46	.35	.35		.02
Group 11	7.48	.35	.35		.02
Group 12	7.66	.35	.35		.02
Group 13	7.70	.35	.35		.02
Group 14	7.77	.35	.35		.02
Group 15	7.83	.35	.35		.02
Group 16	8.00	.35	.35		.02
Group 17	8.34	.35	.35		.02

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Lay-down Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pick-up Truck Drivers (when used for hauling)	$ 5.72	.35	.35		
Dump Truck Drivers (water level capacity box):					
7 cu. yds. and less	5.77	.35	.35		
Over 7 cu. yds. to and including 10 cu. yds.	5.92	.35	.35		
Over 10 cu. yds. to and including 13 cu. yds.	6.02	.35	.35		
Over 13 cu. yds. to and including 20 cu. yds.	6.52	.35	.35		
Over 20 cu. yds. to and including 25 cu. yds.	6.52	.35	.35		
Over 25 cu. yds. to and including 30 cu. yds.	6.62	.35	.35		
Over 30 cu. yds. to and including 35 cu. yds.	6.67	.35	.35		
Over 35 cu. yds. to and including 40 cu. yds.	6.72	.35	.35		
Over 40 cu. yds. to and including 45 cu. yds.	6.77	.35	.35		
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	5.72	.35	.35		
Gravel Spreader	5.77	.35	.35		
Flat Rack Material Truck Drivers:					
Less than 2 tons	5.77	.35	.35		
2 tons to 5 tons	5.92	.35	.35		
Over 5 tons	6.02	.35	.35		
Low Boy and Tandem Axle Float Drivers	6.52	.35	.35		
Gang Truck Drivers	5.77	.35	.35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stringing Truck Drivers:					
Single axle type truck	$ 5.77	.35	.35		
Multiple axle type truck, semi	6.52	.35	.35		
Winch Trailer Truck Drivers (cable and hoist)	6.02	.35	.35		
Utility Winch Truck Drivers	6.02	.35	.35		
"A" Frame Truck Drivers	6.02	.35	.35		
Warehousemen, Partsmen and Helpers	5.77	.35	.35		
Material Checkers	5.92	.35	.35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu. yds.; Single axle	6.02	.35	.35		
Over 5 cu. yds. to and including 10 cu. yds.; Tandem axle	6.12	.35	.35		
Over 10 cu. yds.	6.22	.35	.35		
Power Broom Drivers and/or Operator	5.92	.35	.35		
Water Truck Drivers:					
2500 gal. or less (straight truck)	5.77	.35	.35		
2500 gal. or less (semi truck)	5.92	.35	.35		
Over 2500 gal. to and including 3600 gal.	6.02	.35	.35		
Over 3600 gal. (straight truck)	6.12	.35	.35		
Over 3600 gal. (semi truck)	6.22	.35	.35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty (Euclids, electric or similar type)	$ 6.52	.35	.35		
Fuel Service Truck Drivers	5.77	.35	.35		
Greasemen, Tiremen, Service Men and Helpers	5.77	.35	.35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6.72	.35	.35		
Helpers - field (welders, mechanics, etc.)	6.28	.35	.35		

SUPERSEDEAS DECISION

STATE: Wyoming

COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY78-5015

DATE: Date of Publication

Supersedes Decision No. WY78-5013 dated February 3, 1978, in 43 FR 4825

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.57	$ 1.20		
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Goshen, Laramie and Platte Cos.	9.90		.30		
Converse, Natrona and Niobrara Counties	10.00				
CARPENTERS:					
Carpenrers	9.49	.60	.60	.50	.15
Piledrivermen	9.74	.60	.60	.50	.15
CEMENT MASONS:					
Cement Masons	9.55	.50			.05
Working with composition material; Scaffold, Swing Stage or Temporary platform over 8' high; Operator of power machines	9.80	.50			.05
ELECTRICIANS:					
Goshen, Laramie, Niobrara and Platte Counties					
Electricians	10.85	.62	3%+.25		3/4of1%
Cable Splicers	11.10	.62	3%+.25		3/4of1%
Converse and Natrona Counties					
Contracts $150,000 and under:					
Electricians	9.80	.62	3%+.25		3/4of1%
Contracts over $150,000:					
Electricians	10.15	.62	3%+.25		3/4of1%
ELEVATOR CONSTRUCTORS	11.1%	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	10.60	.65	1.15		.10
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona and Niobrara Counties	10.00				
MILLWRIGHTS	9.93	.78	.85	6%	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Converse, Natrona and Niobrara Counties					
Painters, Brush and roll; Hardwood finishers; Sandblast; Pot tenders	$ 9.00	.65	.30		
Painters; Spray; Swing stage and Chair	9.80	.65	.30		
Paperhanging; Drywall Finishers (hand)	9.25	.65	.30		
Sandblast (interior); Steeplejack	10.44	.65	.30		
Sandblast (exterior)	10.00	.65	.30		
Hazardous Work	9.75	.65	.30		
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Cos.					
Zone 1 (15 miles radius from Cheyenne Post Office)	9.32	.75	.60	1.00	.18
Zone 2 (10 miles radius beyond Zone 1)	10.17	.75	.60	1.00	.18
Zone 3 (15 miles radius beyond Zone 2)	11.09	.75	.60	1.00	.18
Zone 4 (Jurisdiction beyond Zone 3)	12.31	.75	.60	1.00	.18
Zone 5 (Footnote "b")					
General Contracts $700,000.00 or less	9.32	.75	.60	1.00	.18
General contracts over $700,000.00	9.82	.75	.60	1.00	.18
Converse, Natrona and Niobrara Counties					
Zone 1 (10 miles radius from Post Office in Casper)	9.85	.70	1.25	2.00	.15
Zone 2 (10 miles radius beyond Zone 1)	10.50	.70	1.25	2.00	.15
Zone 3 (20 miles radius beyond Zone 2)	11.15	.70	1.25	2.00	.15
Zone 4 (40 miles beyond Zone 3)	12.15	.70	1.25	2.00	.15
Zone 5 (Jurisdiction beyond Zone 4)	12.90	.70	1.25	2.00	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 9.75				
SHEET METAL WORKERS:					
Converse, Natrona and Niobrara Counties	10.37	.41	.80		.02
Goshen, Laramie and Platte Cos.	10.30	.60	.90		.08
SPRINKLER FITTERS	11.05	.65	.95		.08
WELDER: RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.					
FOOTNOTES:					
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.					
b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Spring within a 5 mile radius from the Post Office.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
LABORERS (Building Construction)					
Group 1	$ 6.52	.33	.40		.05
Group 2	6.74	.33	.40		.05
Group 3	6.80	.33	.40		.05
Group 4	7.02	.33	.40		.05
Group 5	7.02	.33	.40		.05
Group 6	7.27	.33	.40		.05
Group 7	7.11	.33	.40		.05
Group 8	7.00	.33	.40		.05
Group 9	6.84	.33	.40		.05
HEAVY CONSTRUCTION					
Carpenters	7.49	.60	.60		.15
Cement Masons	7.82	.50	.35		
Ironworkers, Structural	8.00	.35			
Ironworkers, Reinforcing	6.32	.35			
Painters, brush and spray	6.93				

LABORERS
(Building Construction)

Group 1: Axeman and hand faller; Concrete worker (wet or dry)(curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fences, snow fence, etc., guard rails, section rails, reference posts, guide posts, sings and right-of-way markers); Form stripper; Form setter helper (paving); General laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters' helpers, corrugated; All work pertaining to pre-watering, pre-irrigation and pre-wetting; Rodman; Riprap Man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Scissorman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operated vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; Culvert pipe, meulti-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collar-man; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill Doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

LABORERS Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc. Scissor Man or Hopper Man; Stake Jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition Crews	$ 5.37				
Group 2: Ashpalt Raker and Tamper; Bin Wall Installer; Biutminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type concrete buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	5.47				

LABORERS (Cont'd) Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 3: Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage, lift belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	$ 5.62				
Group 4: Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	5.89				
Group 5: Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5.85				
Bull Gang; Dumpman; Mucker; Trackman	5.69				
Miners (drillers) Machine Men; Rimbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	6.12				
Nipper; Chucktender; Topman; Toplander	5.96				

POWER EQUIPMENT OPERATORS Heavy Construciton	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.01	.35	.35		.02
Group 2	7.06	.35	.35		.02
Group 3	7.11	.35	.35		.02
Group 4	7.15	.35	.35		.02
Group 5	7.18	.35	.35		.02
Group 6	7.23	.35	.35		.02
Group 7	7.27	.35	.35		.02
Group 8	7.29	.35	.35		.02
Group 9	7.40	.35	.35		.02
Group 10	7.46	.35	.35		.02
Group 11	7.48	.35	.35		.02
Group 12	7.66	.35	.35		.02
Group 13	7.70	.35	.35		.02
Group 14	7.77	.35	.35		.02
Group 15	7.83	.35	.35		.02
Group 16	8.00	.35	.35		.02
Group 17	8.34	.35	.35		.02

POWER EQUIPMENT OPERATORS
Heavy Construction

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy Construction

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Lay-down Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

TRUCK DRIVERS Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pick-up Truck Drivers (when used for hauling)	$ 5.72	.35	.35		
Dump Truck Drivers (water level capacity box):					
7 cu. yds. and less	5.77	.35	.35		
Over 7 cu. yds. to and including 10 cu. yds.	5.92	.35	.35		
Over 10 cu. yds. to and including 13 cu. yds.	6.02	.35	.35		
Over 13 cu. yds. to and including 20 cu. yds.	6.52	.35	.35		
Over 20 cu. yds. to and including 25 cu. yds.	6.52	.35	.35		
Over 25 cu. yds. to and including 30 cu. yds.	6.62	.35	.35		
Over 30 cu. yds. to and including 35 cu. yds.	6.67	.35	.35		
Over 35 cu. yds. to and including 40 cu. yds.	6.72	.35	.35		
Over 40 cu. yds. to and including 45 cu. yds.	6.77	.35	.35		
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	5.72	.35	.35		
Gravel Spreader	5.77	.35	.35		
Flat Rack Material Truck Drivers:					
Less than 2 tons	5.77	.35	.35		
2 tons to 5 tons	5.92	.35	.35		
Over 5 tons	6.02	.35	.35		
Low Boy and Tandem Axle Float Drivers	6.52	.35	.35		
Gang Truck Drivers	5.77	.35	.35		

TRUCK DRIVERS (Cont'd) Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stringing Truck Drivers:					
Single axle type truck	$ 5.77	.35	.35		
Multiple axle type truck, semi	6.52	.35	.35		
Winch Trailer Truck Drivers (cable and hoist)	6.02	.35	.35		
Utility Winch Truck Drivers	6.02	.35	.35		
"A" Frame Truck Drivers	6.02	.35	.35		
Warehousemen, Partsmen and Helpers	5.77	.35	.35		
Material Checkers	5.92	.35	.35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu. yds.; Single axle	6.02	.35	.35		
Over 5 cu. yds. to and including 10 cu. yds.:					
Tandem axle	6.12	.35	.35		
Over 10 cu. yds.	6.22	.35	.35		
Power Broom Drivers and/or Operator	5.92	.35	.35		
Water Truck Drivers:					
2500 gal. or less (straight truck)	5.77	.35	.35		
2500 gal. or less (semi truck)	5.92	.35	.35		
Over 2500 gal. to and including 3600 gal.	6.02	.35	.35		
Over 3600 gal. (straight truck)	6.12	.35	.35		
Over 3600 gal. (semi truck)	6.22	.35	.35		

TRUCK DRIVERS (Cont'd) Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty (Euclids, electric or similar type)	$ 6.52	.35	.35		
Fuel Service Truck Drivers	5.77	.35	.35		
Greasemen, Tiremen, Service Men and Helpers	5.77	.35	.35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6.72	.35	.35		
Helpers - field (welders, mechanics, etc.)	6.28	.35	.35		

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FRIDAY, MARCH 10, 1978
PART VII

federal register

SECURITIES AND EXCHANGE COMMISSION

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CLEARING AGENCIES

Proposed Registration Standards

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 241]

[Release No. 34-14531; File No. S7-699]

REGULATION OF CLEARING AGENCIES

Proposed Registration Standards

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Registration Standards.

SUMMARY: The Commission today requested comment on revised standards proposed to be applied by the Commission in connection with the registration of clearing agencies. The revised proposed standards are designed to serve as guidelines for clearing agencies to follow in modifying their organization and rules to comply with provisions in the Securities Exchange Act of 1934 applicable to registration.

DATES: Comments on or before April 24, 1978.

ADDRESSES: Written comments, submitted in triplicate, should be addressed to The Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should refer to File No. S7-699.

FOR FURTHER INFORMATION CONTACT:

Harry Melamed, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-7987.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today requested comment on revised proposed standards that will be used to make the determinations required by Section 17A(b)(3) of the Securities Exchange Act of 1934 (the "Act") in connection with the registration of clearing agencies. The Commission also announced the issuance of an order, pursuant to paragraph (c) of 17 CFR 240.17Ab2-1 under the Act, extending until August 31, 1978, the existing registrations of The Depository Trust Co., Bradford Securities Processing Services, Inc., Stock Clearing Corp. of Philadelphia, Boston Stock Exchange Clearing Corp., Midwest Securities Trust Co., The Options Clearing Corp., Midwest Clearing Corp., Pacific Securities Depository Trust Co., Pacific Clearing Corp., New England Securities Depository Trust Co., and National Securities Clearing Corp., and announced the extension of time to that date for concluding proceedings, pursuant to Sections 17A and 19 of the Act and 17 CFR 240.17Ab2-1 thereunder, to determine whether to grant or deny registration when their existing registrations expire. [1]

Background

Section 17A(b) of the Act makes it unlawful for a clearing agency [2] to perform clearing agency functions with respect to any security (other than an exempted security) unless the clearing agency is registered with the Commission. Section 17A(b)(3) of the Act requires the Commission, before granting registration, to make a number of determinations with respect to a clearing agency's organization, capacity, and rules.[3] On November 3, 1975, pursuant to Section 17A(b) of the Act, the Commission adopted 17 CFR 240.17Ab2-1 and related Form CA-1 for the registration of clearing agencies.[4] Paragraph (c)(1) of 17 CFR 240.17Ab2-1 provides that, if requested by a registrant, the Commission may grant registration for 18 months without making all of the determinations called for by Section 17A(b)(3). This approach to registration was intended to permit clearing agencies to be registered in compliance with the Act upon a finding that their operations were safe, while affording the Commission sufficient time to make the determinations called for by Subparagraphs (A) through (I) after fully considering the issues involved, particularly those pertinent to the establishment of a national clearing and settlement system.

A number of clearing agencies were granted interim registrations in accordance with paragraph (c)(1), and the Commission by order subsequently extended the registrations. The Commission also instituted proceedings to determine whether to make the interim registrations permanent.[5] On June 1, 1977, the Commission proposed standards for measuring clearing agencies' organization, rules and procedures against the required statutory determinations.[6] Thirteen lengthy comment letters were received, and after carefully reviewing those letters, the Commission substantially revised its proposed standards and determined to republish them for comment.

Revised Proposed Standards

The revised proposed standards are intended to facilitate the establishment of a national system for the clearance and settlement of securities transactions in accordance with the objectives of Section 17A of the Act. The standards as revised are now more flexible and will provide greater latitude to each clearing agency and the Commission in accomplishing the objectives.

The revised proposed standards would be applied by the Commission in making the determinations required by Subparagraph (A)-(I) in connection with the registration of clearing agencies.[7]

The Commission recognizes that the determinations are similar in many respects to those which the Commission is required to make in connection with the registration of national securities exchanges and associations pursuant to Sections 6(b) and 15A(b) of the Act. These standards are intended, however, to apply only to the determinations required by Section 17A(b)(3) of the Act and are being proposed primarily in light of the purpose of Section 17A of the Act.

Section 17A of the Act requires the Commission to use its authority under the Act to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities in accordance with the findings, and to carry out the objectives set forth, in Section 17A. In using its authority, the Commission is to have due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and the maintenance of fair competition among brokers and dealers, clearing agencies and transfer agents.

Section 17A(b)(3) of the Act provides, in part, that the Commission shall not grant registration as a clearing agency to an applicant unless the Commission determines that (1) the applicant's rules are designed to foster cooperation and coordination with

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[1] The Commission today, by order, instituted proceedings to determine whether to grant or deny the registration of National Securities Clearing Corp. when its current registration expires. That clearing agency was organized after interim registration was granted to the other entities, and it has not before now been made a subject of such proceedings.

[2] The term "clearing agency" is defined in Section 3(a)(23) of the Act.

[3] The determinations are contained in subparagraphs (A) through (I) of Section 17A(b)(3) of the Act ("Subparagraphs (A)-(I)").

[4] Securities Exchange Act Release No. 11787 (November 3, 1975), 40 FR 52358 (November 10, 1975).

[5] General background information concerning the interim registrations, the extensions of the registrations and the institution of proceedings in contained in Securities Exchange Act Release No. 13584 (June 1, 1977), 42 FR 30065 (June 10, 1977) and Securities Exchange Act Release No. 13664 (June 23, 1977), 42 FR 33394 (June 30, 1977) and Securities Exchange Act Release No. 13911 (August 31, 1977).

[6] *See* Securities Exchange Act Release No. 13584. The comment period expired on July 15, 1977.

[7] The Subparagraphs (A)-(I) determinations are contained in Section 17A(b)(3) of the Act.

persons engaged in securities processing and to remove impediments to and perfect the mechanisms of a national system for the clearance and settlement of securities transactions and (2) the applicant's rules do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

At the time of permanent registration, the Commission will review the rules of clearing agencies not only for compliance with the final standards that will be adopted but also to determine whether the rules impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Thus, rules which provide a tying relationship as well as any other rules which burden competition will be reviewed with a view to eliminating those that do not comport with the Act. In addition, the Commission will determine that the rules of clearing agencies are designed to foster cooperation among clearing agencies as well as other entities involved in securities processing with a view to the establishment of an efficient nationwide system.

The proposed standards must be viewed in the context of the Commission's responsibilities, among other things, to facilitate the establishment of a national market system and a national clearing system and to use its authority to end the physical movement of securities in connection with settlements among broker-dealers. It is possible that accomplishment of the Commission's responsibilities may be impeded if a dominant entity or entities has an access or other requirement which prevents potential participants from using the entity's facilities. Some commenters suggested that dominant entities should be subject to different standards from those applied to other clearing agencies. The Commission requests comments on whether, and how, the standards for a dominant entity or entities should differ from the standards applied to other entities.

It should be noted that while some of the revised proposed standards are stated with particularity, others provide for application by the Commission on a case by case basis. The ensuing description of the Commission's revised proposed standards is organized as follows:

I. Participation Standards.
II. Fair Representation.
A. Governance Procedures.
B. Notice of Proposed Rule Changes.
C. Public Directors.
III. Capacity to Enforce Rules, Disciplinary Actions and Fair Procedures.
IV. Safeguarding of Securities and Funds and Prompt and Accurate Clearance and Settlement of Securities Transactions.
A. Organization.
B. Financial Reports.
C. Internal Accounting Control Reports.
D. Securities, Funds and Data Controls.
V. Obligations to Participants.
A. Clearing Funds.
B. Standard of Care.
VI. Participant Charges.
VII. Equitable Allocation of Reasonable Dues, Fees and Other Clearing Agency Charges.
VIII. The National System.
IX. Other Matters.

I. Participation Standards

Section 17A(b)(3)(B) of the Act states that a clearing agency shall not be registered unless the Commission determines that

> * * * the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

This requirement is modified by Section 17A(b)(4)(B) of the Act which provides that a registered clearing agency may deny or condition the participation of any person who does not meet the standards of financial responsibility, operational capability, experience and competence prescribed by the rules of the clearing agency.[8]

A registered clearing agency is empowered to examine and verify the qualifications of an applicant in accordance with procedures established by the rules of the clearing agency. This authority, however, must be viewed in the context of Section 17A(b)(3)(F) of the Act which provides, among other things, that the rules of a clearing agency may not be "designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency * * *", and Section 17A(b)(3)(I) of the Act which provides that the rules of a clearing agency may not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Together the Act's provisions appear to permit discriminations in admission to, or the use of, a clearing agency based on standards of financial responsibility, operational capability, experience and competence provided that the Commission finds the rules embodying the discriminations to be in the public interest and consistent with the other requirements of the Act applicable to registered clearing agencies, including the establishment of a national system. *And provided,* That the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[9]

The Commission believes that the rules of a clearing agency should (i) provide the statutory categories of participants access to the clearing agency and its services on a basis which does not discriminate unreasonably or unfairly, (ii) protect the clearing agency's financial and operational intergrity and (iii) carry out the purposes of Section 17A of the Act, including facilitating the establishment of a national system.

In Securities Exchange Act Release No. 13584 (hereinafter referred to as the "Release") in which the Commission announced its proposed standards, the Commission requested comments on whether clearing agency rules must limit the standards for participation by the statutory categories of participants[10] to the statutory and regulatory standards which qualify entities for those categories or whether clearing agencies may set higher or different standards. For example, may a clearing agency impose a higher net capital standard for broker-dealer participants or a higher reserve requirement for bank or insurance company participants than imposed by their respective regulatory authorities? In the Release, the Commission stated that it was "inclined to the view that clearing agencies may not impose participation standards conflicting with those provided by the regulatory structures defining the statutory participant categories but rather must assure clearing agency financial and operational intergrity through clearing agency procedures and internal safeguards." The Commission requested comment on any adverse impact which that approach might have on the safety of clearing agency operations.[11]

A number of commenters indicated that the minimum qualifications necessary for the statutory participant categories should be adequate for participation in a registered clearing agency. One commenter agreed with the Commission that registered clearing agencies need not impose participation standards conflicting with those provided by the regulatory structures defining the statutory participant categories and must assure

[8] The Section 17A(b)(3)(B) requirement is also modified by Section 17A(b)(4)(A) of the Act which provides that a registered clearing agency may, and in cases in which the Commission, by order, directs as appropriate in the public interest shall, deny participation to any person subject to a statutory disqualification.

[9] Sections 19(b), 17A(a)(2) and 17A(b)(3)(A), (F) and (I) of the Act.

[10] The statutory categories of participants are set forth in Section 17A(b)(3)(B) of the Act.

[11] In the Release, the Commission recognized that the statutory participant categories includes entities subject solely to state regulation which may vary from state to state.

clearing agency financial integrity through clearing agency procedures and safeguards such as clearing funds and examination and surveillance programs in cooperation with other self-regulatory organizations.[12] This commenter suggested that not to do so would discriminate unfairly against smaller broker-dealers by precluding them from utilizing the facilities of the national clearing system. This commenter suggested that preclusion of smaller broker-dealers from participation in a national clearing system would be inconsistent with the goal of creating a viable national market system in which broker-dealers would be able to effect the best execution for their customers regardless of their location. These commenters agreed that all parties should be encouraged to participate in registered clearing agencies.

A number of other commenters stated that a clearing agency should be allowed to impose whatever standards it deems necessary in the absence of discrimination or burdens on competition. They noted that the minimum standards for an entity to qualify for inclusion in the statutory participant category were designed for the protection of particular classes of persons such as customers, stockholders, depositors and policyholders, not for the protection of entities such as clearing agencies and that such standards will vary depending on the identity of the regulator.

These commenters indicated that clearing agency management should be allowed to set standards higher than the minimum requirements for that type of participant if deemed necessary. Such standards would be subject to Commission approval. They noted that the decision to adopt any particular standard must remain a matter of management judgment subject to standards of fairness and nondiscrimination. The commenters in general urged a flexible approach in order that a clearing agency be allowed to protect itself against unreasonable risks.

Additionally, a number of commenters stated that Commission limitations on participation requirements to those provided by the regulatory structure defining the statutory participant category would constitute a denial of the specific authority granted under Section 17A(b)(4)(B) of the Act which permits clearing agencies to set standards of financial responsibility, operational capability, experience and competence.

[12] Another commenter stated that in general clearing agencies should accede to the financial responsibility requirements which are imposed on broker-dealers and most banks as a condition to their doing business. However, this commenter did indicate a need for flexibility.

In light of the comments, the Commission believes that it would not be appropriate to limit clearing agencies' standards for participation to the minimum requirements imposed upon the various categories of participants by their respective regulatory authorities. The Commission believes that a clearing agency should be allowed to impose whatever reasonable higher or additional standards it deems necessary to protect the clearing agency and its participants from unreasonable risks.[13] The requirements would have to comply with the Act and would be subject to Commission approval, and a clearing agency would have the obligation to justify any anticompetitive effect of particular requirements. Any anticompetitive effect must be viewed in light of, among other things, the number of entities providing clearance and settlement and depository services, their standards for participation, their fees, the availability of correspondent arrangements to provide indirect access to a clearing agency, the cost and other factors which must be considered in establishing a correspondent relationship, and the national market system. Any person aggrieved by the application of such standards by a clearing agency may apply for relief to the appropriate regulatory agency for the participant.

In the Release, the Commission stated that the statutory categories of participants vary widely in the businesses they conduct and the regulations to which they are subject. The risk of loss to clearing agencies from participant defaults, however, is the same for all participants which avail themselves of similar clearing agency services. In the Release, the Commission indicated that, in view of the vagaries to which a creditor clearing agency would be subject under the variety of specialized liquidation procedures applicable to the entities represented in the statutory participant categories,[14] it was considering a requirement that, with the exception of registered clearing agencies acting as participants, all users of services offered by registered clearing agencies be required to comply fully with the clearing agency internal financial and operational safeguards—such as clearing fund deposits and mark-to-the-market procedures[15]—related to the services used. In the Release, the Commission invited comments on the effects its proposed approach would have on participation in clearing agencies, views on the possible need for alternative approaches and suggestions for their implementation. In particular, the Commission requested comments on whether banks and insurance companies, as clearing agency participants, should be subject to the same internal financial and operational safeguards as broker-dealer participants or whether, because of the peculiarities of banking and insurance and the kinds of risks to which banks and insurance companies might subject a clearing agency, they should be subject to different safeguards.

The Commission also indicated that, unlike other categories of statutory participants, registered clearing agencies[16] should be permitted to participate in or interface with other registered clearing agencies without complying with all of the contra (host) clearing agencies, conditions for participation and without paying the same fees as other participants for services necessary to facilitate participation or establish interfaces.

The Commission also invited comment on what risks participation by a registered clearing agency would present to the contra clearing agency and what, if any, conditions for participation should be complied with by participating clearing agencies in order to minimize such risks.

The comments on these matters varied considerably. A number of commenters indicated that all participants in a clearing agency should be subject to the same standards regardless of whether they were brokers, banks or other registered clearing agencies. They also believed that all participants should be subject to the same clearing agency safeguards, such as clearing fund deposits and mark-to-the-market payments, because the risk of loss from participant default is the same for all participants which use similar clearing agency services, not-

[13] The Commission believes that the standards of financial responsibility applicable to each category of participant might vary according to the traditional methods of measuring the financial responsibility of each category.

[14] For example, liquidations of national banks are governed by the National Bank Act, 12 U.S.C. Section 191 et seq.; liquidations of banks insured by the Federal Deposit Insurance Corporation are governed in part by the Federal Deposit Insurance Act, 12 U.S.C. Section 1811 et seq.; liquidations of state non-insured banks are governed by state law; and liquidations of brokers and dealers may be governed by the Securities Investor Protection Act of 1970, 15 U.S.C. 78aaa et seq.

[15] Mark-to-the-market procedures require payment to a clearing system by any party to a trade guaranteed by the system when the market price of the securities involved in the trade moves away from the contract price for the trade.

[16] In the Release, the Commission indicated that clearing agencies would be subject to a number of regulatory requirements. The Commission also indicated that the ability of clearing agencies freely to participate in or interface with other clearing agencies is essential to the establishment of a national system.

withstanding differences in the types of business conducted by participants. They noted that clearing agencies, when acting as participants, should pay the same fees and be subject to the same requirements as other participants. One commenter suggested that a clearing agency participating in another clearing agency should collateralize its obligations to the other clearing agency by assigning a portion of its clearing fund. While one commenter felt that a registered clearing agency should not be required to comply with all of the contra clearing agency's participation requirements, it did note that an interface may pose risk to another clearing agency and that there should be an agreement defining the risks for each clearing agency.

Other commenters expressed the opinion that, in order to facilitate the establishment of a national clearing system, one registered clearing agency participating in another registered clearing agency should not be subject to any requirements other than registration with the Commision. Many of the commenters reemphasized the need to allow clearing agencies flexibility in setting standards for paticicpation by different categories of participants in different types of services. One commenter suggested that banks should not have to make clearing fund deposits or mark-to-the-market payments.

After reviewing the comments, the Commission believes that the risk of loss to clearing agencies from participant default is the same for all participants which avail themselves of similar clearing agency services. Therefore, it believes that all users of similar clearing agency services, except registered clearing agencies for which specialized requirements are appropriate as discussed below, should be required to comply fully with clearing agency internal financial and operational safeguards, such as clearing fund deposits, mark-to-the-market payments and margin deposits related to the service used.[17]

With respect to participation or interface by one clearing agency in another clearing agency, the Commission believes that registration as a clearing agency should qualify clearing agencies for participation in or interface with other clearing agencies. The Commission does not believe, however, that a clearing agency participant need not assure another clearing agency of its ability to meet its obligations to that clearing agency. For this reason, the Commission believes that clearing agencies may, in a manner which does not discriminate among clearing agencies or burden competition among them and which facilitates the establishment of a national system, asssure themselves of another clearing agency's performance of its obligations.[18] The Commission believes that, based upon the particular type of participation or interface and the applicable facts, clearing agencies should be capable of making suitable arrangements in this area subject to Commission approval. Such arrangements must be entered into expeditiously between the parties and may not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Section 17A(b)(3)(B) of the Act includes in the enumerated categories of clearing agency participants such "other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system * * *." In the Release, the Commission invited comment on whether there are additional entities whose participation in clearing agencies would contribute meaningfully to the development of a national system. Since only one commenter suggested that the Commission exercise its rulemaking authority to designate additional entities (private trustees and foreign entities), the Commission does not believe it appropriate to exercise its rulemaking authority at this time.

II. Fair Representation

Section 17A(b)(3)(C) of the Act states that a clearing agency shall not be registered unless the Commission determines that

> [t]he rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

The Act does not define fair representation but reserves to the Commission the authority to determine whether the rules of the clearing agency give fair voice to participants as well as to shareholders or members in the selection of directors and the administration of its affairs.[19]

A. Goverernance Procedures

In the Release, the Commission noted that it did not intend to preclude the operation of clearing agencies for profit and stated that it was contemplating a requirement that the rules of a clearing agency permit its participants, who also may be members or shareholders, to select directly or indirectly, the clearing agency's board of directors. The Commission discussed several procedures for affording clearing agency participants a voice in the nomination and election of clearing agency directors which it believed would be consistent with the fair representation standards of the Act.

These methods include (1) solicitation of board of directors nominations from all participants; (2) selection of candidates for election to the board of directors by a nominating committee which would be composed of, and selected by, the participants or representatives chosen by participants; (3) direct participation of participants in the election of directors through the allocation of voting stock to all participants based on their usage of the clearing agency;[20] and (4) enabling participants to select a slate of nominees and then requiring stockholders of the clearing agency to vote their shares for those nominees.[21]

The Release noted that by referring to "a reasonable opportunity (for participants) to acquire voting stock of

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[17] Of course, if the clearing agency is unable to obtain current and reliable financial information for a particular participant category, higher clearing agency internal financial and operational safeguards may be appropriate for that participant category.

[18] Of course, in an interface between two clearing agencies which use a continuous net settlement system and require mark-to-the-market payments, the latter payments must be made to each other as appropriate.

[19] The fair representation requirement was adopted verbatum from S. 249, the Senate version of the Securities Acts Amendments of 1975 (the "1975 Amendments"). The report of the Senate Committee on Banking, Housing and Urban Affairs to accompany S. 249 states:

"The rules of the clearing agency must assure fair representation of its shareholders (or members) and participants in the decision making process of the clearing agency * * *. The reference to shareholders or members makes it clear that the bill establishes no norm as to whether clearing agencies should or should not be operated for profit. The Bill makes no attempt to set up particular standards of representation or participation. Rather, it provides that the Commission must assure itself that the rules of the clearing agency regarding the manner in which decisions are made give fair voice to participants as well as to shareholders or members. Fair representation of participants may be found if they are afforded an opportunity to acquire voting stock of the clearing agency in proportion to their use of its facilities."

"Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249," S. Rep. 94-75, 94th Cong., 1st Sess. 123-24 (1975).

[20] The Release indicated that the voting stock should have to be available to the extent permitted by state corporation laws, gratis or at a nominal cost.

[21] It was suggested in the Release that participant voting in connection with the selection of nominees could be based on the participants' use of the clearing agency.

the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency," the Act appears to contemplate basing fair representation on usage of the clearing agency. In the Release, the Commission requested comment on whether additional factors should be considered in determining the fairness of participant representation in a clearing agency's affairs.

The comments with respect to fair representation of participants in the selection of directors and the administration of a clearing agency's affairs varied considerably. Some commenters agreed with one or another of the approaches suggested by the Commission. Other commenters took issue with the Commission's suggested approaches and suggested that clearing agencies be allowed considerable flexibility in assuring fair representation to participants.

One commenter questioned the concept of user control but stated that it was not oppossed to user representation. Other commenters maintained that instead of direct user control of a clearing agency, a clearing agency should be allowed to develop alternatives to the direct selection of directors. For example, one clearing agency commenter noted that it is a wholly-owned subsidiary of a national securities exchange, which is in turn owned by exchange members. According to the commenter, its participants with one exception are all exchange members who select the exchange's board of directors, who in turn elect the clearing agency's board of directors. The commenter believed that its system gives its participants a fair representation in the selection of directors and the administration of its affairs.

Other commenters suggested that competition among clearing agencies would give participants a fair voice in the affairs of the clearing agency since participants will be able to leave one clearing agency for another.

One commenter stated that user control of the board of directors was inconsistent with the concept of a "for-profit clearing agency" which is expressly permitted by the legislative history of the 1975 Amendments. This commenter maintained that the concept of a participant advisory committee (which would be selected and elected by the participants) meeting with and advising the board of directors would conform to the statutory provisions that participants be given a fair voice in the decision making process of the clearing agency and at the same time provide for the continued existence of for-profit clearing agencies.

Some commenters rejected the proposal that participants should be given the right to purchase stock in the clearing agency in proportion to their usage of the clearing agency. These commenters believed that smaller participants would have insufficient representation because of the great discrepancies which exist in the relative sizes of clearing agency participants. One commenter noted that the large clearing agency participants would be the same ones who have long wished for a single clearing entity and could have an anti-competitive effect on the smaller clearing agency. The proposal that clearing agencies allocate shares of their stock to participants free of charge or at a nominal cost drew sharp criticism from some commenters who stated that it raised serious questions of constitutional law.

The Commission recognizes that the owners of an organization usually have voting and administrative powers over their holdings. The statute, however, provides that a clearing agency must assure a fair representation of its shareholders (or members) and participants in the selection of its directors and the administration of its affairs. The Commission notes that clearing agencies are affiliated with exchanges, profit making entities or user cooperatives. Therefore, the Commission has determined that rather than prescribe a single method of providing fair representation to shareholders (or members) and participants in the selection of clearing agency directors and the administration of its affairs, it should evaluate each clearing agency's procedures in this area on a case by case basis. In addition to the methods described in the Release,[24] the Commission believes that a number of other methods could comply with the fair representation standard. For example, some seats on the board of directors could be devoted to participant directors who would be chosen by, and from among, the users.

B. NOTICE OF PROPOSED RULE CHANGES

In the Release, the Commission made several proposals to ensure that participants will have sufficient information concerning a clearing agency's affairs to participate meaningfully in its administration. For example, the Commission proposed to require clearing agencies to furnish participants with annual and quarterly financial statements, examination reports on the clearing agencies' systems of internal accounting control, and explanations of proposed dues, fees or charges.[25] The Commission also suggested that participants should have notice of, and an opportunity to comment on, proposed rule changes affecting participants' rights or obligations before the changes are submitted to the Commission.[26]

Most commenters did not endorse this proposal. The commenters were concerned that this additional requirement would add further delay and thereby deny clearing agency participants the benefits of prompt rule changes. Some commenters preferred the present procedure under which management determines whether to seek participant comment before submitting a proposed rule change to the Commission. One commenter believed advance notice of rule changes to participants to be unnecessary because most clearing agency rules are noncontroversial, are originally suggested by the participants and are initiated by the clearing agency's staff to benefit all participants or to deal with matters in which participants have no immediate interest. Some commenters pointed out that prior comment on rule submissions was rejected by Congress during its consideration of the predecessor to S. 249, the precursor to the 1975 Amendments. One commenter, however, endorsed the Commission's proposal because it believed that members are more likely to comment on matters brought directly to their attention.

The commenters suggested possible alternatives to the Commission's proposed requirement. One commenter stated that clearing agencies could be required to send out copies of the notice of the proposed rule change appearing in the FEDERAL REGISTER. Another commenter suggested a requirement similar to one contained in its rules which requires it to give participants written notice of each proposed rule change as promptly as practicable after the rule change is filed with the Commission. The commenter noted that it sends a monthly bulletin to participants which gives the text of each proposed rule change filed with the Commission since the press date of the last bulletin.

After considering the comments, the Commission believes that all participants should be kept adequately informed of a clearing agency's proposed rule changes. To meet this standard, the Commission is considering a requirement that clearing agencies, as soon as possible after filing with the Commission, provide participants the text of a proposed rule change or a

[24] In connection with the proposal for allocation of voting stock described in the Release, the Commission would not require that voting stock be made available gratis or at a nominal cost.

[25] For a discussion of the Commission's position on furnishing these statements, reports, and explanations to participants, see pp. 59-73 and 94-99.

[26] To effectuate this, the Commission recommended that the notices contain at least the text and purpose of the proposed rule change and a request for comments and provide participants a reasonable period to review the proposed rule change and submit comments.

brief description of the proposed rule change and its purpose. The Commission believes that the comment process will be more effective if clearing agencies bring proposed rule changes directly to their participants' attention.

C. PUBLIC DIRECTORS

The Commission requested comment as to whether it would be in the public interest to require that clearing agencies have one or more directors who would be representative of issuers and investors and who would not be associated with any participant or self-regulatory organization.

The commenters felt that this requirement could not easily be fulfilled because of the nature of clearing agency operations. They stated that the business of clearing agencies involves highly technical activities as to which non-users have a remote interest. Consequently, it would be difficult for a clearing agency to find non-user directors who would have the expertise effectively to represent issuer or investor interests. The commenters also questioned whether the clearing agency would benefit from investor or issuer representation. One commenter indicated that this requirement would reduce the management benefits available from participant directors from various parts of the financial community who have a more direct understanding of the nature of clearing agency business. Several commenters asserted that Congress made a conscious decision to mandate public representation on an exchange's [27] or association's [28] board of directors but not on a clearing agency's board of directors.[29] Some commenters indicated that the difference in requirements can be explained by the difference between exchange or association responsibilities and clearing agency responsibilities. They noted that exchanges and associations are charged with regulating dealings between their members and the public, whereas the clearing agencies' regulatory functions relate primarily to dealings among their participants or between their participants and the clearing agency. The Commission has determined not to require a clearing agency to seat a representative of issuers and investors on its board at this time. A clearing agency may, however, include such a person on its board if it wishes, and the Commission urges clearing agencies to do so.

III. CAPACITY TO ENFORCE RULES, DISCIPLINARY ACTIONS AND FAIR PROCEDURES

Section 17A(b)(3)(A) of the Act, in pertinent part, provides that a clearing agency shall not be registered unless the Commission determines that:

> The clearing agency is so organized and has the capacity * * * to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency.

The Commission has not exercised its authority under Section 17(d)(1)[30] of the Act to relieve any registered clearing agencies of their responsibility to enforce compliance with their rules. Accordingly, the Commission currently is not prepared to register clearing agencies unless they have the organization and capacity to determine whether their rules are being complied with and, if they are not being complied with, to appropriately discipline non-complying participants.

In reviewing the organization and capacity of clearing agencies, the Commission intends, among other things, to evaluate their procedures for determining whether a participant is experiencing financial or operational difficulties, their arrangements for exchanging information with other self-regulatory organizations and the training and experience of the staff engaged in carrying out self-regulatory responsibilities.

In the Release, the Commission indicated that, in appropriate circumstances, and in accordance with section 17(d) of the Act and 17 CFR 240.17d-2 thereunder, the Commission is prepared to use its authority to relieve registered clearing agencies of certain of their self-regulatory responsibilities and to permit their allocation to other self-regulatory organizations of which clearing agency participants are members or participants. In the Release, the Commission requested comment on the circumstances under which clearing agencies should be relieved of their self-regulatory responsibilities, the responsibilities of which clearing agencies should be relieved and the responsibilities which clearing agencies should retain. A number of commenters suggested that clearing agencies should be able to rely on the staffs of the various self-regulatory organizations to conduct examinations and on-going review and surveillance of the financial condition of clearing agency participants, including their compliance with clearing agency rules and procedures, but that the disciplinary process itself should be conducted by the clearing agency.[31]

[27] See Section 6(b)(3) of the Act.
[28] See Section 15A(b)(4) of the Act.
[29] See Section 17A(b)(3)(C) of the Act.

[30] Section 17(d)(1) of the Act, in pertinent part, provides:

> The Commission, by rule or order, as it deems necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of a national market system and national system for the clearance and settlement of securities transactions, may—
>
> (A) With respect to any person who is a member of or participant in more than one self-regulatory organization, relieve any such self-regulatory organization of any responsibility under this title (i) to receive regulatory reports from such person, (ii) to examine such person for compliance, or to enforce compliance by such person, with specified provisions of this title, the rules and regulations thereunder, and its own rules, or (iii) to carry out other specified regulatory functions with respect to such person, and
>
> (B) Allocate among self-regulatory organizations the authority to adopt rules with respect to matters as to which, in the absence of such allocation, such self-regulatory organizations share authority under this title.
>
> In making any such rule or entering any such order, the Commission shall take into consideration the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and such other factors as the Commission may consider germane to the protection of investors, cooperation and coordination among self-regulatory organizations, and the development of a national market system and a national system for the clearance amd settlement of securities transactions * * *.

On October 28, 1976, the Commission adopted 17 CFR 240.17d-2 under the Act (Securities Exchange Act Release No. 12935), 41 FR 49091 (November 8, 1976), to enable self-regulatory organizations to file with the Commission, and the Commission to declare effective, plans allocating self-regulatory responsibilities among self-regulatory organizations. A number of plans have been filed by self-regulatory organizations, but to date no plans have been declared effective by the Commission.

[31] One commenter indicated that although a clearing agency may have residual regulatory responsibility to ensure compliance with its rules, it should be allowed to rely upon the surveillance activities of regulatory and self-regulatory organizations with respect to general financial and operational capabilities of participants. In instances where a participant is not subject to such oversight, the clearing agency should be allowed, subject to Commission review, to enter into contractual arrangements with other self-regulatory organizations for the performance of such obligations. Another commenter stated that although clearing agencies should cooperate with the primary regulators of their participants to minimize duplicative requirements, the Commission should not make clearing agencies dependent on the regulatory efforts of others for the protection of their financial integrity. Therefore, a clearing agency should be able to continue to monitor the financial condition of participants, to enforce its rules, and to take special protective measures with respect to participants which experience financial difficulties. Another commenter recommended that the Commission encourage the development of a regulatory structure in which the operations and activities of each securities firm should be subject to the primary oversight of a single self-regulatory authority. Commenters generally were concerned there would be duplication if each clearing agency were to develop a full-scale compliance program.

One commenter pointed out that clearing agency rules are unique to the clearing agency, and that the clearing agency is the only party which can observe violations of its rules. Therefore, it saw no reason to give responsibility for enforcement of a clearing agency's rules to anyone else. That commenter, however, indicated that the primary regulator for a participant should make financial information available to the clearing agency.

The Commission supports the concept of avoiding unnecessary duplication of regulatory effort wherever possible so long as the financial and operational integrity of a clearing agency and its participants are not endangered as a result. Therefore, the Commission believes that it is appropriate for clearing agencies to enter into agreements with other self-regulatory organizations to perform examination and surveillance functions respecting clearing agency participants and to determine the extent to which clearing agency rules and procedures are being complied with by such persons. Any clearing agency may join with any other self-regulatory organization in filing in accordance with the provisions of 17 CFR 240.17d-2, a plan regarding the performance of these responsibilities by the other self-regulatory organizations.[32]

The requirement of section 17A(b)(3)(A) of the Act concerning enforcement of clearing agency rules is complemented by section 17A(b)(3)(G) and (H) which requires clearing agency rules to provide that its participants shall be appropriately disciplined for violations of any provision of the rules of the clearing agency and to provide fair procedures for disciplining participants, denying participation in the clearing agency to any person, prohibiting or limiting access to the clearing agency's services and imposing summary suspensions.[33]

The Act contemplates that a clearing agency may "appropriately" discipline its participants through "expulsion, suspension, limitation of activities, functions, and operations, fines, censure, or any other fitting sanction."[34] The Commission believes a clearing agency should have available and should employ an array of sanctions appropriate to the range of violations which the clearing agency may expect to encounter. Also, the clearing agency's rules should establish the agency's authority and procedures respecting interpretation of its rules and the bringing of charges where rule violations appear to have occurred and should describe the manner in which disciplinary authority is to be exercised.[35]

The Commission believes that the fair procedure requirements of section 17A(b)(3)(H) of the Act mandate, at a minimum, that a clearing agency rules comply with section 17A(b)(5) of the Act which outlines the procedures to be followed by a clearing agency in disciplining the participants.[36] In the Release, the Commission solicited comment on the need for clearing agencies to have review procedures for participants aggrieved by clearing agency acts or failures to act which, while not falling into one of the categories contemplated by section 17A(b)(5) of the Act, nevertheless have the effect of permitting "unfair discrimination among participants in the use of a clearing agency's services."[37]

In response thereto, several commenters suggested that such a review procedure whould be of limited utility in view of the broad scope of section 17A(b)(5) of the Act, the impact of competitive forces which would discourage discrimination among participants respecting the use of a clearing agency's services, and because aggrieved participants could rely on the judicial process to redress any violation of a participant's rights. Other commenters favored the adoption of a simplified procedure which would provide aggrieved participants with a right to review respecting matters not otherwise covered by section 17A(b)(5) of the Act.

In view of the comments received, the Commission has determined not, at this time, to require clearing agencies to establish review procedures with respect to matters not otherwise covered by section 17A(b)(5) of the Act. This would not, however, preclude a clearing agency from establishing review procedures which could be used by participants to express grievances arising among participants or between a participant and the clearing agency (such as a petition to have a rule changed) to the extent the review process was not otherwise subject to the procedures set forth in section 17A(b)(5) of the Act. The establishment of such procedures are encouraged. The structure of the review procedure would have to comport with commonly accepted due process standards and should allow a participant to appeal its grievance to the clearing agency board of directors or a committee of the board authorized to act on behalf of the board and, as to disagreements among participants, to avail themselves of an arbitration procedure to settle the dispute.

IV. Safeguarding of Securities and Funds and Prompt and Accurate Clearance and Settlement of Securities Transactions

In determining whether to register a clearing agency, the Commission must consider whether

> [the] clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible [and] to safeguard securities and funds in its custody or control or for which it is responsible * * *.[38]

and whether

> [t]he rules of the clearing agency are designed * * * to promote the prompt and accurate clearance and settlement of securities transactions [and] to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible * * *.[39]

As used in this discussion, the term "safeguards" comprises (i) the organization and capacity to safeguard funds and securities and clear and settle transactions promptly and accurately and (ii) the rules designed to achieve those objectives. Moreover, because

[32] Regardless of whether a clearing agency files a plan pursuant to 17 CFR 240.17d-2, the Commission strongly encourages clearing agencies and other self-regulatory organizations to expand existing arrangements for exchanging relevant information with each other regarding a person who belongs to both organizations.

[33] Section 17A(b)(5)(C) sets forth the specific circumstances under which a clearing agency may summarily suspend a participant and the minimum procedural requirements which must be observed in effecting a summary suspension.

[34] Section 17A(b)(3)(G) of the Act.

[35] With respect to the disciplinary process, the Commission believes that any plan filed by a clearing agency with any self-regulatory organization, pursuant to 17 CFR 240.17d-2, may provide for the performance of disciplinary functions by the other self-regulatory organizations with respect to participants who are members of or participants in more than one self-regulatory organization.

[36] In connection with the imposition of final disciplinary sactions, denials of participation, prohibition or limitation with respect to access and summary suspensions by registered clearing agencies, the Act requires a registered clearing agency to give notice of the action to the appropriate regulatory agency for the clearing agency and the appropriate regulatory agency for the participant and provides for review of the action by the appropriate regulatory agency for the participant, applicant or other person against whom the action was taken. See section 19 (d), (e) and (f) of the Act and Rules 19d-1, 2 and 3 adopted thereunder, Securities Exchange Act Release No. 13726 (July 7, 1977), 42 FR 36409 (July 14, 1977)..

The Federal bank regulatory agencies (the Board of Governors of the Federal Reserve System, the Comptroller of the Currency and the Federal Deposit Insurance Corporation) which under sections 3(a)(34)(B) and (C) of the Act are the appropriate regulatory agencies for certain registered clearing agencies and certain clearing agency participants have adopted rules similar to the Commission's Rules 19d-1, 2 and 3.

[37] Section 17A(b)(3)(F) of the Act.

[38] Section 17A(b)(3)(A) of the Act.

[39] Section 17A(b)(3)(F) of the Act.

significant segments of securities clearance and settlement are carried out and controlled through automatic data processing ("ADP"), the term "safeguards" also comprises the critical clearing agency management function of ensuring the integrity and accuracy of ADP operations.

The Commission believes that clearing agency safeguards should anticipate and be designed to provide protection against the possibility of theft, accidental or malicious destruction or loss of securities or funds, and accidental or intentional, but unauthorized, modification, disclosure or destruction of data.[40]

Although the Commission has previously evaluated clearing agency safeguards in connection with the 18-month registrations of clearing agencies granted pursuant to subsection (c) of 17 CFR 240.17Ab2-1, the increasing interdependence of the components of the national clearing system require that the Commission reexamine those determinations during its current registration proceedings. The ensuing discussion describes the standards which the Commission proposes to apply during its review of clearing agency safeguards.[41] The Commission solicits comment on the appropriateness of the revised proposed standards in achieving their intended goals and on any burdens or expense the proposed standards may occasion.

A. ORGANIZATION

In the Release, the Commission indicated that it believed that clearing agencies should be organized in a manner that effectively establishes operational and audit controls while promoting evolving concepts of director independence. The Commission indicated its belief that the framework for ongoing and independent review of operational and audit actions could be provided by the establishment of an operations committee and audit committee of the board of directors, composed in each case of independent directors, and supported by two staff departments—a security department, reporting to the operations committee, and an internal audit department, reporting to the audit committee. After describing certain desirable characteristics and functions of each committee and its staff,[42] the Commission requested comment on the need for, and desirable characteristics of, operations and audit committees for clearing agencies. Numerous comments were received, and while they were diverse in substance, the overriding theme was a desire for flexibility

OPERATIONS COMMITTEE

Several commenters felt that the operations committee was not needed because it was duplicative of management's responsibilities and because the board evaluates the adequacy of management's performance. While some commenters supported the objectives of the operations committee, virtually all the commenters suggested the need for flexibility in permitting clearing agencies to develop their own organizational structure.[43] The Commission believes that an integral part of a clearing agency board's oversight responsibilities is to assure the operational capabilities of the clearing agency. In order to perform this oversight responsibility, the board must be informed about the clearing agency's operations. The board's oversight responsibility does not mitigate management's responsibilities to assure on an ongoing basis the integrity and operational capabilities of the clearing agency's operations. Therefore, the Commission believes that it is not necessary for a clearing agency to specifically create an operations committee or supporting staff to perform such functions. Rather, the Commission is concerned that the clearing agency's board of directors and management effectively carry out these responsibilities.

The Commission believes, among other things, that management should perform periodic risk assessments of the clearing agency's ADP facilities,[44] and provide the board or its designee, such as a board committee, with the risk assessment reports. Management must supervise the establishment, maintenance and updating of safeguards and report periodically to the board or its designees.

The Commission also believes that a clearing agency must continually consider the impact that new or expanded services would have on the clearing agency's processing capacity.

AUDIT COMMITTEE

In the Release, the Commission indicated that it expected that the clearing agency's audit committee would select the agency's independent public accountant and would meet with it before and after any examination. Generally, the commenters did not raise any objections to the need for an audit committee. However, one commenter indicated that the composition and operation of audit committees are matters of board judgment. Other commenters indicated that the independent public accountants should be selected by the clearing agency's board of directors or shareholders instead of the audit committee. Other commenters were concerned over the frequency with which the committee and the clearing agency's independent public accountant would be expected to meet. Having considered the comments, the Commission believes that clearing agencies should establish an audit committee[45] which either selects the auditor or makes a recommendation to the board regarding the

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[40] See e.g., Courtney, "A Systematic Approach to Data Security," National Bureau of Standards Special Publication 404, "Approaches to Privacy and Security in Computer Systems", 29 (September 1974) [available from Sup. of Doc. U.S. Government Printing Office, Washington, D.C. 20402, SD Cat. No. C13.10.404 ($1.45)].

[41] To the extent that any of the clearing agencies' processing or ADP functions are carried out by a facilities manager, the clearing agency must asssure itself that the facilities manager complies with all of the safeguards, as appropriate, set forth in the section on "Safeguarding of Securities and Funds and Prompt and Accurate Clearance and Settlement of Securities Transactions."

[42] See Securities Exhange Act Release No. 13584, pp. 32-36 for a discussion of the characteristics and functions of each committee and its staff.

[43] Some commenters suggested that only an audit committee having the combined functions of the operations and audit committees is necessary.

[44] See, e.g., S. Reed, "Automatic Data Processing Risk Assessment" (Interim Document—March 1977) [prepared by the Systems Architecture Section, Systems and Software Division, Institute for Computer Sciences & Technology, National Bureau of Standards, Washington, D.C. 20234, available from the National Technical Information Service ("NTIS"), Springfield, Virginia 22151 ($4.00)]; R. Courtney, "Security Risk Assessment in Electronic Data Processing Systems" (Revised ed. December 1975) (available from IBM Corporation, P.O. Box 390, Poughkeepsie, N.Y. 12602), reprinted in Committee on Government Operations, United States Senate, "Problems Associated with Computer Technology in Federal Program and Private Industry", 181 (June 1976).

[45] The Commission has long urged the formation of audit committees, composed of outside directors, to participate in arranging corporate audits. Accounting Series Release No. 19 (December 5, 1940). In 1972, the Commission specifically endorsed the establishment by all publicly-held companies of audit committees composed of outside directors. Securities Exchange Act Release No. 9548 (March 23, 1972), 37 FR 6850 (April 5, 1972). In 1974, the Commission reiterated its support of audit committees by amending its rules to require disclosure in proxy statements of the existence or absence of audit committees. Securities Exchange Act Release No. 11147 (December 20, 1974), 40 FR 1012 (January 6, 1975). The Commission recently supported this concept in its "Report to the President on Regulatory Reform" (October 5, 1976).

On January 6, 1977, the Board of Directors of the New York Stock Exchange Inc. (the "NYSE") adopted Rule 2495H, "Audit Committee Policy" requiring issuers of securities to establish no later than June 30, 1978, and thereafter maintain an audit committee composed of outside directors as a condition to listing and continued listing of

(Continued)

hiring[46] of the clearing agency's independent public accountant.

With regard to the frequency of meetings, the Commission's principal concern is that there be an open and free-flowing communication between the independent public accountants and the audit committee, as to the scope and results of examinations. Therefore, the Commission does not intend to require the audit committee to meet with its public accountants a prescribed number of times each year. Rather, the Commission expects that such meetings will take place as often as may be necessary to, among other things, establish the scope of all examinations for that year and to discuss the results of all examinations.

With regard to the composition of the audit committee,[47] a number of commenters expressed concern with the Commission's proposed qualifications for membership on the committee.[48] One commenter suggested that only the majority of the audit committee be independent and that a clearing agency officer be included on the committee. Another commenter was concerned that committees of independent directors[49] would have interests inconsistent with that of equity shareholders. One commenter suggested that an audit committee should not be denied the expertise of an individual board member who is affiliated with a self-regulatory organization which owns an interest in the clearing agency. Other commenters indicated that clearing agency directors may not have sufficient time or the technical expertise necessary to adequately discharge the audit committee's responsibilities.

The Commission believes that a board member who is an officer or director of an entity which is affiliated with the clearing agency is in a management related role and cannot serve on a clearing agency's audit committee. Since a principal audit committee responsibility is to advise on a timely basis the full board of directors of any significant matters which come to their attention, the Commission does not feel that there is a demonstrated need for audit committee representation of management related directors.

In view of the comments received, the Commission is inclined to require that clearing agencies have an audit committee which would be composed of non-management directors.[50] Of course, the Commission believes that an audit committee should have members who would devote sufficient time to the work of the committee and who are qualified to discharge effectively the committee's responsibilities.[51]

The Commission anticipates that the clearing agency's internal audit department would be adequately staffed with qualified personnel,[52] would maintain independence and objectivity in the performance of its duties and periodically would report to the audit committee in addition to performing its on-going responsibility to management. The Commission believes an internal audit department's effectiveness would depend on its ability to act as a separate level of control, reviewing during development the clearing agency's system of internal accounting control[53] and, thereafter, in the evaluations of the system in operation.

B. FINANCIAL REPORTS

In the Release, the Commission proposed to require clearing agencies to have available, within 60 days after the close of each fiscal year, unconsolidated audited annual financial statements which would disclose clearing system balances and positions, would be prepared in accordance with generally accepted accounting principles and would be covered by the report of its independent public accountant.[54] The report would also include a management discussion. The clearing agency would also be required to furnish copies of the annual financial statements to participants.

Numerous commenters suggested that annual audited financial statements should not have to be available until 90 days following the close of the clearing agency's fiscal year. They noted that public corporations are required to have available annual financial statements within 90 days. In proposing 60 days, the Commission considered that a clearing agency's operations were more analogous to that of the broker-dealer than the issuer community. Therefore, the 60 day period provided in 17 CFR 240.17a-5(d)(5) under the Act for broker-dealers was used as a guideline, and the Commission continues to believe that 60 days is appropriate.

Some commenters felt that the annual financial statements should be for board use only, while other commenters favored full disclosure to participants. The Commission believes

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the issuers' securities on the Exchange. Subsequently, the Commission wrote the other registered national securities exchanges suggesting that they adopt rules comparable to NYSE Rule 2495H.

[46] In the case of a wholly-owned subsidiary clearing agency of a publicly-held company which has an audit committee composed of outside directors that recommends the selection of the independent public accountant to the board of the parent company and all its subsidiaries, the decision of the parent company will be binding on the subsidiary clearing agency. However, the audit committee of the subsidiary clearing agency should meet with the independent public accountant regarding the scope and results of examinations of the clearing agency.

[47] Since the Commission is not specifically requiring an operations committee, this discussion is limited to the composition of the audit committee.

[48] See p. 36 of Securities Exchange Act Release No. 13584 for a description of the proposed qualifications for membership on the committee.

[49] In this release, the term "non-management directors" will be used in lieu of the term "independent directors" since the former term describes more precisely the characteristic sought.

[50] The Commission is inclined to the view that a director is non-management for the purpose of serving on a clearing agency audit committee if the director is not associated with the clearing agency (in other than a user capacity), any self-regulatory organization affiliated with the clearing agency or any entity which furnishes services to the clearing agency and is free from any other relationship that, in the opinion of the clearing agency's board of directors, would interfere with the director's exercise of independent judgment.

[51] The Commission believes that if a clearing agency's audit committee does not have the prerequisite technical expertise necessary or time to devote to carrying out its responsibility it may form a subcommittee composed of participants who possess the technical expertise, could devote the necessary time and who would meet the non-management criteria described in fn. 50 to advise the audit committee.

[52] The ADP environment of a clearing agency dictates that an internal audit department's staff possess, in addition to sufficient technical training and proficiency in accounting and auditing, expertise in ADP application of accounting and auditing to perform internal audit functions competently. See e.g., Institute of Internal Auditors, Inc. (the "IIA") research project report, "Systems Auditability and Control" (April 1977), which discusses the growing significance of ADP operations to the internal audit function; the report is contained in 3 volumes—"Executive Report, Data Processing Control Practices and Data Processing Audit Practices Report"—(available from William E. Perry, Director of ADP and Research, IIA, Altamonte Springs, Fla. 32701 ($30)).

[53] This would provide assurance that the system would provide for an audit trail and contain adequate controls for the safeguarding of participants' funds and securities. Additionally, early involvement in the development of the clearing agency's system, including ADP systems, provides assurance that the safeguards of securities, funds and data control discussed at pages 73-77 will be functional.

[54] The financial statements would also contain the following additional financial data: (1) A statement of changes in the balance and composition of the clearing agency's clearing or participants' fund, presented in a fashion similar to that commonly used to present changes in equity; (2) a footnote describing any use made of the balance in the clearing or participants' fund during the year; (3) a schedule, covered by the same report of the independent public accountant as the basic financial statements, setting forth revenues by significant fee sources and the direct and indirect expenses related to each fee source; and (4) a footnote describing indirect expenses and methods used in allocating indirect expenses to significant fee sources.

that participants who have made clearing fund contributions, deposited securities, and have money and/or securities in the clearing agency's system should have timely access to audited annual financial statements.

One commenter stated that the annual audited financial statements should be consolidated while another commentor suggested that both consolidated and unconsolidated statements be presented. The Commission believes that presentation of unconsolidated financial statements would be an informative disclosure of the clearing agency's operations. Consolidated statements would only be meaningful if the subsidiary entity's assets could be reached for satisfying the parent creditors or, if the subsidiary's creditors could attach any of the parent's assets. If such is the case, the Commission believes that consolidated financial statements would be meaningful to participants and should be provided to participants along with the unconsolidated financial statements. The Commission has also determined not to require a management discussion in the annual report since the Commission believes that clearing agency management currently informs its participants of changes and developments in its operations.

Several commenters requested clarification of the term "clearing system balances and positions." This term is not meant to include participant securities held in custody by a depository. This term was meant to include the components of a continuous net settlement system short and long valued positions which the Commission believes would be a meaningful disclosure since the clearing agency stands in the middle of such transactions.

Most commenters objected strenously for many reasons to presenting in the annual audited financial statements a schedule of revenues by significant fee sources and the direct and indirect expenses related to each fee source and a footnote describing indirect expenses and methods used in allocating indirect expenses to significant fee sources. The Commission agrees that the annual audited financial statements need not contain this information.

Some commenters suggested that the proposed statement of changes in the balance and composition of the clearing agency's participants fund is redundant since adequate disclosure currently exists in clearing agency financial statements. The Commission is inclined to believe that, to the extent adequate disclosure exists, the proposed statement is unnecessary. Therefore, the Commission will not require such a statement in the audited annual financial statement at this time.

One commenter presumed that the proposed disclosure of any uses made of the balance in the clearing or participants' fund referred only to charges to such fund to cover losses other than to satisfy a loss attributable to a participant solely from that participant's clearing fund deposit. The Commission did not intend that the disclosure be of such a limited scope. Rather, the Commission intends that the disclosure contain information as to any uses for which the clearing agency employs such balances, in addition to any charges to the fund. The Commission believes that such disclosure is appropriate in the financial statements.

Accordingly, a clearing agency should have available, within 60 days following the close of the clearing agency's fiscal year, unconsolidated audited annual financial statements[55] which would be prepared in accordance with generally accepted accounting principles and would be covered by the report of its independent public accountant.

In the Release, the Commission indicated that it proposed to require clearing agencies to have available unaudited quarterly financial statements within 30 days following the close of each fiscal quarter, prepared in accordance with generally accepted accounting principles and subject to a limited review conducted in accordance with generally accepted auditing standards by its independent public accountant who would state the basis of the limited review. The quarterly financial statements would consist of: (i) A statement of financial position as of the end of the most recent fiscal quarter and as of the end of the corresponding period of the preceding fiscal year; (ii) a statement of changes in financial position for the period between the end of the last fiscal year and the end of the most recent fiscal quarter and for the corresponding period of the preceding fiscal year; and (iii) a condensed statement of results of operations for the most recent fiscal quarter and for the period between the end of the last fiscal year and the end of the most recent fiscal quarter, and for corresponding periods of the preceding fiscal year. The quarterly statements would be accompanied by a management's discussion and analysis of significant financial and operating developments during the period reported on. In the Release, the Commission proposed that the quarterly financial statements be furnished to participants.

Many commenters felt that the proposed limited review of quarterly financial statements by an independent public accountant was unnecessary and not cost justified. Based on the comments, the Commission is currently inclined to accept the assertions that a need has not yet been demonstrated.

While one commenter suggested that the quarterly financial statement should not be required to be available until 45 days following the close of each fiscal quarter, one commenter stated that 30 days was appropriate and is now being met by the commenter. One commenter suggested that semi-annual interim financial statements would be sufficiently frequent but several other commentors believed quarterly statements were appropriate. The Commission believes that quarterly financial statements should be made available on as timely a basis as practicable.[56] Currently, the broker-dealer community is required to file financial data within 17 days of the end of each calendar quarter,[57] and the Commission believes that a 30-day requirement appears to be reasonable for clearing agencies.

Some commenters objected to the furnishing of quarterly financial statements to participants. Because participants have clearing fund deposits, cash and/or securities in the clearing agency system, the Commission believes that at a minimum the clearing agency should advise its participants that quarterly statements are available and will be furnished upon request.

In the opinion of the Commission, the preparation and availability of annual and quarterly financial statements are fundamental to the ability of a clearing agency's management and board of directors to remain apprised of the clearing agency's financial condition and the adequacy and accuracy of its records. The availability of financial statements would assist the Commission and other appropriate regulatory agencies in the discharge of their regulatory responsibilities. The Commission believes that annual financial statements prepared by clearing agencies should promptly be furnished and that quarterly financial statements should be made available to the clearing agencies' participants for the reasons discussed earlier.

C. INTERNAL ACCOUNTING CONTROL REPORTS

In the Release, the Commission stated that it believes the establishment and maintenance of an adequate system of internal accounting control is critical to the safety and accuracy of clearing agency operations. Although the objectives of internal accounting control are familiar to the business community and presumably would be

[55] See discussion at pp. 61-62 as to those circumstances in which consolidated financial statements would be appropriate.

[56] The quarterly statements need not contain a management discussion and analysis.

[57] 17 CFR 240.17a-5(a)(2)(ii) and (iii).

viewed by a clearing agency's directors as a fundamental aspect of management's responsibilities,[38] the Commission believes that, in order to evaluate the adequacy of a clearing agency's system of internal accounting control, the agency's board of directors should have available an examination report on the system of internal accounting control rendered by a qualified and independent source.

In the Release, the Commission stated that it was inclined to require that a clearing agency obtain semi-annually an examination report prepared by an independent public accountant on the clearing agency's system of internal accounting control. In the Release, the Commission indicated that the accountant's report should be based on an examination made for the sole purpose of issuing its report on the system of internal accounting control and would consist of a study, including a review of the system and tests of compliance, and an evaluation. The examination would include all procedures necessary under the circumstances to enable the independent public accountant to express an opinion thereon and would be sufficient in scope to provide reasonable assurance that any material weakness existing or found to have existed since the previous semi-annual examination report would be disclosed. The accountant's report would describe any material weaknesses discovered and any corrective action taken, or being taken, by the clearing agency. If the examination did not disclose any material weaknesses, the report would so state.

In the Release, the Commission stated that the availability of such examination reports, in addition to providing an essential tool for clearing agency management, would aid the Commission and other regulatory agencies in discharging their regulatory responsibilities with respect to clearing agencies. Also, because clearing agency participants have a significant interest in the adequacy of the system of internal accounting control which protects their securities and funds, the Commission stated it would require that the examination reports be furnished to all participants promptly after the reports become available to the clearing agency.

Numerous comments were received on the topics of distribution and frequency of internal accounting control reports. Most commenters recommended that the report be prepared only on an annual basis.[39] One commenter assumed that the report would be prepared in accordance with the American Institute of certified Public Accountants ("AICPA") Codification of Statements on Auditing Standards Number 1 to 15 Section 640 entitled "Reports on Internal Control". A number of commenters felt that the report should not be distributed outside the board of directors and the Commission, and one commenter suggested that it be distributed only if material inadequacies exist. Another commenter suggested that material weaknesses should not be disclosed, and still another commenter stated that such reports may be costly and wasteful.

In view of the comprehensive program of safeguards proposed in this release, the Commission has determined to require an internal accounting control report for clearing agencies on an annual basis only, at this time.[40] The Commission believes that an internal accounting control report of the scope described herein is appropriate because of the significant, critical and ever-increasing role which clearing agencies play in the securities processing industry. Additionally, the Commission feels that a national system will not reach full potential until additional participation in clearing agencies is fostered. The Commission believes that one of the most important ways to foster participation in a clearing environment is to accord high visibility to the significant safeguards clearing agencies employ, including an annual internal accounting control examination by an independent public accountant.

This examination would consist of a study, including a review of the system and tests of compliance, and an evaluation. The scope of the examination shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination or which had existed since the last examination would be disclosed. This scope is broader than that of the examination described in Sections 320 and 640 of the "Codification of Statements on Auditing Standards" of the AICPA. The accountant's report shall describe any material inadequacies found to exist or found to have existed since the date of the previous examination. The report shall indicate any corrective action taken or proposed. If the examination did not disclose any material inadequacies the report shall so state.

The examination report may be issued on any predetermined regular annual basis which the clearing agency may select: *Provided*, The scope of the examination conforms with that set forth above.

Additionally, the Commission believes that the internal accounting control report need not contain all the detailed information which an accountant's management letter may contain except to the extent any material inadequacies are disclosed.

D. SECURITIES, FUNDS AND DATA CONTROLS

The Release noted that the Commission's experience with this aspect of clearing agency controls has led it to conclude that it is useful to analyze safeguards in terms of two principal objectives: (i) Prevention, including physical security, data and software integrity, and internal accounting control, discussed above, and (ii) recovery, including contingency planning and insurance.

PREVENTION

In the Release, the Commission noted that the securities industry has had substantial experience with procedures for the physical safeguarding of securities and funds in vaults, in funds handling areas and while in transit. In the relatively new area of ADP operations, however, the Release noted that a consensus on the necessary elements of physical security is still evolving.[41] The Release stated that while the Commission recognizes the need for flexibility in the design and implementation of security systems, on a more general level, the Commis-

[38] In proposed Rule 13b-2, Securities Exchange Act Release No. 13185 (January 19, 1977) 42 FR 4854 (January 26, 1977), the Commission proposed to adopt as a Commission rule the American Institute of Certified Public Accountants' definition of accounting control, Codification of Statements on Auditing Standards numbers 1 to 15, section 320.28 (1977) (AICPA Professional Standards, AU section 320):

Accounting control comprises the plan of organization and the procedures and records that are concerned with the safeguarding of assets and the reliability of financial records and consequently are designed to provide reasonable assurance that:

(a) Transactions are executed in accordance with management's general or specific authorization.

(b) Transactions are recorded as necessary (1) to permit preparation of financial statements in conformity with criteria applicable to such statements and (2) to maintain accountability for assets.

(c) Access to assets is permitted only in accordance with management's authorization.

(d) The recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action is taken with respect to any difference.

[39] One commenter stated that internal accounting control systems do not lose their validity once established and a review of internal accounting control more frequently than once a year would be costly to smaller clearing agencies.

[40] However, this would not preclude a clearing agency from having reports prepared more frequently.

[41] See e.g., the discussion of ADP physical security contained in the National Bureau of Standards Federal Information Processing Standards Publication 31, "Guidelines for Automatic Data Processing, Physical Security and Risk Management," June 1974, [available from National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161 ($3.50)].

sion would expect each clearing agency's plan for physical security to include, both for the maintenance and processing of securities and funds and for the ADP operation, such traditional security measures as: Access control on-site, off-site and in-transit; written procedures detailing steps involved in handling funds and securities; maintenance of an orderly and secure working environment; and early warning systems and disaster procedures responsive to fire, natural disasters, and intrusion.

The Commission noted that it believed the application of conventional prevention measures to ADP operations should be augmented by measures designed to assure software integrity, such as stringent quality assurance procedures (including pre-implementation review and testing of new applications, operating systems and components), full documentation of systems design and modifications, periodic post-implementation systems testing for conformity to latest system design specifications and for determining adequacy of internal accounting controls and data integrity, and requirements for executive approval to modify or update software. In addition, the integrity of data files should be verified periodically.

Some commenters suggested that the standards should not be specific while several commenters suggested minimum standards as appropriate or necessary. One commenter suggested that the Commission set minimum insurance standards, leaving to the insurer the determination of minimum security requirements. The Commission believes that the proposed prevention standards are appropriate as guidelines for clearing agencies to follow and will provide for the safeguarding of funds and securities.

RECOVERY

In the Release, the Commission stated that the recovery objective of funds, securities and data controls, in the Commission's opinion, calls for a written contingency plan, which at a minimum covers: (i) preparation for contingencies through such devices as periodic duplication and off-site storage of data files; (ii) Off-site storage of up-to-date, duplicate software files and critical forms and supplies needed for processing operations; (iii) immediate availability of software modifications, detailed procedures, organization charts and job descriptions for the conduct of operations under a variety of possible contingencies; and (iv) emergency mechanisms for establishing and maintaining communications with participants and other entities participating in the national clearing and settlement system. The Commission would expect contingency plans to be tested periodically to insure their effectiveness and adequacy.

In the Release, the Commission indicated that the recovery component of clearing agency safeguards should include adequate insurance coverage for both the clearing agency's operations and the operations of any sub-custodian, delivery service, or other agent used by a clearing agency. In the Release, the Commission suggested that adequate insurance coverage should be substantially similar to that afforded by Stockbrokers Blanket Bond Standard No. 14 of the Surety Association of America, currently in effect, augmented by errors and omissions insurance, fire insurance, and such additional insurance coverage as may be desirable in view of the kinds of risks involved in the operation of a clearing agency. The Commission requested comment on the kinds and amounts of insurance coverage appropriate to clearing agency operations.

One commenter indicated that the minimum insurance requirements should be related to what is available. A commenter noted that Standard Form No. 14 may become obsolete and that coverage should be stated more generally. Another commenter suggested that Standard Form No. 14 may be inadequate. Most commenters stated that errors and omissions coverage may be available only on a limited basis and is not cost justified. Another commenter suggested that cost and availability of insurance are factors the board should consider in determining adequacy of insurance coverage and amount.

The Commission believes that clearing agency management and board of directors should periodically review the kinds of risks involved in its business and the types and amounts of insurance coverage available, and there should be adequate insurance in both coverage and amount for both the clearing agency's operations and the operations of any sub-custodian, delivery service, or other agent. With respect to the other recovery standards, the Commission continues to believe that they are appropriate guidelines.

V. OBLIGATIONS TO PARTICIPANTS

A. CLEARING FUNDS

In the Release, the Commission expressed the belief that clearing agency rules should limit the use they make of clearing fund contributions, that, generally, contributions to clearing funds may consist, in varying proportions, of cash, U.S. Government obligations, municipal bonds, and open account indebtedness secured by U.S. Government obligations and municipal bonds,[42] and that the cash portions of clearing funds should be invested only in U.S. Government obligations. In addition, the Commission expressed the view that clearing funds should be used to protect clearing agencies against losses to the clearing agency or its participants caused by participant default and only under the circumstances specified in the clearing agencies' rules. The Commission indicated that it is inclined to require that assessments of participants to a clearing agency's clearing fund be limited. This would create the possibility that a clearing agency may become insolvent, without first exhausting the resources of other participants[43] through the assessment mechanism because of a loss caused by, and the subsequent insolvency of, one or more participants.

In the Release, the Commission requested comment of the form which clearing fund contributions should take and, for each form of contribution, the relative proportion of a clearing fund it should represent. The Commission also requested comment and suggestions on methods for determining the appropriate level of clearing fund contributions and for limiting the effects of clearing fund assessments. Furthermore, the Commission requested comment on whether clearing fund contributions should be available for other purposes such as to protect participants against losses resulting from clearing agency operations.

The commenters suggested that the Commission take a flexible approach. A number of commenters suggested: (i) that the forms of contribution to the clearing fund should be liquid, and (ii) that there is no need to fix the relative proportion of a clearing fund which each form of contribution should take.

With respect to the level of clearing fund contributions commenters suggested that it should be determined by the board of directors of each clearing agency in light of the particular functions performed by each clearing agency and the particular risks inherent in its operations. Another commenter indicated that no aboslute standard or single formula should be used for all clearing agencies in calculating the clearing fund contributions because of the varying operating characteristics of clearing agencies.

With respect to the types of investment a clearing agency should be allowed to make with the cash portion of clearing funds, there is a divergence of opinion. Some commenters expressed agreement with respect to the restrictions proposed by the Commis-

[42] In the Release, the Commission expressed the belief that clearing fund contributions should be in a form which permits a clearing agency rapidly to obtain cash equal to the aggregate of all required contributions to the clearing fund.

[43] In the Release, the Commission indicated that it is concerned that through the assessment mechanism an overwhelming loss ultimately might exhaust the resources of a number of clearing agency participants and result in their demise.

sion, with the reservation that clearing agencies should be permitted to enter into repurchase arrangements with banks for U.S. Government obligations. Other commenters maintained that the Commission should allow clearing agencies flexibility in dealing with clearing funds. For example, one commeter stated that the management of a clearing agency should be allowed to make its own decisions after weighing factors such as risk, rate of return, and liquidity.

With respect to the permissible uses of clearing funds, i.e., losses to which they could be applied, the Commission received considerable comment. One commenter stated that each clearing agency should have the flexibility to establish other legitimate uses for the fund, although it should primarily cover losses from participant defaults.

Another commenter believed that restricting the availability of the funds to participant default could have an adverse effect upon the clearing agency's ability to maintain financial stability, since a clearing agency is exposed to risks that go beyond participant default and since losses may occur that either are not insurable or exceed appropriate insurance levels.

Another commenter noted that the dichotomy between limiting the clearing fund to losses caused by participant default and imposing broad liability on a depository for lost securities in excess of insurance coverage could result in the depository having to cover uninsured losses through capital reserves.[44] This commenter stated several reasons why it believed development of capital reserves would be inappropriate and concluded that other losses not caused by participant default, whether they are caused by events beyond the depository's control or by poor depository management, could have a similar impact upon operations of a depository and should be covered by clearing funds.

Another commenter believed that the major purpose of the clearing fund should be to protect against losses caused by participant defaults and that the participant fund, as constituted at the time of any loss and without further assessment, should guarantee the obligations of a clearing agency to third parties.[45]

One commenter maintained that, so long as the funds are properly protected, they should be available for use for certain purposes that facilitate the process of clearing. This commenter stated, however, that the fund should not be applied to operating expenses. In the opinion of one commenter, on the other hand, clearing fund contributions should not be available for purposes other than the specific contingencies for which they were provided. Another commenter indicated that, if the clearing agency is controlled by its participants, the question should be left to the board of directors, acting under its rulemaking authority.

With respect to limitations on assessments, one commenter indicated that banks might not be able to participate in clearing agencies unless a maximum liability for clearing funds and assessments is established. Other commenters suggested that it is inappropriate to establish an assessment limitation since once a loss occurs, such as a loss in excess of insurance coverage and other resources, it must be absorbed by someone and through the assessment mechanism it is absorbed by all participants rather than a limited number of participants who have a position in that security. Another commenter pointed out that if there were an assessment limitation an insolvent clearing agency might settle on certain obligations to participants and default on others, creating a ripple of defaults among participants.

The Commission has carefully reviewed the comments received and has amended its proposals in light thereof. The Commission does not believe that it is appropriate for the Commission to establish an appropriate level of clearing fund contributions. Rather the Commission believes that clearing agencies should establish an appropriate clearing fund contribution based, among other things, on its assessments of the risk to which it is subject. However, the clearing fund contribution must be based on a formula which applies to all users on a uniform, non-discriminatory basis.

The Commission also believes that the forms of contributions should be in cash and open account indebtedness secured by United States government obligations or highly rated municipal bonds or such other securities as the rules of the clearing agency may provide.

In the Release, the Commission sought to emphasize that because participant contributions to clearing funds protect clearing agencies against specified contingencies and are returned when participants withdraw from clearing agencies, the rules of clearing agencies should limit the use that they may make of clearing fund contributions. The Commission continues to believe that a clearing agency should not use the funds in a manner that impairs their liquidity or exposes them to unreasonable risks. Therefore the Commission believes that clearing agency rules should limit the investments which it can make with the cash portions of clearing funds to United States governmental obligations or any securities which provide safety and liquidity of the principal invested in light of clearing agency's fiduciary responsibilities and are provided for in the rules of the clearing agency.

The Commission believes that the rules of the clearing agency should limit the purposes for which a clearing fund may be used to protecting participants and the clearing agency from the defaults of other participants and from losses occurring through clearing agency operations (not including day-to-day operating expenses) such as losses of securities not covered by insurance and other resources of the clearing agency. In addition, whenever the clearing fund is charged for any reason other than to satisfy a clearing loss attributable to a participant solely from that participant's clearing fund deposit, each participant should immediately be given notice of both the amount of, and the reasons for, the charge. The participant should be promptly assessed the amount in order to make good the charge against its clearing fund deposit.

With respect to further assessing a clearing agency participant to cover losses, the Commission is considering requiring that a clearing agency's rules provide for a maximum assessment which is fixed by the clearing agency's rules in order that at any given time a participant can ascertain his maximum potential liability. These limitations must be determined, among other things, in light of the clearing agency's risks in its operations, the size of its clearing fund and other factors.

B. STANDARD OF CARE

The Commission also stated in the Release that the rules of every clearing agency should provide that, except for securities delivered through the clearing agency to a participant for which the participant has not made payment to the clearing agency, or securities pledged by a participant through the clearing agency, the clearing agency must promptly deliver securities in its custody to, or as directed by, the participant for whom they are held. The Commission stated further that, consistent with its rules, a clearing agency should ensure that any sub-custodian holding the clearing agency's securities would deliver the securities to, or as directed by, the clearing agency and otherwise have the financial and operational capability to perform its obligations. However, neither a clearing agency nor its subcustodian would be required to deliver

[44] This commenter indicated that if a clearing fund is not available to cover losses not otherwise covered the depository must cease operation and seek the protection of a bankruptcy proceeding.

[45] That commenter suggested that protection should be afforded to third parties dealing with clearing agencies and non-defaulting participants by means of an industry-government backed fund.

securities in contravention of any notice of levy, seizure, or similar notice, or order or judgement, issued or directed by a governmental agency or court, or officer thereof, having jurisdiction over such clearing agency or sub-custodian, which on its face affects the securities held for the clearing agency's participant or, in the case of a sub-custodian, for the clearing agency.

In addition to providing that the clearing agency may not at any time refrain from delivering a participant's securities to or as directed by the participant, the Commission stated that the rules of a clearing agency should provide that it is liable to the participant for a failure to deliver the participant's securities resulting from: (a) The negligence or misconduct of the clearing agency, the clearing agency's sub-custodian or agent, or any of their respective agents or employees; (b) the placement, on fully-paid for participant's securities or participant's cash balances held by the clearing agency, of any lien or charge of any kind in favor of the clearing agency, the clearing agency's sub-custodian or agent, or any person claiming through any one or more of them; (c) a larceny; (d) a mysterious disappearance or (e) any other cause for which the clearing agency has assumed responsibility.[46] The Commission stated that it would expect clearing agencies to ensure that the obligations of their sub-custodians and agents to return securities held for the clearing agencies would parallel the clearing agencies' obligations to return securities held for participants. Also, the Commission expressed the belief that, in order to encourage indirect participation in a national clearing and settlement system, the clearing agency rules should permit subrogation of any indirect participant to any claims its conduit direct participant might have against a clearing agency arising out of the deposit of the indirect participant's securities.

The Commission requested comment on the level of liability which should attach to a clearing agency's obligation to return securities held for its participants, the appropriateness of requiring that any level of liability assumed by a clearing agency with respect to its participants be paralleled by the level of liability assumed with respect to the clearing agency by its sub-custodian or agent and the need to subrogate indirect participants in clearing agencies to the rights of their conduit direct participants.

[46] In the Release, the Commission noted that while the rules of clearing agencies currently provide, without qualification, for the return to participants of securities held for them by the clearing agencies, the level of liability which a clearing agency would have for failure to return a participant's securities has not been determined to date.

With respect to the Commission's proposed standards relating to the liability of a clearing agency to its participants for securities held by it, one commenter wrote that there was no need for any Commission action with regard to level of liability, because responsibilities of clearing agencies are adequately spelled out under their rules and agreements, and applicable state laws. Another maintained that in a competitive environment liability can be apportioned between the clearing agencies and their users by factors in the marketplace and reflected in the price of services, that management must retain the discretion to make the determinations with respect to subrogation of indirect participants and that the issue of subrogation is not a matter of federal securities laws.

One commenter noted that the proposal requires clearing agencies to assume more liability than any other custodian of which it knew. He added that the standard would not require any showing that participants have sustained any damage as a consequence of common law principles which define the liability of clearing agencies as that of a bailee for hire. In addition, he noted that the proposal did not specifically exclude liability with respect to losses which a typical blanket bond excludes from coverage; thus leaving some question as to whether a clearing agency might become liable without insurance coverage. It was suggested that a balance be struck between the benefits to those participants that might otherwise suffer losses and the additional risks and costs upon all participants that would result from the assumption of greater liability by clearing agencies. According to this commenter, economics do not support the standard nor has a need for it been demonstrated. In addition, the commenter noted that other regulators would possibly adopt similar standards, which could prolong controversy and delay institutional acceptance of depositories. The commenter did not object to the subrogation proposal.

One commenter indicated that clearing agencies should be completely responsible for the delivery of fully-paid securities, with the only exceptions being uninsurable catastrophies such as war or earthquake. He also commented that third parties should be permitted to be subrogated to the claims of direct participants.

One commenter stated that it views its liability to return fully-paid securities as absolute. The commenter, however, stated that extension of a clearing agency's liability to indirect participants regarding the return of fully-paid securities is inappropriate and that there was no purpose in placing the agency in the middle of a dispute between a defaulting participant and his correspondents.

One commenter opposed the standard, commenting that there was no persuasive reason why depositories should assume, as the proposal suggests, a level of responsibility that extends beyond that of a bailee for hire. Another cautioned that such subrogation requirements will encourage litigation and place clearing agencies in a position of having to defend themselves against litigants with whom they have no direct relationship and who could harass them with groundless suits.

Finally, with respect to the proposal that clearing agencies ensure that the obligations of their sub-custodians and agents be parallel to that of the clearing agency to its participants, some clearing agencies questioned the need for such a requirement. One commenter, for example, stated that clearing agencies have limited ability to negotiate such a provision when the sub-custodian/agent has no legal obligation (regulatory or otherwise) to assume that degree of liability, and that as a consequence, the clearing agency could lose important services of its sub-custodians. This commenter added that such a standard could be implemented only after substantial lead time (such as a year) to allow renegotiation of agreements with the sub-custodians.

With respect to the obligations of the clearing agency to return the securities of participants, the Commission continues to believe that except in the circumstances set forth in the Release relating to payment for securities, pledged securities or judicial or government order, the clearing agency must promptly deliver securities in its custody to or as directed by the participant for whom they are held. Furthermore, the clearing agency should ensure that any sub-custodians holding the clearing agencies' securities will deliver the securities to or as directed by the clearing agency. The Commission believes that the clearing agency using such a sub-custodian should require that the sub-custodian have adequate financial and operational capability and insurance to enable it to perform its obligations to the clearing agency.

Additionally, the Commission is considering requiring that the rules of a clearing agency provide that it is liable to the participant for a failure to deliver the participant's securities resulting from: (a) The negligence or misconduct of the clearing agency, the clearing agency's sub-custodian or agent, or any of their respective agents or employees; (b) the placement, on fully-paid for participant's securities or participant's cash balances held by the clearing agency, of any lien or charge of any kind in favor of the clearing agency, the clearing agency's sub-custodian or agent, or

any person claiming through any one or more of them; (c) a larceny; (d) a mysterious disappearance; or (e) any other cause for which the clearing agency has assumed responsibility.

VI. Participant Charges

Section 17A(b)(3)(E) of the Act requires a determination that

[t]he rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

The provision precludes a clearing agency from imposing schedules of prices or fixing minimum rates or charges for services which its participants render to others.

VII. Equitable Allocation of Reasonable Dues, Fees and Other Charges

Section 17A(b)(3)(D) of the Act requires a determination that

[t]he rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

The Release indicated that currently in determining the fees to be charged to participants for clearing agency services, many clearing agencies consider, in addition to cost of services, the benefits participants receive from services, and the need to subsidize certain services in order to encourage participation in a registered clearing agency. In the Release the Commission stated that it did not believe that a clearing agency fee structure or individual fee may properly be a substantial burden on, or act as a subsidy to, a particular category of participants, and stated further that it was not opposed to considering clearing agency fee schedules as a package in determining whether reasonable fees have been allocated equitably among participants. In the Release, the Commission indicated that it generally believes that fees should be based on costs of services provided.

The Commission stated that it was considering requiring that prior to imposing any dues, fees or other charges for services rendered to participants, clearing agencies advise their participants of (i) the unit cost attributable to the service (ii) the basis and method used in determining the unit cost and (iii) an explanation of determinations made, and justifications used in arriving at the fee.

In the Release, the Commission recognized that the need to develop a national clearing system may in some circumstances warrant clearing agency fee structures under which clearing agency participants in different locations are charged the same fees for clearing agency services regardless of the differences in the clearing agency's costs of providing the service to different locations.[67] Nevertheless, the Commission requested comment as to whether clearing agency participants in different locations should be charged the same fees for the same clearing agency services or whether different categories of clearing agency participants should be charged different fees for the same services. In particular, the Commission asked whether registered clearing agencies participating in other registered clearing agencies should be charged the same fees as other participants, or whether the purposes of the Act, including the establishment of a national system, require that registered clearing agencies pay fees different from those charged other participants or pay no fees at all.

The comments received on these issued generally questioned the Commission's authority to prescribe fees for registered clearing agencies. Likewise, although some commenters expressed general agreement with the concept that fees for services reflect the cost of providing the services, clearing agencies rejected the prospect of the Commission imposing any philosophy as to the setting of fees and insisted that the ultimate judgment as to fees should be exercised by the Board of Directors. While some commenters favored the concept of charging clearing agency participants in different locations the same fee for the same services, others opposed it.

With respect to the Commission's proposal requiring clearing agencies to send their proposed fee changes to participants before submitting them to the Commission, the response was also generally negative. Those who oppose prior submission claimed that such a procedure would impose an unreasonable burden on clearing agencies and result in considerable delays in changing fees. The opponents cited the expedited procedure provided in section 19(b)(3)(A) of the Act for implementing fees and stated that these requirements would destroy the benefits of that section by imposing inordinate delays on fee changes. The commenters expressed the belief that the comment periods provided by Rule 19b-4 will give adequate notice and opportunity for comment by participants. They maintained that the pressures of competition among clearing agencies will serve to regulate fees, and that to the extent a participant feels that fees are inequitable or discriminatory, it may seek review by that clearing agency or the Commission.

The Commission has reviewed the comments received and has determined that at the present time it will not require that clearing agencies send fee changes to their participants before submitting them to the Commission nor will it require a schedule setting forth unit costs and other matters. The Commission expects, however, that in instances of significant fee changes a clearing agency's participants will be apprised of such changes and the underlying reasons therefor, and that participants will be allowed to give their views as to the determinations affecting fees. With respect to fee schedules in general, the Commission has a duty to ensure that fees charged by clearing agencies are reasonable and are allocated among participants on an equitable basis in accordance with the Act, and among other things, do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In the exercise of this duty, the Commission intends to respond to any charges that fees violate these principles.[68]

VIII. The National System

In response to the Commission's inquiry concerning what securities issues should be included in the book entry portion of a national clearing and settlement system, some commenters responded that all securities should ultimately become eligible; others indicated eligibility should be determined in part by the volume of trading, number of stockholders and float in a particular security—the greater the volume, the greater should be the need for inclusion in a national clearing system. One commenter indicated that bond transactions should be eligible for inclusion in a national system. Another commenter indicated that all New York Stock Exchange and American Stock Exchange issues, over-the-counter issues currently cleared by National Clearing Corp. in its continuous net settlement system, and all primary securities on regional exchanges should be eligible.

With respect to the Commission's inquiry concerning the extent and manner in which registered clearing agencies should facilitate settlement between brokers and dealers and their institutional customers, several commenters were in favor of developing a national system which could provide settlement among brokers and dealers and their institutional customers.

One commenter indicated it has encouraged institutions to become direct depository members and has established an institutional settlement ser-

[67] See, e.g. "Order Granting Registration and Statement of Reasons In the Matter of the Application of the National Securities Clearing Corporation for Registration as a Clearing Agency," Securities Exchange Act Release No. 13163 (January 13, 1977).

[68] The matter of fees charged by one clearing agency to another clearing agency acting as a participant or interfacing with another clearing agency is not a subject of this release, but will be considered in a separate release.

vice. The commenter noted it has implemented an institutional delivery system which is linked to a continuous net settlement system for institutions which may wish to use it. Another commenter indicated it has persuaded local banks to join its depository and deposit securities for settlement with brokers.

In connection with facilitating settlement between brokers and dealers and their institutional customers, one commenter believed that institutional investors should have access, either directly or through an agent, to the national clearing and settlement system, and that there should be standard delivery hours for security deliveries against payment to banks acting as agent for their institutional customers, after inter-broker deliveries have been made, in order to speed the delivery of securities to the buyer. Another commenter suggested that the national system could be expanded to accommodate institutional transactions by the establishment of a national institutional settlement system.

With respect to the development of a national system, one commenter suggested that: (i) Withdrawal of physical certificates from the national clearing and depository system be prohibited or seriously restricted; (ii) all trades in all active securities be required to be compared through a member of the national system; and (iii) clearing agencies be required to adopt uniform standards and procedures. In this connection, one commenter emphasized that the Commission must encourage cooperation among clearing agencies and maintain a constant vigilance and alertness to potential and actual lack of cooperation. Another commenter emphasized that for a true national system to develop there is a need to eliminate interface fees by New York clearing and depository entities.

The Commission will deal with these comments during the course of the development of a national system, and use its authority to increase the number of eligible securities, encourage institutional and broker-dealer settlement and facilitate interface in a national system.

IX. Other Matters

Section 17A(b)(3)(F) of the Act provides that the rules of the clearing agency must not be designed "to regulate by virtue of any authority conferred by (the Act) matters not related to the purposes of (section 17A of the Act) or the administration of the clearing agency." In connection with the registration of clearing agencies the Commission intends to review all clearing agency rules to ensure that they are in accord with the foregoing objective.

It should be noted that a number of specific matters have been raised by individual clearing agencies which are not addressed in this Release but will be handled with each clearing agency on a case-by-case basis.

Section 17A(b)(1) of the Act gives the Commission authority to exempt any clearing agency or class of clearing agencies from any provision of the Act or the rules thereunder. By using this authority, as necessary, and by exercising reasonable discretion in making the determinations required in section 17A(b)(3) (A)-(I), the Commission will be able to make the statutory determinations, using the standards that finally emerge, in light of the characteristics of each clearing agency, the structure of the clearing agency community and the objectives set forth in section 17A.

The Commission has consulted and requested the views of the other appropriate regulatory agencies involved in the regulation of clearing agencies prior to publishing the proposed standards for the registration of clearing agencies.

All interested persons are invited to submit written data, views and arguments concerning the proposed standards on or before April 24, 1978. Such written data, views and arguments will be considered by the Commission in formulating final standards for review of clearing agency applications for registration. Persons desiring to make written submissions should file three copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. S7-699.

Copies of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20006.

By the Commission.

George A. Fitzsimmons,
Secretary.

March 6, 1978.

[FR Doc. 78-6333 Filed 3-9-78; 8:45 am]

federal register

FRIDAY, MARCH 10, 1978
PART VIII

DEPARTMENT OF LABOR

Employment and Training Administration

■

TEMPORARY EMPLOYMENT OF ALIEN AGRICULTURAL AND LOGGING WORKERS IN THE U.S.

Labor Certification Process

[4510-30]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

TEMPORARY EMPLOYMENT OF ALIEN AGRICULTURAL AND LOGGING WORKERS IN THE UNITED STATES

Labor Certification Process

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rules.

SUMMARY: The Employment and Training Administration of the Department of Labor is publishing final rules for the labor certification process governing the temporary employment of alien agricultural and logging workers in the United States. It is the purpose of these rules to more clearly define the roles of the Department, State employment service agencies, and employers in the temporary labor certification process.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David O. Williams, Deputy Administrator, United States Employment Service, Room 8000, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6674.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Employment and Training Administration of the Department of Labor is publishing new regulations governing the labor certification process for the temporary employment of aliens in the United States in agricultural and logging occupations. The regulations replace the Department's previous regulations at 20 CFR 602.10, 602.10a, and 602.10b.

The revised regulations are being issued pursuant to the Immigration and Naturalization Service (INS) regulation at 8 CFR 214.2(h)(3)(i) which was issued under the Immigration and Nationality Act. The INS regulation requires, in support of a petition for admission of certain aliens into the United States to perform temporary labor:

"Either a certification from the Secretary of Labor or his designated representatives stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every non-immigrant visa petition to accord an alien a classification under Section 101(a)(15)(H)(ii) of the Act."

Whether or not to grant or deny a non-immigrant visa petition under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act is solely the decision of the Immigration and Naturalization Service (INS). It is INS policy, however, as expressed in the above cited regulation, that, before the INS will grant or deny such visas, the INS first requests the Department of Labor to advise it with respect to two issues:

(1) Whether there are sufficient qualified U.S. workers who are available to do the work proposed to be done by the aliens, and

(2) Whether the employment of the aliens will adversely affect the wages and working conditions of similarly employed U.S. workers. If the Department of Labor determines that there are no qualified U.S. workers who are available, and that the employment of the aliens will not adversely affect similarly employed U.S. workers, the Department of Labor advises the INS of these findings by issuing temporary labor certifications on behalf of the aliens. The employer who is proposing to use aliens for temporary agricultural or logging work then attaches the certification as part of the visa petition pursuant to INS regulations at 8 CFR 214.2(h)(3)(i). If the Department cannot make one or both of these findings, the Department so advises the INS. The Department may be unable to make the two required findings for any number of reasons, including:

(1) The employer who is seeking the temporary labor certification on behalf of the alien has not submitted a proper temporary labor certification application or followed the proper procedural steps;

(2) The employer has not met its burden of proof under section 291 of the Immigration and Nationality Act, that is, the employer has not submitted sufficient evidence of attempts to obtain available U.S. workers, and/or the employer has not submitted sufficient evidence that the wages and working conditions which the employer is offering will not adversely affect the wages and working conditions of similarly employed U.S. workers. With respect to the burden of proof, the Immigration and Nationality Act states at section 291, in pertinent part that:

"Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not subject to exclusion under any provision of this Act * * *"; or

(3) The Department, through its own knowledge and experience, finds that U.S. workers are available and/or that an adverse effect on similarly employed U.S. workers will result, and the employer has not met the burden of rebutting the Department's finding or findings.

The regulations set forth the fact finding process designed to develop information sufficient to support the granting or denial of a temporary labor certification. They describe the potential of the public employment service for assisting employers in finding available United States workers, and how this process is utilized by the Department as a partial basis of information for the certification determination. They aslo set forth the responsbilities of employers who desire to employ aliens in temporary agricultural and logging jobs. Such employers are required to demonstrate that they have attempted to recruit U.S. workers through advertising, through the public employment service, and by other specified means, in order to assure an adequate test of the availability of U.S. workers to perform the work under conditions that will not adversely affect the wages and working conditions of the U.S. workers similarly employed.

PROPOSED REGULATIONS

The regulations were published as proposed rulemaking on January 25, 1977, at 42 FR 4670. Initially comments were invited until February 24, 1977. However, interest was sufficient to extend the period for comment to April 14, 1977. Subsequently, public hearings were held at six different locations in May and June 1977. The hearings record was held open for additional comments until August 1, 1977. About 170 individuals or organizations testified at the hearings and/or submitted statements for the record. In addition, about 250 letters were received during the comment period prior to the hearings.

DEPARTMENT OF LABOR RESPONSE TO COMMENTS AND HEARING TESTIMONY

1. SCOPE AND PURPOSE OF REGULATIONS

The proposed regulations contained a scope and purpose section in which the Department summarized, in two short paragraphs, the scope and purpose of the temporary labor certification process for agricultural and logging workers. Over 50 commenters addressed themselves to the scope and purpose section. Some suggested, on the one hand, that the Department of Labor guarantee U.S. employers an adequate number of alien workers; on the other hand, some suggested that the temporary labor certification process be phased down or ended leaving employers to compete for U.S. workers on the free market. There were any number of suggestions between these two views. It is clear to the Department that many employers, and many worker representatives, do not fully

understand the purpose and scope of the temporary labor certification program and the Department's role thereunder. In these final regulations, therefore, the purpose and scope section has been significantly expanded in order to clarify these issues.

2. APPLICATION OF THE REGULATIONS TO SHEEPHERDING

The Department's previous regulations, at 20 CFR 602.10, 602.10a and 602.10b, exempted sheepherders from the U.S. worker recruitment provisions of the temporary labor certification process. The proposed regulations proposed to require sheepherder employers to take on the same responsibilities borne by other employers in attempting to recruit U.S. workers.

Representatives of the sheep raising industry opposed the application of the U.S. worker recruitment provisions, arguing that the terms and conditions of employment made the work unattractive to U.S. workers. On the other hand, representative of the New Mexico Employment Service and the Navajo Indian Council testified that Navajos and other U.S. workers herded sheep in New Mexico and might be available if employers modified their methods of operation to improve working conditions. The Department has adopted the proposal because the Department is convinced that sheepherder employers should not be given a unique exemption from attempting to find U.S. workers absent compelling proof that no U.S. workers can be made available. The comments and hearing testimony did not present such compelling evidence.

3. DEFINITION OF EMPLOYER

The proposed regulations recognize that associations of employers might be agents of employers with respect to the temporary labor certification process. They did not define such associations, however, as employers. Representatives of employer associations urged that the regulations be clarified to recognize that such associations may themselves be employers. The final regulations recognize that an association of employers may itself be an employer when the relationship between the association and the workers is an employer-employee relationship as defined in the regulations.

4. RECRUITMENT PROCESS

The present regulations at 20 CFR 602.10(b) require employers who anticipate employing aliens to file their temporary labor certification applications, and job orders for U.S. workers, with the employment services in sufficient time to allow the employment service 60 days to test the availability of U.S. workers, in addition to the time necessary for the employer to secure foreign workers by the date of need if the certification is granted. The Department proposed to increase the period for recruitment of U.S. workers from 60 to 90 days. In addition, it was proposed that the Department could require a period of up to 6 months provided the Department provided each employer involved at least 30 days prior notice. The purpose of the proposal was to allow the employment service system sufficient time to recruit U.S. migrant workers. Employers objected strongly to the proposal stating that it was not possible to estimate their labor needs so far in advance. Workers' representatives urged that the regulation require a 6 month or longer period to ensure the recruitment of U.S. migrant workers in their home base areas, such as Texas and Florida, before they enter the migrant stream.

Four groups of employers have traditionally sought temporary labor certifications on behalf of foreign agricultural and logging workers—Florida sugar cane, Western sheepherder, Maine logging, and East Coast apple employers. The Department's experience, which was strongly reinforced by testimony at the hearings, had made it clear that, with respect to logging, sheepherder and sugar cane employers, the 60-day recruitment period is sufficient. Sheepherding is not a seasonal occupation. It is year-round. Logging operations typically occur over a 10 or 11 month period. Nor have these been occupations in which U.S. migrant workers have traditionally sought employment. The 90-day period, therefore, would make little difference with respect to the recruitment of U.S. migrant workers. The Florida sugar cane harvest typically lasts about 6 months (Autumn-Spring). This season does not coincide with the movement of the migrant stream, which typically occurs from Spring to Autumn. The Florida sugar cane harvest, moreover, although it takes place in the principal home base area of East Coast migrants (Florida) has never attracted any significant number of U.S. workers despite the fact that, as employers testified, they have a year-round standing job order with the employment service.

The Department's proposed regulation was principally addressed to seasonal harvest situations, which generally occur on the East Coast from late August until October of each year, at a time when many migrants have reached the apple harvest area, Virginia to Maine. Employers in that area of the Nation have traditionally employed thousands of U.S. migrant workers. In addition, as testimony at the hearings indicated, many such employers have harvested their crops solely with the aid of locally recruited workers, including students and housewives. In the past several years the Department has increased its efforts to aid employers to recruit U.S. workers, including mainland and Puerto Rican migrants. The Department, therefore, believes it is important for employers and the employment service system to continue efforts to recruit U.S. workers for the East Coast apple harvest. Even the proposed 90 day recruitment period, however, will not be long enough to recruit Florida and Texas based migrants before they depart their home bases. To extend the recruitment period, however, to January or February appears to be too early for employers to assess their worker needs.

In view of all the above, the Department had decided to retain the 60 day period of the present regulations coupled with more specific regulatory requirements regarding the recruitment of U.S. workers by employers and the employment service system, and more specific procedures for processing temporary labor certification applications. Testimony at the hearings and experience over the last several years has convinced the Department that the recruitment of U.S. workers must be placed on a more regular, systematized basis so that employers, the State Employment Service agencies and workers will have the security of a well defined procedure. During the hearings, for example, many employers urged the Department to either grant or deny temporary labor certifications in sufficient time for them to transport alien workers to their worksites or to petition the INS for visas after the Department's denial of certification. The Department, therefore, has imposed time limits both on the recruitment of U.S. workers by the employment service system and on its temporary labor certification approval/denial process. In addition, the regulations provide for an expedited review of any denial of certification by a Department of Labor Hearing Officer.

At the hearing held in Belle Glade, Fla., sugar cane employers informed the Department that they were willing to recruit U.S. workers. They urged the Department, however, to specify specific recruitment standards such as those required under the permanent labor certification regulations at 20 CFR Part 656. They complained that the recruitment procedures required by Departmental officials varied from year to year, and that they were, thus, never sure when they had done the kind of (or enough) recruiting to satisfy the "reasonable recruitment" standard of the previous and the proposed regulations. They further urged that the Department be required to grant the temporary labor certification if the specific recruitment efforts set forth in the regulations were complied with successfully recruiting U.S. work-

ers. Many worker representatives likewise urged the Department to specify the recruitment efforts of both employers and the employment service system. The Department has, therefore, replaced the "reasonable recruitment" standard with specified recruitment requirements. If the Secretary finds that the employer, in cooperation with the employment service system, recruits in accordance with the regulations without obtaining sufficient U.S. workers, and that the employer has not adversely affected similarly employed U.S. workers by offering better benefits or imposing less restrictions on foreign workers, the regulations now require the Department to grant the temporary labor certification.

5. FAMILY HOUSING

The Department's prior regulations, at 20 CFR Part 602, required employers to provide family housing only if this were the prevailing practice of agricultural employers in their area. The proposed regulations proposed that all employers provide such housing.

Many employers objected to the proposed requirement stating that such housing was very expensive and that they should not be required to house family members who were not workers. Worker representatives urged that this provision be retained, arguing that the availability of family housing could increase the numbers of U.S. workers willing to accept employment in these jobs. The Department believes that there is a possibility that additional U.S. workers would be made available by the provision of family housing. The Department, however, realizes that the provision of such housing would be costly to many employers. In addition, the Department realizes that, if the proposed regulations were adopted, employers would have to build such housing without knowing how many families (or the size of such families) would be made available for work. The Department believes that, in view of the costs of such housing and the uncertainty of results with respect to U.S. workers recruitment, the costs outweigh the potential results. Therefore, the Department has withdrawn the proposal and will continue the previous policy of requiring family housing by employers or groups of employers only if it is the prevailing practice in the area or if family housing is offered or provided to foreign workers.

6. WORKER TRANSPORTATION AND SUBSISTENCE EXPENSES

The proposed regulations proposed to continue past policy by requiring employers to "provide or pay for the worker's transportation and daily subsistence from the worker's home or place of employment provided the worker works for 50 percent or more of the contract period". The proposed regulation was not entirely clear with respect to whether the costs of such transportation and subsistence had to be advanced to the worker. Worker representatives argued that workers frequently lack the cash resources needed to finance their travel and subsistence to the work site and, therefore, need advance financial assistance. They also testified that West Indian workers travel at the expense of East Coast apple employers since employers contract with the Foreign government, and, under the terms of the contract, the foreign government pays for the transportation and is thereafter reimbursed by the employers if the foreign worker remained 14 days. The Department is aware that this was a new provision of the contract between the East Coast apple growers and the foreign government agency representing the West Indian Workers and that it had been substituted for an earlier provision of many years standing whereby the employers had advanced transportation costs directly to the foreign workers.

Employers generally opposed any obligation on their part to advance to U.S. workers the cost of transportation and subsistence en route to the place of employment. They argued that U.S. workers often failed to arrive at the work site and that, if they did arrive, only a small percentage were likely to remain for more than a few days. Thus, they contended that advancing travel expenses was likey to be very costly.

The Department has decided to continue past policy, and to clarify the advance transportation and subsistence cost issue in view of the hearing testimony. Employers will be required to offer and pay advance transportation and subsistence costs to U.S. workers if, and to the same extent that, foreign workers receive such advances directly from the employer or indirectly from any person, agency or other entity which is collaborating with the employer. If employers do not deduct transportation costs from a foreign worker's pay, they may not deduct such costs from a U.S. worker's pay.

In short, the regulations provide, with respect not only to transportation and subsistence costs but also with respect to all wages, benefits, and working conditions, that employers must offer and provide U.S. workers with at least the same level of wages, benefits and working conditions offered or provided to foreign workers.

7. WORK GUARANTEE

The Department's prior regulations required that workers be offered employment for at least three-fourths of the workdays during the contract period, a workday being defined as consisting of 8 hours. The proposed regulations would have required an employer to offer five 8-hour workdays during each week. Employers opposed the proposal as being impractical in view of possible weather conditions, and urged retention of the previous requirement of guaranteeing three-fourths of the worktime during the life of the work contract. There was worker support for the proposed change in the work guarantee, though at least one worker spokesperson agreed with the employer concern about the weather.

The Department, in view of the testimony and comments, has concluded that the three-quarter guarantee, which is the prevailing practice, is sufficient to prevent adverse affect on U.S. workers similarly employed. The proposal, therefore, has been withdrawn in favor of continuing the past policy provided of course that, where a better guarantee or benefit is extended to alien workers, the U.S. workers shall be entitled to at least the same guarantee to prevent adverse affect on U.S. workers similarly employed. The language of the guarantee provision has also been edited to express the meaning of the guarantee more clearly.

8. TRAVEL TO AND FROM WORKSITE

The prior regulations at 20 CFR Part 602 required employers to provide workers with transportation to and from worksites and lodging without cost to the workers. The proposed regulations proposed to require employers to pay wages to workers for time spent in such travel exceeding 30 minutes each way. The hearing testimony and comments have convinced the Department that the prior policy was sufficient to protect U.S. workers from adverse effect. The proposal, therefore, has been withdrawn. Again, however, if an employer offers better benefits to foreign workers, the employer must provide U.S. workers with at least the same benefits to prevent adverse effects.

9. RECRUITMENT OF U.S. WORKERS AFTER CERTIFICATION

The proposed regulations proposed that employers be required to offer and provide employment to U.S. workers until the completion of fifty percent of the period of the foreign workers' contract period. Employers urged that their responsibility in this regard should end at the time of certification. Worker representatives urged that the responsibility should continue until the end of the harvest. The Department believes that the proposed regulation was a reasonable middle course. Consequently, the proposal has been adopted. The regulation has also been clarified to require active recruitment of U.S. workers only up until the time

the foreign workers arrive. Thereafter, employers must offer work to qualified U.S. workers who appear for work until the fifty percent period has elapsed.

10. PENALTY FOR HIRING UNDOCUMENTED WORKERS

The proposed regulations provided that no employer could be granted a temporary alien certification if the employer had been found in the last 12 months to have knowingly hired undocumented workers (illegal aliens). In view of the pendency of legislation on this matter before the Congress, the Department has concluded that the proposal is not an appropriate subject for these regulations, but rather for Congressional action. The proposal, therefore, has been withdrawn.

11. ASSURANCE OF COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW

The proposed regulations provided that, to obtain a temporary labor certification, an employer must assure past and future compliance with applicable Federal, State and local laws. Some employers opposed the proposal, stating that is was too broad and that, in certain cases, it might result in either self-incrimination or willful misrepresentation. Worker representatives supported the proposal as protective of the workers. In view of the hearing testimony and comments, the Department is withdrawing the "past compliance" portion of the regulation as inappropriate for these labor certification regulations. The Department, however, believes it is reasonable to require employers to assure that they will comply with applicable employment-related laws with respect to the employment for which they are granted a certification. The "future compliance" assurance, therefore, has been retained.

12. PROTECTIVE CLOTHING AND FOOTWEAR

The Department's prior regulations at 20 CFR Part 602 required employers to furnish all tools, supplies and equipment necessary to perform the work without charge to the worker. The prior regulations had also been interpreted to require employers to reimburse workers for such items whenever they were furnished by the workers. The proposed regulations provided that employers also supply protective clothing and footwear without charge to the workers. While employers were opposed to this new equipment, worker representatives were generally silent with respect to it. In light of the hearing testimony and comments, the Department has concluded that Federal and State employment standards and health and safety agencies, rather than the Employment and Training Administration, are more appropriately regulators of employment standards and health and safety matters such as requirements with respect to protective clothing and footwear. The proposal, therefore, has been withdrawn. Again, however, if such items are provided to foreign workers, they must also be provided to U.S. workers to prevent adverse effect.

13. MEAL CHARGES

The Department's prior regulations allowed employers to charge workers from $2.55 to $4.00 for providing them with three meals per day. The proposed regulations provided for charges of from $3.25 to $4.00. Employers complained that the charges were still too low, while worker groups said they were too high. The Department has concluded that the proposal was a reasonable middle ground. The proposal, therefore, has been adopted.

14. WORK CONTRACTS

The Department's prior regulations allowed employers to either provide workers with copies of their work contracts or to post such contracts in a conspicuous place (with summaries given to the workers). The proposed regulations provided that employers supply a copy of the work contract to each worker. Employers opposed the proposal on the grounds of cost and inconvenience. Worker representatives supported the proposal as a way of acquainting workers with their employment obligations and rights. The Department believes that it is entirely reasonable for a worker to be given a copy of his or her own work contract upon request. The Department believes that the employers' costs in supplying such contracts are far outweighed by the protection afforded to the worker when the worker has a copy of his or her employment responsibilities and rights.

In addition, the Department proposed that, if a worker was fluent and/or literate in Spanish, but not in English, that the contract be supplied in Spanish. In light of the testimony and comments, however, the Department has concluded that the cost involved for the employer (hiring a translater, etc.), the uncertainty of judging how many such workers will appear for work, and the fact that administrative or judicial causes of action arising from the contract must generally be carried out in English, weigh against the adoption of the proposal. The proposal, therefore, has been withdrawn. In addition, and for the same reasons, the same Spanish contract requirement, which has been contained in the regulations governing interstate job orders for agricultural workers at 20 CFR 653.108(c)(2)(xi), and which has been applied to all employers using the employment service's interstate clearance system to obtain agricultural workers, is being revoked.

15. OVERTIME RECORDS

The proposed regulations added a requirement not found in the Department's prior regulations that earnings statements, provided by employers to workers, include a breakout of straight time and overtime work. Employers opposed the proposal; worker representatives were silent on it. In view of the fact that agricultural work is exempt from the overtime provisions of the Fair Labor Standard Act, and in view of the fact that the Employment Standards Administration, rather than the Employment and Training Administration, has responsibility for enforcing the Fair Labor Standards Act and has published regulations with respect to overtime matters, the proposal has been withdrawn.

16. PIECE RATES

The Department's prior regulations required that piece rates be designed so as to enable the workers to earn the amount they would have earned if they had been paid at adverse effect hourly wages. The proposed regulations provided that the Administrator, United States Employment Service, would periodically publish a schedule containing the normal piece rate production of an average U.S. worker, and adverse effect piece rates, that is, piece rates by which average U.S. workers would earn at the adverse effect rate. Employers opposed the change arguing that "average U.S. workers" were not as productive as foreign workers. Assuming the employers are correct regarding the productivity of U.S. workers, the Department believes that this argument is legally irrelevant. Under the Immigration and Nationality Act as implemented by the INS regulation at 8 CFR 214.2(h)(3)(i), the Department may not grant a temporary labor certification if there are qualified U.S. workers available.

The wages paid, moreover, must not adversely affect the wages of U.S. workers who do similar types of work.

Worker representatives supported the proposal in principle, charging that, when the adverse effect rate goes up, employers, instead of raising the piece rate, often simply require their workers to work faster. They testified that, although the adverse effect has gone up over the last several years, many employers had not altered their piece rates during that period.

The Department recognizes the difficulty, as pointed out by employers, of measuring the productivity of average U.S. workers, especially in light of different crops and types of harvesting. The Department also recognizes the possibility of abuses, as pointed out by worker representatives. The

Department, therefore, has decided to continue past policy by requiring that piece rates be designed to produce earnings equal to that produced by the adverse effect rate. The policy, however, has been clarified and adjusted to require that, in any year in which the adverse effect rate increases, employers must redesign their piece rates accordingly. In order to afford employers early notice of changes in the adverse effect rates, the formula for computing the adverse effect rates has been set forth in the regulations. As as result, adverse effect rates, which are merely computed mathematically using the formula, will be able to be published as a FEDERAL REGISTER notice, rather than through a time consuming rulemaking procedure.

17. ADVERSE EFFECT RATES

Under the prior regulations, the Department published annual adverse effect rates for certain States and crops. Adverse effect rates are either the prevailing wage rate or a somewhat higher wage rate; they are the wage rates which must be paid in order to ensure that the wage rates of similarly employed U.S. workers are not adversely affected.

The proposed regulations did not propose any change in the adverse effect rate concept. On April 1, 1977 at 42 FR 17486 the Department proposed the adverse effect rates for 1977. These rates were published in final form on August 9, 1977. The August 9, 1977 FEDERAL REGISTER publication contained both the methodology which the Department uses to determine the adverse effect rates and an analysis of comments received. In view of the interest expressed in the comments and hearing testimony with respect to the adverse effect rates, the Department is republishing the adverse effect rate methodology and the reasons for the methodology. The following is reprinted from the FEDERAL REGISTER of August 9, 1977:

METHODOLOGY FOR DETERMINING THE ADVERSE EFFECT RATE: REASONS FOR SELECTING THE METHODOLOGY

The following is reprinted in relevant part from the FEDERAL REGISTER issue of June 22, 1976, at 41 FR 25018:

Last year (1975) and since 1968, the prior year's adverse effect rate was adjusted by the percentage change in the United States Department of Agriculture (U.S.D.A.) hourly farm wage rate (without room or board). This data was published in the U.S.D.A. publication Farm Labor (Publication Code No. La 1). The data was expressed as a yearly average on a State by State basis.

In 1974, which was a transition year, U.S.D.A. began utilizing a different survey method, publishing average farm wage rates on a quarterly basis, and publishing rates expressed by method of pay and type of work performed. No annual data is published. Data is listed in a State by region format with the New England States not reported separately. In view of this new manner of expressing average wage data by U.S.D.A., it is necessary that the Department of Labor adjust its method of adjusting its "adverse effect" rates.

The movement of wage rates and not absolute wage rates are utilized to update the § 602.10b adverse effect rates for workers performing similar tasks, therefore, it was deemed desirable that the choice of what data to utilize from U.S.D.A. should coincide with the crop affected. In the States for which adverse effect rates are being published, temporary foreign agricultural workers are imported primarily for crop harvesting activities, e.g., to pick apples in the eastern seaboard States and to cut sugar cane in Florida. It is reasonable, therefore, to utilize the average wage rate that most closely coincides with the type of work performed by these workers. The category which closely resembles that task for which data is obtained by U.S.D.A. is Field and Livestock Workers.

Although, U.S.D.A. also obtains data based upon Piece-rate methods of pay to farmworkers, this data was determined to be less desirable than the data utilized in view of the limitied data available from some States, and the inclusion of Packing House Workers, Machine Operators and Supervisors in this category.

To determine the adverse effect rate for this year the Department of Labor sought, and obtained, average hourly wage rates for Field and Livestock Workers from U.S.D.A. for calendar years 1974 and 1975. This data is not published by U.S.D.A. However, the primary data, which is the basis for the statistics in Farm Labor, was utilized in responding to the Department of Labor's request. The U.S.D.A. response was as follows:

"The sample design for the Quarterly Agricultural Labor Survey is such that the valid wage rates for the individual states in New England cannot be produced. Because of the limited use of hired agricultural labor in New England and limited resources available to us, it was decided to treat New England as a single unit for sampling purposes. We have examined the results when calculated for individual states and find them too variable for release. Consequently, we can provide only the annual average rate for New England as a whole."

"NOTE.—For documentaion of the methodology utilized in the Quarterly Agricultural Labor Survey, we suggest that the section on "Sources and Reliability of Estimates" as published on p. 2 of the enclosed Farm Labor release be used."

To obtain this year's (1976) adverse effect rate of the prior year's rate was adjusted by the percentage change in the U.S.D.A. farm wage rate for Field and Livestock Workers between 1974 and 1975 For the individual New England States and prior year's adverse effect rates for each State was adjusted by the percentage change in all the New England States.

THIS YEAR'S COMMENTS

As noted above, all three of the comments received this year stated that the proposed 1977 Adverse Effect Rates were too low. They asserted that higher rates were necessary to prevent adverse effect with respect to American workers. One commenter suggested that the rate be set at the wage that would be paid of alien workers were excluded from the country. At the present time, the Department does not possess an economic model or the data by which such a hypothetical rate could be calculated.

Another commenter suggested that the following methodology be used to determine the adverse effect rate:

(1) Locate for each State the quarter during the previous year in which the greatest number of agricultural workers were employed. This number is set by the U.S. Department of Agriculture Statistical Reporting Service and it varies from State to State.
(2) Determine the consumer price index increase from the previous year.
(3) Multiply the increase by the average piece rate wage paid to these workers.
(4) This figure should be the adverse effect rate offered to U.S. workers prior to certifying alien workers.

The Department is giving consideration to the proposed methodology. At the present time, however, the Department has the following concerns regarding suggested methodology:

(a) The commenter made no showing that the present rate adversely affects U.S. workers;

(b) Except for the fact that the wage rate produced would probably be higher, the suggested methodology was not supported by reasons as to why it would succeed in assuring that U.S. workers would not be adversely affected;

(c) The Department does not presently have adequate data on average piece rates; and

(d) The commenter gave no reason for pegging the rate to the consumer price index.

Another commenter stated that the use of aliens in and of itself adversely affected U.S. workers. The Department would like to note, however, that the Immigration and Nationality Act, by which the labor certification program is authorized, allows for the admission of aliens for temporary agricultural labor. It does not seem probable, therefore, that Congress meant the Act to be administered in such a way as to preclude such admissions altogether.

One commenter noted that Social Security taxes do not have to be paid by alien workers or their employers. Thus, domestic workers doing the same work get less take-home pay, and employers incur less expense when they employ alien workers. The Department would like to note that domestic workers in the long run, benefit from belonging to the Social Security system. Nevertheless, the Department is taking a serious look at this matter with a view towards adverse effect rates in future years.

One commenter enclosed a theoretical analysis of the impact of the adverse effect rate. The Department found the analysis very interesting.

The analysis, however, was based on many assumptions, including the following:

(1) A perfectly competitive labor market;

(2) Perfect knowledge of alternatives by U.S. workers;

(3) Perfect mobility of U.S. workers;

(4) Employers will not pay wages above what is minimally necessary to meet their labor demands;

(5) Offered employment of equal desirability, workers will choose jobs which offer the highest wages;

(6) The short run quantity of capital and other nonhuman resources remain constant; and

(7) Consumer tastes, technology, price of working conditions, wages in alternate occupations, labor force participation rates, and population remain constant.

The Department believes that the list of assumptions above reveals the enormity of the problem in using such an economic model to construct an adverse effect rate for various crops and for various areas of the country. To do so would require a great deal of time, personnel and money. The Department must construct its adverse effect rate in a way which is at the same time (1) fair, (2) reasonable, (3) cost effective, and (4) geared as much as possible to the reality of agricultural crops, areas and existing wage factors.

The Department believes that its present methodology meets these criteria and, as much as any alternative suggested by the commenters, protects the wages of U.S. workers from being adversely affected by alien labor.

18. TERMINATION OF WORK CONTRACT BY ACT OF GOD

The Department's prior regulations at 20 CFR Part 602 provided that an employer could terminate the work contract if an Act of God (flood, fire, etc.) made the work impossible, provided, however, that the Regional ETA Administrator determined that such an Act of God had indeed made work impossible. The proposed regulations provided that the employer could terminate the contract in such instances without such an ETA determination. Employers, nevertheless, opposed the provision as an undue limitation of their contracting prerogatives. Worker representatives urged that the prior policy be restored as necessary for the protection of the workers, especially migrant workers who are far from home and whose livelihood depends on steady work in the harvest season. The Department has restored the prior policy because it believes that the protection of the workers outweighs the minor procedural burden on employers in seeking the ETA determination.

19. HANDICAPPED WORKERS

The proposed regulations contained a provision, previously contained in the Employment Security Manual, allowing employers to pay handicapped workers who are over 60 or under 18 years of age a lower wage during a "training" period. This section elicited minimal comments. The Department, however, in view of the principles of the Rehabilitation Act of 1973 (equal opportunity for the handicapped) and the Age Discrimination in Employment Act (non-discrimination in employment with respect to workers aged 40 to 65), has withdrawn the proposal and will no longer have a special wage rate for such handicapped workers.

20. COMPARABILITY OF BENEFITS

The proposed regulations contained a requirement that U.S. workers be provided the same benefits as were accorded by the employer to foreign workers in the previous year. The Department agrees with both employers (who stated that the effect would be to lock them into permanently affording certain benefits) and with worker representatives (who favored the principle of comparability of benefits between U.S. and foreign workers). In the final regulations, therefore, as noted above, the Department has made it clear that U.S. workers must be offered and provided at least the same benefits as are offered or provided to foreign workers. The prior year concept, however, has been dropped.

21. OTHER CHANGES

In addition to the changes specified above, many editorial, organizational, clarifying and interpretative changes have been made.

These regulations have been developed under the direction and control of William B. Lewis, Administrator, United States Employment Service, Room 8000, 601 D Street NW., Washington, D.C. 20213.

Accordingly, 20 CFR Chapter V is amended as follows:

PART 602—FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

1. In the table of contents for Part 602, the heading "Certification and use of Temporary Foreign Labor for Agricultural and Logging Employment" is deleted. In addition, §§ 602.10, 602.10a, and 602.10b are deleted.

2. Immediately prior to § 602.10, the heading "Certification and Use of Temporary Foreign Labor for Agricultural and Logging Employment" is deleted.

§§ 602.10, 602.10a, and 602.10b [Deleted]

3. Sections 602.10, 602.10a, and 602.10b are removed in their entirety.

PART 621—CERTIFICATION OF TEMPORARY FOREIGN LABOR FOR OCCUPATIONS OTHER THAN AGRICULTURE AND LOGGING

4. The title of Part 621 is changed to read: Certification of Temporary Foreign Labor for Occupations Other Than Agriculture and Logging as set forth above.

5. Section 621.1 *Purpose* is revised to read as follows:

§ 621.1 Purpose.

This part, and Part 655, Subpart A, of this chapter, set forth the procedures governing the temporary labor certification process for occupations other than agriculture and logging. Supplementary regulations governing the temporary labor certification process for occupations on Guam (other than in agriculture and logging) are found at Part 655, Subpart B, of this chapter.

§ 621.3 [Amended]

6. In § 621.3 *Determinations*, paragraph (b), the citation "602" is changed to "655."

PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

§ 651.6 [Amended]

7. In § 651.6, Consolidated table of contents for Parts 651-658, the following new section headings are added at the very beginning of the table of contents of Part 655, immediately preceding the table of contents of Subpart A:

Sec.
655.0 Scope and purpose of part.
655.00 Authority of the Regional Administrator.

8. In § 651.6, Consolidated table of contents for Parts 651-658, the following table of contents for Part 655, Subpart C, is inserted in its proper place:

SUBPART C—LABOR CERTIFICATION PROCESS FOR TEMPORARY AGRICULTURAL AND LOGGING EMPLOYMENT

Sec.
655.200 General description of this subpart and definition of terms.
655.201 Temporary labor certification applications.
655.202 Contents of job offers.
655.203 Assurances.
655.204 Determinations based on temporary labor certification applications.
655.205 Recruitment period.
655.206 Determinations of U.S. worker availability and adverse effect on U.S. workers.
655.207 Adverse effect rates.
655.208 Temporary labor certification applications involving fraud or willful misrepresentation.
655.209 Invalidation of temporary labor certifications.

Sec.

655.210 Failure of employers to comply with the terms of a temporary labor certification.
655.211 Petitions for higher meal charges.
655.212 Administrative-judicial reviews.

PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

§ 653.108 [Amended]

9. In § 652.108, paragraph (c)(2)(ix) is amended by adding the word "and" at the end thereof, paragraph (c)(2)(x) is amended by replacing the semicolon and the word "and" at the end thereof with a period, and paragraph (c)(2)(xi) is removed.

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

10. Part 655 is amended by adding a new § 655.0 and § 655.00 at the very beginning of the part, immediately preceding Subpart A, to read as follows:

§ 655.0 Scope and purpose of part.

(a) *General.* This part sets out the procedures adopted by the Secretary to secure information sufficient to make factual determinations of: (1) whether U.S. workers are available to perform temporary employment in the United States, for which an employer desires to employ nonimmigrant foreign workers, and (2) whether the employment of aliens for such temporary work will adversely affect the wages or working conditions of similarly employed U.S. workers. These factual determinations (or a determination that there are not sufficient facts to make one or both of these determinations) are required by the Attorney General, acting throught the Immigration and Naturalization Service (INS) of the Department of Justice, to assist the Attorney General to carry out the policy of the Immigration and Nationality Act (INA), as implemented in the INS regulation at 8 CFR 214.2(h)(3)(i), that a nonimmigrant alien worker not be admitted to fill a particular temporary job opportunity unless no qualified U.S. worker is available to fill the job opportunity, and unless the employment of the foreign worker in the job opportunity will not adversely affect the wages or working conditions of similarly employed U.S. workers.

(b) *The statutory standard.* The Immigration and Nationality Act (the Act) (8 U.S.C. 1101 et seq.) regulates the admission of immigrant and nonimmigrant aliens into the United States. Section 1101(a)(15)(H)(ii), 8 U.S.C., defines "nonimmigrant aliens" as follows:

(a) As used in this chapter

* * * * *

(5) The term "immigrant" means an alien except an alien who is within one of the following classes of nonimmigrant aliens—

(H) An alien having residence in a foreign country which he has no intention of abandoning

* * * * *

(ii) Who is coming temporarily to the United States to perform temporary services of labor, if unemployed persons capable of performing such service or labor cannot be found in this country.

The basis for the admission of nonimmigrant aliens into the United States is set by section 1184(a), 8 U.S.C. which provides in pertinent part:

(a) The admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as the Attorney General may by regulations prescribe * * *.

Section 1184(c), 8 U.S.C., directs the Attorney General to consult with "appropriate agencies of the Government" prior to a determination on the petition of an employer for the importation of temporary nonimmigrant alien workers:

(c) The question of importing any alien as a nonimmigrant under section 1101(a)(15)(H) or (L) of this title in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe. The approval of such a petition shall not, of itself, be construed as establishing that the alien is a nonimmigrant.

(c) *The INS regulations.* The Attorney General, through the Immigration and Naturalization Service (INS), has promulgated regulations to implement the Attorney General's responsibilities regarding the admission of temporary foreign workers. These regulations, which are codified at 8 CFR 214.2(h)(3), adopt the same admission standards for nonimmigrant temporary foreign workers that the INA (8 U.S.C. 1182(a)(14) (A) and (B)) requires for certain immigrants who seek to perform permanent work in the United States. They also provide employers the right to an adjudicatory review before the INS whenever the Secretary has advised the INS that one or both of the factual determinations cannot be made. 8 CFR 214.2(h)(3)(i) requires:

* * * [A] certification from the Secretary of Labor * * * stating that qualified persons in the United States are not available (see 8 U.S.C. 1182(a)(14)(A)) and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed (see 8 U.S.C. 1182(a)(14)(B)) or a notice that such a certification cannot be made, shall be attached to every non-immigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act. If there is attached to the petition a notice from the Secretary of Labor that certification cannot be made, the petitioner shall be permitted to present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. All such evidence submitted will be considered in the adjudication of the petition.

Under the authority of the INA and the INS regulations the Secretary of Labor has promulgated the regulations in this part. They set forth the requirements and procedures applicable to requests for certification by employers seeking the services of temporary foreign workers. They provide the Secretary's methodology for the two-fold determination of availability of domestic workers for, and of any adverse effect which would be occasioned by, the use of foreign workers for particular temporary jobs in the United States.

(d) *The Secretary's determinations.* Before any factual determination can be made concerning the availability of U.S. workers to perform particular job opportunities, two steps must be taken. First, the minimum level of wages, terms, benefits, and conditions for the particular job opportunities, below which similarly employed U.S. workers would be adversely affected, must be established. (The regulations in this part establish such minimum levels for wages, terms, benefits, and conditions of employment.) Second, the wages, terms, benefits, and conditions offered and afforded to the aliens must be compared to the established minimum levels. If it is concluded that adverse effect would result, the ultimate determination of availability within the meaning of the INA cannot be made since U.S. workers cannot be expected to accept employment under conditions below the established minimum levels. *Florida Sugar Cane League, Inc.* v. *Usery,* 531 F. 2d 299 (5th Cir. 1976).

Once a determination of no adverse effect has been made, the availability of U.S. workers can be tested only if U.S. workers are actively recruited through the offer of wages, terms, benefits, and conditions at least at the minimum level or the level offered to the aliens, whichever is higher. The regulations in this part set forth requirements for recruiting U.S. workers in accordance with this principle.

(e) *Construction.* This part and its subparts shall be construed to effectuate the purpose of the INA that U.S. workers rather than aliens be employed wherever possible. *Elton Orchards, Inc.* v. *Brennan,* 508 F. 2d 493, 500 (1st Cir. 1974), *Flecha* v. *Quiros,* — F. 2d — (1st Cir. 1977). Where temporary alien workers are admitted, the terms and conditions of their employment must not result in a lowering of

the terms and conditions of domestic workers similarly employed, *Williams* v. *Usery*, 531 F. 2d 305 (5th Cir. 1976); *Florida Sugar Cane League, Inc.* v. *Usery*, 531 F. 2d 299 (5th Cir. 1976), and the job benefits extended to any U.S. workers shall be at least those extended to the alien workers.

§ 655.00 Authority of the Regional Administrator.

Pursuant to the regulations under this part, temporary labor certification determinations are ordinarily made by the Regional Administrator of an Employment and Training Administration region. The Administrator, however, may direct that certain types of applications or certain applications shall be handled by, and the determinations made by, the United States Employment Service (USES) in Washington, D.C. In those cases the Regional Administrator will informally advise the employer or agent of the name of the official who will make determinations with respect to the application.

11. Part 655 is amended by adding a new subpart C to read as follows:

Subpart C—Labor Certification Process for Temporary Agricultural and Logging Employment

Sec.

655.200 General description of this subpart and definition of terms.
655.201 Temporary labor certification applications.
655.202 Contents of job offers.
655.203 Assurances.
655.204 Determinations based on temporary labor certification applications.
655.205 Recruitment period.
655.206 Determinations of U.S. worker availability and adverse effect on U.S. workers.
655.207 Adverse effect rates.
655.208 Temporary labor certification applications involving fraud or willful misrepresentation.
655.209 Invalidation of temporary labor certifications.
655.210 Failure of employers to comply with the terms of a temporary labor certification.
655.211 Petitions for higher meal charges.
655.212 Administrative-judicial reviews.

AUTHORITY: Immigration and Nationality Act, (8 U.S.C. 1101, 1184(c)); 8 CFR 214.2(h)(3)(i); (5 U.S.C. 301).

Subpart C—Labor Certification Process for Temporary Agricultural and Logging Employment

§ 655.200 General description of this subpart and definition of terms.

(a) An employer who desires to use foreign workers for temporary employment must file a temporary labor certification application including a job offer for U.S. workers with a local office of a State employment service agency. The employer should file an application a minimum of 80 days before the estimated date of need for the workers. If filed 80 days before need, sufficient time is allowed for the 60-day recruitment period required by the regulations and a determination by the Regional Administrator (RA) as to the availability of U.S. workers 20 days before the date of need. Shortly after the application has been filed, the RA makes a determination as to whether or not the application has been filed in enough time to recruit U.S. workers and whether or not the job offer for U.S. workers offers wages and working conditions which will not adversely affect the wages and working conditions of similarly employed U.S. workers, as prescribed in the regulations in this subpart. If the application does not meet the regulatory wage and working condition standards, the RA shall deny the temporary labor certification application and offer the employer an administrative-judicial review of the denial by a Department of Labor Hearing Officer. If the application is not timely, the RA has discretion, as set forth in these regulations, to either deny the application or permit the process to proceed reasonably with the employer recruiting U.S. workers upon such terms as will accomplish the purposes of the INA and the INS regulations. Where the application is timely and meets the regulatory standards, the State employment service agency, the employer, and the Department of Labor recruit U.S. workers for 60 days. At the end of the 60 days, the RA grants the temporary labor certification if the RA finds that (1) the employer has not offered foreign workers higher wages or better working conditions (or less restrictions) than that offered to U.S. workers, and (2) U.S. workers are not available for the employer's job opportunities. If the temporary labor certification is denied, the employer may seek an administrative-judicial review of the denial by a Department of Labor Hearing Officer as provided in these regulations. The Department of Labor thereafter advises the Immigration and Naturalization Service (INS) of approvals and denials of temporary labor certifications. The INS may accept or reject this advice. 8 CFR 214.2(h)(3). The INS makes the final decision as to whether or not to grant visas to the foreign workers. 8 U.S.C. 1184(a).

(b) *Definitions for terms used in this subpart.* "Administrator" means the chief official of the United States Employment Service or the Administrator's designee.

"Adverse effect rate" means the wage rate which the Administrator has determined must be offered and paid to foreign and U.S. workers for a particular occupation and/or area so that the wages of similarly employed U.S. workers will not be adversely affected. The Administrator may determine that the prevailing wage rate in the area and/or occupation is the adverse effect rate, if the use (or nonuse) of aliens has not depressed the wages of similarly employed U.S. workers. The Administrator may determine that a wage rate higher than the prevailing wage rate is the adverse effect rate if the Administrator determines that the use of aliens has depressed the wages of similarly employed U.S. workers.

"Agent" means a legal person, such as an association of employers, which (1) is authorized to act as an agent of the employer for temporary labor certification purposes, and (2) which is not itself an employer, or a joint employer, as defined in this section.

"Area of intended employment" means the area within normal commuting distance of the place (address) of intended employment. If the place of intended employment is within a Standard Metropolitan Statistical Area (SMSA), any place within the SMSA is deemed to be within normal commuting distance of the place of intended employment.

"Employer" means a person, firm, corporation or other association or organization (1) which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the United States and (2) which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employees. An association of employers shall be considered an employer if it has all of the indicia of an employer set forth in this definition. Such an association, however, shall be considered as a joint employer with the employer member if it shares with the employer member one or more of the definitional indicia.

"Employment and Training Administration (ETA)" means the agency within the Department of Labor (DOL) which includes the United States Employment Service (USES).

"Hearing Officer" means a Department of Labor official, whether Administrative Law Judge or Hearing Officer, who is authorized to conduct administrative hearings.

"Immigration and Naturalization Service (INS)" means the component of the U.S. Department of Justice which makes the determination under The Immigration and Nationality Act (INA) on whether or not to grant a visa to an alien seeking to perform temporary agricultural or logging work in the United States.

"Job opportunity" means a job opening for temporary, full-time employment at a place in the United States to which U.S. workers can be referred.

"Local office" means an office of a State employment service agency which serves a particular geographic area within a State.

"Regional Administrator, Employment and Training Administration (RA)" means the chief official of the Employment and Training Administration (ETA) in a Department of Labor (DOL) regional office.

"Secretary" means the Secretary of Labor or the Secretary's designee.

"State agency" means the State employment service agency.

"Temporary labor certification" means the advice given by the Secretary of Labor to the Immigration and Naturalization Service, pursuant to the regulations of that agency at 8 CFR 214.2(h)(3)(i), that (1) there are not sufficient U.S. workers who are qualified and available to perform the work and (2) the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

"United States Employment Service (USES)" means the agency of the U.S. Department of Labor, established under the Wagner-Peyser Act of 1933, which is charged with administering the national system of public employment offices and carrying out the functions of the Secretary under the Immigration and Nationality Act.

"United States workers" means any worker who, whether U.S. national, citizen or alien, is legally permitted to work permanently within the United States.

§ 655.201 Temporary labor certification applications.

(a) (1) An employer who anticipates a labor shortage of workers for agricultural or logging employment may request a temporary labor certification for temporary foreign workers by filing, or by having an agent file, in duplicate, a temporary labor certification application, signed by the employer, with a local office in the area of intended employment.

(2) If the temporary labor certification application is filed by an agent, however, the agent may sign the application if the application is accompanied by a letter from each employer the agent represents, signed by the employer, which authorizes the agent to act on the employer's behalf and which states that the employer assumes full responsibility for the accuracy of the application, for all representations made by the agent on the employer's behalf, and for the fulfillment of all legal requirements arising under this subpart.

(3) If an association of employers files the application, the association shall identify and submit documents to verify whether, in accordance with the definitions at § 655.200, it is (i) the employer, (ii) a joint employer with its member employers, or (iii) the agent of its employer members.

(b) Every temporary labor certification application shall include:

(1) A copy of the job offer which will be used by the employer (or each employer) for the recruitment of both U.S. and foreign workers. The job offer for each employer shall state the number of workers needed by the employer, and shall be signed by the employer. The job offer shall comply with the requirements of § 655.202 and § 653.108 of this chapter;

(2) The assurances required by § 655.203; and

(3) The specific estimated date of need of workers.

(c) The entire temporary labor certification application shall be filed with the local office in duplicate and in sufficient time to allow the State agency to attempt to recruit U.S. workers locally and through the Employment Service intrastate and interstate clearance system for 60 calendar days prior to the estimated date of need. Section 655.206 requires the RA to grant or deny the temporary labor certification application by the end of the 60 calendar days, or 20 days from the estimated date of need, whichever is later. That section also requires the RA to offer employers an expedited administrative-judicial review in cases of denials of the temporary labor certification applications. Following an administrative-judicial review, the employer has a right to contest any denial before the INS pursuant to 8 CFR 214.2(h)(3)(i). Finally, employers need time, after the temporary labor certification determination, to complete the process for bringing foreign workers into the United States, or to bring an appeal of a denial of an application for the labor certification. Therefore, employers should file their temporary labor certification applications at least 80 days before the estimated date of need specified in the application.

(d) Applications may be amended at any time prior to RA determination to increase the number of workers requested in the original application for labor certification by not more than 15 percent without requiring an additional recruitment period for U.S. workers. Requests for increases beyond 15 percent may be approved only when it is determined that, based on past experience, the need for additional workers could not be foreseen and that a critical need for the workers would exist prior to the expiration of an additional recruitment period.

(e) If a temporary labor certification application, or any part thereof, does not satisfy the time requirements specified in paragraph (c) of this section, and if the exception in paragraph (d) of this section does not apply, the local office shall immediately send both copies directly to the appropriate Regional Administrator (RA). The RA may then advise the employer and the INS in writing that the temporary labor certification cannot be granted because, pursuant to the regulations at paragraph (c) of this section, there is not sufficient time to test the availability of U.S. workers. The notice of denial to the employer shall inform the employer of the right to administrative-judicial review and to ultimately petition INS for the admission of the aliens. In emergency situations, however, the RA may waive the time period specified in this section on behalf of employers who have not made use of temporary alien workers for the prior year's harvest or for other good and substantial cause, provided the RA has sufficient labor market information to make the labor certification determinations required by 8 CFR 214.2(h)(3)(i).

§ 655.202 Contents of job offers.

(a) So that the employment of aliens will not adversely affect the wages and working conditions of similarly employed U.S. workers, each employer's job offer to U.S. workers must offer U.S. workers at least the same benefits which the employer is offering, intends to offer, or will afford, to temporary foreign workers. Conversely, no job offer may impose on U.S. workers any restrictions or obligations which will not be imposed on the employer's foreign workers. For example, if the employer intends to advance transportation costs to foreign workers either directly or indirectly (by having them paid by the foreign government involved), the employer must offer to advance the transportation costs of U.S. workers.

(b) Except when higher benefits, wages or working conditions are required by the provisions of paragraph (a) of this section, the Administrator has determined that, in order to protect similarly employed U.S. workers from adverse effect with respect to wages and working conditions, every job offer for U.S. workers must always include the following minimal benefit, wage, and working condition provisions:

(1) The employer will provide the worker with housing without charge to the worker. The housing will meet the full set of Department of Labor, Occupational Safety and Health Administration standards set forth at 29 CFR 1910.142 (or the full set of standards of 20 CFR Part 620, if applicable. See the FEDERAL REGISTER of December 9, 1977, for applicability criteria), except that range housing for sheepherders shall meet guidelines which shall be issued periodically by the Department. When it is the prevailing practice in the area of intended employment to provide family housing, the employer will provide such housing to such workers;

(2) (i) If the job opportunity is covered by the State workers' compensation law, the worker will be eligible for workers' compensation for injury and disease arising out of and in the course of worker's employment; or

(ii) If the job opportunity is not covered by the State workers' compensation law, the employer will provide at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment;

(3) The employer will provide without cost to the worker all tools, supplies and equipment required to perform the duties assigned and, if any of these items are provided by the worker, the employer will reimburse the worker for the cost of those so provided;

(4) The employer will provide the worker with three meals a day. The job offer shall state the cost to the worker for such meals. The cost shall not be more than $3.25 per day unless the RA has approved a higher cost pursuant to § 655.211.

(5) (i) The employer will provide or pay for the worker's transportation and daily subsistence from the place, from which the worker, without intervening employment, will come to work for the employer, to the place of employment, subject to the deductions allowed by paragraph (b)(13) of this section. The amount of the daily subsistence payment shall be at least as much as the amount the employer willl charge the worker for providing the worker with three meals a day during employment;

(ii) If the worker completes the work contract period, the employer will provide or pay for the worker's transportation and daily subsistence from the place of employment to the place, from which the worker, without intervening employment, came to work for the employer, unless the worker has contracted for employment with a subsequent employer who, in that contract, has agreed to pay for the worker's transportation and daily subsistence expenses from the employer's worksite to such subsequent employer's worksite; and

(iii) The employer will provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations;

(6) (i) The employer guarantees to offer the worker employment for at least three-fourths of the workdays of the total period during which the work contract and all extensions thereof are in effect, beginning with the first workday after the arrival of the worker at the place of employment and ending on the termination date specified in the work contract, or in its extensions if any. For purposes of this paragraph, a workday shall mean any period consisting of 8 hours of work time. An employer shall not be considered to have met the work guarantee if the employer has merely offered work on three-fourths of the workdays. The work must be offered for at least three-fourths of the 8 hour workdays. (That is, ¾ × (number of days × 8 hours.) Therefore, if, for example, the contract contains 20 workdays, the worker must be offered employment for 120 hours during the 20 workdays. A worker may be offered more than 8 hours of work on a single workday. For purposes of meeting the guarantee, however, the worker may not be required to work for more than 8 hours per workday, or on the worker's Sabbath or Federal holidays;

(ii) If the worker will be paid on a piece rate basis, the employer will use the worker's average hourly earnings to calculate the amount due under the guarantee; and

(iii) Any hours which the worker fails to work when the worker has been offered an opportunity to do so pursuant to paragraph (b)(6)(i) of this section, and all hours of work actually performed (including voluntary work over 8 hours in a workday, or on the worker's Sabbath or Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met;

(7) (i) The employer will keep accurate and adequate records with respect to the workers' earnings, including field tally records, supporting summary payroll records, and records showing: The nature and amount of the work performed; the number of hours of work offered each day by the employer (broken out by hours offered both in accordance with, and over and above, the guarantee); the hours actually worked each day by the worker; the time the worker began and ended each workday; the rate of pay; the worker's earnings per pay period; and the amount of and reasons for any and all deductions made from the worker's wages;

(ii) If the number of hours worked by the worker is less than the number offered in accordance with the guarantee, the records will state the reason or reasons therefor;

(iii) The records, including field tally records and supporting summary payroll records, will be made available for inspection and copying by representatives of the Secretary of Labor, and by the worker and the worker's representatives; and

(iv) The employer will retain the records for not less than three years after the completion of the contract;

(8) The employer will furnish to the worker at or before each payday, in one or more written statements:

(i) The worker's total earnings for the pay period;

(ii) The worker's hourly rate or piece rate of pay;

(iii) The hours of employment which have been offered to the worker (broken out by offers in accordance with, and over and above, the guarantee);

(iv) The hours actually worked by the worker;

(v) An itemization of all deductions made from the worker's wages; and

(vi) If piece rates are used, the units produced daily;

(9) (i) If the worker will be paid by the hour, the employer will pay the worker at least the adverse effect rate; or

(ii) If the worker will be paid on a piece rate basis, the piece rate will be designed to produce average hourly earnings at least equal to the adverse effect rate. If the piece rate does not result at the end of the pay period in average hourly earnings during the pay period at least equal to the amount the worker would have earned had the worker been paid at the adverse effect rate, the worker's pay will be supplemented at that time so that the worker's earnings are at least as much as the worker would have earned during the pay period if the worker had been paid at the adverse effect rate;

(10) The frequency with which the worker will be paid (in accordance with the prevailing practice in the area of intended employment, or at least biweekly whichever is more frequent);

(11) If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the employer will not be responsible for providing or paying for the subsequent transportation and subsistence expenses of any worker for whom the employer would have otherwise been required to pay such expenses under paragraph (b)(5)(ii) of this section;

(12) If, before the expiration date specified in the work contract, the services of the worker are no longer required for reasons beyond the control of the employer due to fire or other Act of God which makes the fulfillment of the contract impossible, and the RA so certifies, the employer may terminate the work contract. In such cases the employer will make efforts to transfer the worker to other comparable employment acceptable to the worker. If such transfer is not effected, the worker (i) will be returned to the place from which the worker, without intervening employment, came to work for the employer at the employer's expense; and

(ii) Will be reimbursed the full amount of any deductions made from the worker's pay by the employer for

transportation and subsistence expenses to the place of employment borne directly or indirectly by the employer;

(13) The employer will make those deductions from the worker's paycheck which are required by law. The job offer shall specify all deductions, not required by law, which the employer will make from the worker's paycheck. All deductions shall be reasonable. The employer may deduct the cost of the worker's transportation and daily subsistence expenses to the place of employment which were borne directly by the employer; in such cases, however, the job offer shall state that the worker will be reimbursed the full amount of such deductions upon the worker's completion of 50 percent of the worker's contract period; and

(14) The employer will provide the worker a copy of the work contract between the employer and the worker. The work contract shall contain all of the provisions required by paragraphs (a) and (b) of this section.

§ 655.203 Assurances.

As part of the temporary labor certification application, the employer shall include assurances, signed by the employer, that:

(a) The job opportunity is not:

(1) Vacant because the former occupant is on strike or being locked out in the course of a labor dispute; or

(2) At issue in a labor dispute involving a work stoppage;

(b) During the period for which the temporary labor certification is granted, the employer will comply with applicable Federal, State and local employment-related laws, including employment related health and safety laws;

(c) The job opportunity is open to all qualified U.S. workers without regard to race, color, national origin, sex, or religion, and is open to U.S. workers with handicaps who are qualified to perform the work. No U.S. worker will be rejected for employment for other than a lawful job related reason;

(d) The employer will cooperate with the employment service system in the active recruitment of U.S. workers until the foreign workers have departed for the employer's place of employment by;

(1) Allowing the employment service system to prepare local, intrastate and interstate job orders using the information supplied on the employer's job offer;

(2) Placing at least two advertisements for the job opportunities in local newspapers of general circulation.

(i) each such advertisement shall describe the nature and anticipated duration of the job opportunity; offer at least the adverse effect wage rate; give the ¾ guarantee; state that work tools, supplies and equipment will be provided by the employer; state that housing will also be provided, and that transportation and subsistence expenses to the worksite will be provided or paid for by the employer;

(ii) Each advertisement shall direct interested workers to apply for the job opportunity at a local employment service office in their area;

(3) Cooperating with the employment service system in contacting farm labor contractors, migrant workers and other potential workers in other areas of the State and/or Nation by letter and/or telephone;

(4) Cooperating with the employment service system in contacting schools, business and labor organizations, fraternal and veterans organizations, and non-profit organizations and public agencies such as sponsors of programs under the Comprehensive Employment and Training Act, throughout the area of intended employment, in order to enlist them in helping to find U.S. workers; and

(5) If the employer, or an association of employers of which the employer is a member, intends to negotiate and/or contract with the Government of a foreign nation or any foreign association, corporation or organization in order to secure foreign workers, making the same kind and degree of efforts to secure U.S. workers;

(e) From the time the foreign workers depart for the employer's place of employment, the employer will provide employment to any qualified U.S. worker who applies to the employer until fifty percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide housing, and the other benefits, wages, and working conditions required by § 655.202, to any such U.S. worker; and

(f) Performing the other specific recruitment activities specified in the notice from the RA required by § 655.205(a).

§ 655.204 Determinations based on temporary labor certification applications.

(a) Within two working days after the temporary labor certification application has been filed with it, the local office shall mail the duplicate application directly to the appropriate RA.

(b) The local office, using the job offer portion of its copy of the temporary labor certification application, shall promptly prepare a local job order and shall begin to recruit U.S. workers in the area of intended employment.

(c) The RA, upon receipt of the duplicate temporary labor certification application, shall promptly review the application to determine whether it meets the requirements of §§ 655.201-655.203 in order to determine whether the employer's application is (1) timely, and (2) contains offers of wages, benefits, and working conditions required to ensure that similarly employed U.S. workers will not be adversely affected. If the RA determines that the temporary labor certification application is not timely in accordance with § 655.201 of this subpart, the RA may promptly deny the temporary labor certification on the grounds that, in accordance with that regulation, there is not sufficient time to adequately test the availability of U.S. workers. If the RA determines that the application does not meet the requirements of §§ 655.202-655.203 because the wages, working conditions, benefits, assurances, job offer, etc. are not as required, the RA shall deny the certification on the grounds that the availability of U.S. workers cannot be adequately tested because the wages or benefits, etc. do not meet the adverse effect criteria.

(d) If the certification is denied, the RA shall notify the employer in writing of the determination, with a copy to the local office and the Administrator. The notice shall:

(1) State the reasons for the denial, citing the relevant regulations; and

(2) Offer the employer an opportunity to request an expedited administrative-judicial review of the denial by a Department of Labor (DOL) Hearing Officer. The notice shall state that, in order to obtain such a review, the employer must, within five calendar days of the date of the notice, telegraph a written request for such a review to the Chief Administrative Law Judge of the Department of Labor (giving the address) and to the Regional Administrator. The notice shall also state that the employer's request for review should contain any legal arguments which the employer believes will rebut the basis of the RA's denial of certification; and

(3) State that, if the employer does not request an expedited administrative-judicial review before a DOL Hearing Officer within the five days:

(i) The RA will advise the INS that the certification cannot be granted, giving the reasons therefor, and that an administrative-judicial review of the denial was offered to the employer but not accepted, and enclosing, for INS review, the entire temporary labor certification application file; and

(ii) The employer has the opportunity to submit evidence to the INS to rebut the bases of the RA's determination in accordance with the INS regulation at 8 CFR 214.2(h)(3)(i) but that no further review of the employer's application for temporary labor certification may be made by any Department of Labor official.

(e) If the employer timely requests an expedited administrative-judicial review pursuant to paragraph (d)(2) of this section, the procedures of § 655.212 shall be followed.

§ 655.205 Recruitment period.

(a) If the RA determines that the temporary labor certification application meets the requirements of §§ 655.201–655.203, the RA shall promptly notify the employer in writing, with copies to the State agency and local office. The notice shall inform the employer and the State agency of the specific efforts which will be expected from them during the following weeks to carry out the assurances contained in § 655.203 with respect to the recruitment of U.S. workers. The notice shall require that the job order be placed both into intrastate clearance and into interstate clearance to such States as the RA shall determine to be potential sources of U.S. workers.

(b) Thereafter, the RA, under the direction of the ETA national office and with the assistance of other RAs with respect to areas outside the region, shall provide overall direction to the employer and the State agency with respect to the recruitment of U.S. workers.

(c) By the 60th day of the recruitment period, or 20 days before the date of need specified in the application, whichever is later, the RA, when making a determination of the availability of U.S. workers, shall also make a determination as to whether the employer has satisfied the recruitment assurances in § 655.203. If the RA concludes that the employer has not satisfied the requirement for recruitment of U.S. workers, the RA shall deny the temporary labor certification, and shall immediately notify the employer in writing with a copy to the State agency and local office. The notice shall contain the statements specified in § 655.204(d).

(d) If the employer timely requests an expedited administrative-judicial review before a DOL Hearing Officer, the procedures in § 655.212 shall be followed.

§ 655.206 Determinations of U.S. worker availability and adverse effect on U.S. workers.

(a) If the RA, in accordance with § 655.205 has determined that the employer has complied with the recruitment assurances, the RA, by 60th day of the recruitment period, or 20 days before the date of need specified in the application, whichever is later, shall grant the temporary labor certification for enough aliens to fill the employer's job opportunities for which U.S. workers are not available. In making this determination the RA shall consider as available for a job opportunity any U.S. worker who has made a firm commitment to work for the employer, including those workers committed by other authorized persons such as farm labor contractors and family heads; such a firm commitment shall be considered to have been made not only by workers who have signed work contracts with the employer, but also by those whom the RA determines are very likely to sign such a work contract. The RA shall also count as available any U.S. worker who has applied to the employer (or on whose behalf an application has been made), but who was rejected by the employer for other than lawful job-related related reasons unless the RA determines that:

(1) Enough qualified U.S. workers have been found to fill all the employer's job opportunities; or

(2) The employer, since the time of the initial determination under § 655.204, has adversely affected U.S. workers by offering to, or agreeing to provide to, alien workers better wages, working conditions, or benefits (or by offering or agreeing to impose on alien workers less obligations and restrictions) than that offered to U.S. workers.

(b) (1) Temporary labor certifications shall be considered subject to the conditions and assurances made during the application process. Temporary labor certifications shall be for a limited duration such as for "the 1978 apple harvest season" or "until November 1, 1978", and they shall never be for more than eleven months. They shall be limited to the employer's specific job opportunities; therefore, they may not be transferred from one employer to another.

(2) If an association of employers is itself the employer, as defined in § 655.200, certifications shall be made to the association and may be used for any of the job opportunities of its employer members and workers may be transferred among employer members.

(3) If an association of employers is a joint employer with its employer members, as defined in § 655.200, the certification shall be made jointly to the association and the employer members. In such cases workers may be transferred among the employer members provided the employer members and the association agree in writing to be jointly and severally liable for compliance with the temporary labor certification obligations set forth in this subpart.

(c) If the RA denies the temporary labor certification in whole or part, the RA shall notify the employer in writing, and by telegram. The notice shall contain all of the statements required in § 655.204(d). If a timely request is made for an administrative-judicial review by a DOL Hearing Officer, the procedures of § 655.212 shall be followed.

(d)(1) After a temporary labor certification has been granted, the employer shall continue its efforts to actively recruit U.S. workers until the foreign workers have departed for the employer's place of employment. The employer, however, must keep an active job order on file until the assurance at § 655.203(e) is met.

(2) The ES system shall continue to actively recruit and refer U.S. workers as long as there is an active job order on file.

§ 655.207 Adverse effect rates.

(a) Except as otherwise provided in this section, the adverse effect rates for all agricultural and logging employment shall be the prevailing wage rates in the area of intended employment.

(b)(1) For agricultural employment in the States listed in paragraph (b)(2) of this section, and for Florida sugar cane work, the adverse effect rate for each year shall be computed by adjusting the prior year's adverse effect rate by the percentage change (from the second year previous to the prior year) in the U.S. Department of Agriculture farm wage rates for agricultural workers. The Administrator shall annually publish adverse effect rates calculated pursuant to this paragraph as a notice in the FEDERAL REGISTER.

(2) *List of States.* Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Maryland, Virginia, and West Virginia. Other States may be added as appropriate.

(c) In any year in which the applicable adverse effect rate is increased, employers shall adjust their piece rates upward to avoid requiring a worker to increase his or her productivity over the previous year in order to earn an amount equal to what the worker would earn if the worker were paid at the adverse effect rate.

(d) The Administrator may periodically publish adverse effect piece rates for selected occupations. If the Administrator decides to do so, the methodology for establishing such piece rates shall be published as proposed rulemaking as an amendment to this section. The methodology shall take into account the changes in adverse effect rates. After the methodology is published as final rulemaking, the Administrator may publish adverse effect piece rates, calculated pursuant to the methodology, by notice in the FEDERAL REGISTER.

§ 655.208 Temporary labor certification applications involving fraud or willful misrepresentation.

(a) If possible fraud or willful misrepresentation involving a temporary labor certification application is discovered prior to a final temporary labor certification determination, or if

it is learned that the employer or agent (with respect to an application) is the subject of a criminal indictment or information filed in a court, the RA shall refer the matter to the INS for investigation and shall notify the employer or agent in writing of this referral. The RA shall continue to process the application and may issue a qualified temporary labor certification.

(b) If a court finds an employer or agent innocent of fraud or willful misrepresentation, or if the Department of Justice decides not to prosecute an employer or agent, the RA shall not deny the temporary labor certification application on the grounds of fraud or willful misrepresentation. The application, of course, may be denied for other reasons pursuant to this subpart.

(c) If a court or the INS determines that there was fraud or willful misrepresentation involving a temporary labor certification application, the application shall be deemed invalidated, processing shall be terminated, and the application shall be returned to the employer or agent with the reasons therefor stated in writing.

§ 655.209 Invalidation of temporary labor certifications.

After issuance, temporary labor certifications are subject to invalidation by the INS upon a determination, made in accordance with that agency's procedures or by a Court, of fraud or willful misrepresentation of a material fact involving the temporary labor certification application. If evidence of such fraud or willful misrepresentation becomes known to a Regional Administrator, Employment and Training Administration or to the Administrator, the Regional Administrator or Administrator as appropriate, shall notify the INS in writing.

§ 655.210 Failure of employers to comply with the terms of a temporary labor certification.

(a) If, after the granting of a temporary labor certification, the RA has probable cause to believe that an employer has not lived up to the terms of the temporary labor certification, the RA shall investigate the matter. If the RA concludes that the employer has not complied with the terms of the labor certification, the RA may notify the employer that it will not be eligible to apply for a temporary labor certification in the coming year. The notice shall be in writing, shall state the reasons for the determination, and shall offer the employer an opportunity to request a hearing within 30 days of the date of the notice. If the employer requests a hearing within the 30-day period, the RA shall follow the procedures set forth at § 658.421(i) (1), (2) and (3) of this chapter. The procedures contained in § 658.421(j), 658.422 and 658.423 of this chapter shall apply to such hearings.

(b) No other penalty shall be imposed by the employment service on such an employer other than as set forth in paragraph (a) of this section.

§ 655.211 Petitions for higher meal charges.

(a) An RA may permit an employer to charge workers up to $4 for providing them with 3 meals per day if the employer justifies the charge by submitting documentary evidence to the RA. A denial in whole or in part shall be reviewable as provided in § 655.212.

(b) Evidence submitted shall include the cost of goods and services directly related to the preparation and serving of meals, the number of workers fed, the number of meals served and the number of days meals were provided. The cost of the following items may be included: Food; kitchen supplies other than food, such as lunch bags and soap; labor costs which have a direct relation to food service operations, such as wages of cooks and restaurant supervisors; fuel, water, electricity, and other utilities used for the food service operations; other costs directly related to the food service operation. Charges for transportation, depreciation, overhead, and similar charges may not be included. Receipts and other cost records for a representative pay period shall be available for inspection by the Secretary's representatives for a period of one year.

§ 655.212 Administrative-judicial reviews.

(a) Whenever an employer has requested an administrative-judicial review of a denial of an application or petition in accordance with §§ 655.204(d), 655.205(d), 655.206(c), or 655.211 by telegram, the Chief Administrative Law Judge shall immediately assign a Hearing Officer to review the record for legal sufficiency, and the Regional Administrator shall send a certified copy of the case file to the Chief Administrative Law Judge by means normally assuring next day delivery. The Hearing Officer shall not have authority to remand the case and shall not receive additional evidence. Any contervailing evidence advanced after decision by the Regional Administrator shall be subject to provisions of 8 CFR 214.2(h)(3)(i).

(b) The Hearing Officer, within five working days after receipt of the case file shall, on the basis of the written record and due consideration of any written memorandums of law submitted, either affirm, reverse or modify the RA's denial by written decision. The decision of the Hearing Officer shall specify the reasons for the action taken and shall be immediately provided to the employer, RA, Administrator, and INS by telegram or hand delivery. The Hearing Officer's decision shall be the final decision of the Department of Labor and no further review shall be given to the temporary labor certification determination by any Department of Labor official.

Signed at Washington, D.C., this 7th day of March 1978.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-6392 Filed 3-8-78; 8:45 am]

federal register

FRIDAY, MARCH 10, 1978
PART IX

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Interim Procedural Rules

[6735-01]

Title 29—Labor

CHAPTER XXVII—FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

PART 2700—PROCEDURAL RULES

Interim Rules

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Interim rules.

SUMMARY: These rules of procedure have been officially adopted as interim rules of the Federal Mine Safety and Health Review Commission pursuant to section 113(d)(2) of the Federal Mine Safety and Health Act of 1977 (the Act) 83 Stat. 742, 30 U.S.C. 801-960, and the Determination Order of March 9, 1978, of the Director of the Office of Management and Budget (pursuant to section 301(e) of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, November 9, 1977), to provide for the orderly transaction of proceedings brought before it under the administrative review provisions of the Act and for the just and expeditious disposition of the issues raised in such proceedings.

EFFECTIVE DATE: March 10, 1978.

ADDRESS FOR COMMENTS: Federal Mine Safety and Health Review Commission, 4015 Wilson Boulevard, Arlington, Va. 22203.

FOR FURTHER INFORMATION CONTACT:

James A. Broderick, Acting Chief Administrative Law Judge, Federal Mine Safety and Health Review Commission, 4015 Wilson Boulevard, Arlington, Va. 22203, phone number 703-557-9200.

SUPPLEMENTARY INFORMATION: These rules are designed to resolve contested issues regarding the Act's application and enforcement as quickly and inexpensively as possible, consistent with due process, in order that the achievement of safe and healthful working conditions will neither be delayed nor denied any miner.

Notice of proposed rulemaking is not required inasmuch as these rules of agency procedure and practice are exempted under 5 U.S.C. 553(b)(A). However, the Commission desires to afford all interested persons an opportunity to participate in the formulation of its rules of procedure. Accordingly, any persons may submit written comments, suggestions, or objections, at any time, to the Federal Mine Safety and Health Review Commission, 4015 Wilson Boulevard, Arlington, Va. 22203.

These rules shall take effect immediately on March 10, 1978 and shall supersede all previous procedural rules. Amendments to these rules will be published on the basis of experience and comments received from the public.

JAMES A. BRODERICK,
Acting Chief Administrative Law Judge, Federal Mine Safety and Health Review Commission.

As adopted Part 2700 reads as follows:

PART I—PROCEDURAL RULES OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Subpart A—General Provisions

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2700.1 Purpose.
2700.2 Definitions.
2700.3 Who may practice.
2700.4 Signature to constitute certificate.
2700.5 Disciplinary proceedings.
2700.6 Membership of the Commission; decisions.
2700.7 Hearing sites.
2700.8 Standards of conduct.
2700.9 Jurisdiction.
2700.10 Parties.
2700.11 Documents.
2700.12 Service.
2700.13 Motions.
2700.14 Consolidation of proceedings.
2700.15 Withdrawal of pleadings.
2700.16 [Reserved.]
2700.17 Expedition of proceedings.

Subpart B—Proceedings

APPLICATIONS FOR REVIEW OF CITATIONS AND ORDERS

2700.18 General.
2700.19 Applications for review of citations and orders under sections 104 and 107 of the Act.
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PART I—PROCEDURAL RULES OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Subpart A—General Provisions

§ 2700.1 Purpose.

(a) This part sets forth general rules applicable to all types of proceedings before the Federal Mine Safety and Health Review Commission and its Administrative Law Judges.

(b) These rules shall be liberally construed to secure the just, prompt and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved.

§ 2700.2 Definitions.

As used in these rules:

(a) The term "Act" means the Federal Mine Safety and Health Act of 1977, 83 Stat. 742, 30 U.S.C. 801-960.

(b) The term "Commission" means the Federal Mine Safety and Health Review Commission.

(c) The term "Judge" means an Administrative Law Judge qualified pursuant to section 3105 of Title 5, United States Code, and appointed by or transferred to the Commission under section 113 of the Act.

(d) The terms "Secretary," "Administration," "operator," "person," "agent," "miner," "coal or other mine," "imminent danger," and "mandatory health or safety standard,"

have the meanings set forth in section 3 of the Act.

(e) the "Solicitor" means Solicitor of Labor or his authorized representative.

(f) The term "practice before the Commission" includes any action taken to support or oppose the assertion of a right before the Commission or its Judges; and the term "practice" includes any such action whether it relates to the substance of, or to the procedural aspects of, handling a particular matter. The term "practice" does not include the filing without comment of documents prepared by another person who is permitted to practice before the Commission, pursuant to § 2700.3; obtaining from the Commission information that is available to the public generally; or the making of inquiries respecting the status of a matter pending before the Commission.

(g) The term "citation" by the Secretary or his representative means a citation, or any modification thereof, issued under section 104 of the Act.

(h) The term "order" by the Secretary or his representative means an order, or any modification thereof, issued under section 104 or section 107 of the Act.

(i) The term "representative of miners" means a person or organization designated by a group of miners to act as their representative within the meaning of the Act.

§ 2700.3 Who may practice.

(a) Attorneys admitted to practice before the courts of any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Trust Territory of the Pacific Islands, or the District Court of the Virgin Islands may be permitted to practice before the Commission without filing an application for such privilege.

(b) A person who is not authorized to practice before the Commission as an attorney under paragraph (a) of this section may practice before the Commission as a representative of a party if he or she is:

(1) Individually a party;

(2) Individually a "representative of miners" within the meaning of the Act;

(3) A member of the immediate family of a party; or

(4) An owner, partner, or bona fide full-time officer or employee of a party when the party is a labor organization, an association, a partnership, a corporation, or other business entity. *Provided, however,* That any person who does not meet the above conditions may be permitted, in the discretion of the Judge or the Commission, to appear as a representative for the limited purpose of a specific proceeding.

§ 2700.4 Signature to constitute certificate.

When an individual who appears in a representative capacity signs a document in practicing before the Commission, his signature shall constitute his certificate:

(a) That under the provisions of this part and the law, he is authorized and qualified to represent the particular party in the matter;

(b) That, if he is a former officer or employee of the Government, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which he participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed; and, if a period of one year has not passed since the termination of his employment with the Government, that the matter was not under his official responsibility as an officer or employee of the Government; and

(c) That, if he is the partner of a present or former officer or employee of the Government, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

(d) That he has read the document; that to the best of his knowledge, information, and belief there is good ground to support its contents; that it contains no scandalous or indecent matter; and that it is not interposed for delay.

§ 2700.5 Disciplinary proceedings.

(a) Disciplinary proceedings may be instituted against anyone who is practicing or has practiced before the Commission on grounds that he is incompetent, has engaged in unethical or unprofessional conduct, or that he is practicing without authority under the provisions of this subpart, or that he has violated any provisions of the laws and regulations governing practice before the Commission, or that he has been disbarred or suspended by any court or administrative agency, or has been disciplined by a Judge under paragraph (d) of this section.

(b) Whenever in the discretion of the Commission, by a majority vote of the members present and voting, the circumstances reported to the Commission warrant disciplinary proceedings against an individual who is practicing or has practiced before the Commission, the Commission shall issue a show cause order to such individual and refer the matter to a Commission panel, a Commissioner, or a Judge for hearing and decision. The hearing tribunal appointed by the Commission shall give the individual adequate notice of, and opportunity for reply and hearing on, the specific charges against him, with opportunity to present evidence and cross-examine witnesses. The hearing tribunal shall render a decision incorporating findings and conclusions and issue either (1) an order dismissing the charges or (2) an appropriate disciplinary order, which may include reprimand, suspension or disbarment from practice before the Commission.

(c) Within 30 days after receipt of the decision of the hearing tribunal appointed by the commission, the individual may petition the full Commission for discretionary review of the decision, and the decision of the Commission shall be final (by a majority vote of the Commissioners present and voting: *Provided, however,* That a Commissioner or Commissioners serving on the hearing tribunal shall not participate in the review decision).

(d) In the case of any contumacious or disruptive behavior or other misconduct by an attorney or other representative of a party in the presence of the presiding Judge, the Judge is empowered to order the removal of such person from the proceeding, with reasonable time allowed to the party he represents to engage substitute counsel or other representative. With reasonable promptness the Judge shall enter a written decision setting forth his order of removal and the reasons therefore, with findings of fact. An individual aggrieved by a removal order under this paragraph may petition the Commission for discretionary review of such order within 30 days after its issuance in writing, and the decision of the Commission (by a majority vote of the Commissioners present and voting) shall be final.

§ 2700.6 Membership of the Commission; decisions.

(a) The Commission consists of five members appointed pursuant to section 113 of the Act. One of the Commissioners is designated as Chairman by the President.

(b) The Commission may empanel three or more of its members to execute any or all powers of the Commission, and two members shall constitute a quorum regardless of the size of the panel. The concurrence of a majority of a panel shall be sufficient for a decision.

§ 2700.7 Hearing sites.

All cases will be assigned a hearing site by order of the presiding Judge, who shall give due regard to the convenience and necessity of the parties or their representatives and witnesses,

the availability of suitable hearing facilities, and other relevant factors.

§ 2700.8. Standards of conduct.

(a) There shall be no ex parte communication with respect to the merits of any case not concluded, between the Commission (including any member, judge, officer, employee or agent of the Commission who is employed in the decisional process) and any of the parties, intervenors, representatives, or other interested persons.

(b) Disqualification.

(1) A Commissioner or Judge may withdraw from a proceeding whenever the deems himself disqualified.

(2) Any party may request the Judge, at any time following his designation and before he filing of his decision, to withdraw on grounds of personal bias or disqualification, by filing with him promptly upon discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

(3) If the Judge does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and shall proceed with the hearing, or, if the hearing has been completed, he shall proceed with the issuance of his decision, unless the Commission stays the hearing or further proceedings by granting a petition for interlocutory review.

§ 2700.9 Jurisdiction.

The Commission and its Judges, pursuant to the authority granted in the Act, shall conduct appropriate proceedings pertaining to:

(a) Applications for review of citations and orders issued pursuant to section 104 of the Act;

(b) Assessments of civil penalties under section 105 of the Act;

(c) Applications for temporary relief under the Act;:

(d) Applications for review of discharge, discrimination, or interference under section 105(c) of the Act;

(e) Applications for review of orders issued pursuant to section 107 of the Act;

(f) Applications for compensation under section 111 of the Act;

(g) Any other matters cognizable by the Commission under the Act.

In the exercise of its authority and jurisdiction the Commission and its Judges are empowered to order hearings and to issue any orders or notices as necessary and proper to secure the just and prompt determination of a proceeding.

§ 2700.10 Parties.

(a) Any miners affected by a citation, order, or notice of proposed penalty which is the subject of a proceeding instituted before the Commission under section 105(d) of the Act, or the representative of such miners, shall have the right to participate as parties to the hearing in such proceeding.

(b) Any other person claiming a right of participation as an interested party or otherwise seeking to intervene in a proceeding may petition the Commission or the Judge for leave to intervene.

(c) Any person desiring to appear as amicus curiae in any proceeding shall make timely request stating the grounds for such request. Permission to appear, if granted, will be for such purposes as determined by the Commission or the Judge.

(d) Failure to timely file any pleading pursuant to these rules may, in the discretion of the Commission or the Judge, constitute a waiver of the right to further participation in the proceedings.

§ 2700.11 Documents.

(a) *Where to file.* All initial pleadings or documents in a proceeding described in these rules shall be filed with the Federal Mine Safety and Health Review Commission. When a proceeding has been assigned to a Judge, the parties will be notified of the name and address of the Judge assigned to the case and thereafter all further documents shall be filed with the Judge at the address designated. Any person not notified of the Judge's address should file pleadings at the address of the Commission. If the case is before the Commission all further pleadings should be filed with the Mine Safety and Health Review Commission, 4015 Wilson Boulevard, Arlington, Va. 22203.

(b) *Record address.* Every person who files a document for the record in connection with any proceeding before the Commission shall, at the time of his initial filing in the matter, state his address and business telephone number. Thereafter he shall promptly inform the office in which the matter is pending of any change in address or telephone number, giving the docket or other appropriate numbers of all pending matters in which he has made such a filing. The successors of such person shall likewise promptly inform such office of their interest in the matters and state their addresses and business telephone numbers. A person who fails to furnish information as required herein shall not be entitled to notice in connection with the proceedings.

(c) *Computation of time for filing and service.* Except as otherwise provided by law, in computing any period prescribed for filing and serving a document, the day upon which the decision or document to be appealed from or answered was served or the day of any other event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays, and other nonbusiness days shall be excluded from the computation.

(d) *Number of copies.* Except as otherwise provided in these rules, a party shall furnish an original and two copies of all pleadings, briefs, petitions, applications, and other documents required or permitted to be filed before the Commission.

(e) *Caption, title and signature.* (1) The documents filed in any proceeding brought under the Act shall be captioned in the name of the moving party and the respondent. After a docket number has been assigned to the proceeding by the Commission, the caption shall contain such docket number. The caption may include other information appropriate for identification of the proceeding, including any Mine Safety and Health Administration identification number, if authorized by the Commission.

(2) After the caption each such document shall contain a title which shall be descriptive of the document and shall identify the party by whom the document is submitted.

(3) The original of all documents filed shall be signed at the end by the party submitting the document; except that if the party is represented by an attorney, such documents shall be signed by such attorney. The address and business telephone number of the party or the attorney shall appear beneath the signature.

(f) *Extensions of time.* (1) The time for filing or serving any document may be extended by the Commission or the Judge before whom the proceeding is pending, except where such extension is expressly prohibited by law or regulation.

(2) A request for an extension of time must be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

(g) *Retention of documents.* All documents, books, records, papers, etc., received in evidence in a hearing or submitted for the record in any proceeding before the Commission will be retained with the official record of the proceeding. However, the withdrawal of original documents may be permitted by the Commission or the Judge while the case is pending upon the substitution of true copies in lieu thereof. When a decision has become

final, the Commission may, upon request and after notice to the other party, permit the withdrawal of original exhibits by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Commission in its discretion as a condition of granting permission for such withdrawal.

§ 2700.12 Service.

(a) Copies of all documents filed in any proceeding described in these rules and copies of all notices pertinent to such proceedings shall be served on all other persons made parties to the proceeding or allowed to participate as intervenors or amici curiae.

(b) Documents by which any proceeding is initiated shall be served on each other party personally or by registered or certified mail, return receipt requested. All subsequent documents may be served personally or by first-class mail. Service by mail is complete upon mailing.

(c) Whenever a party is represented by an attorney who has signed any document filed on behalf of such party, or otherwise entered an appearance on behalf of such party, service thereafter shall be made upon the attorney.

(d) A certificate of service shall accompany all documents filed by a party in any proceeding.

§ 2700.13 Motions.

Each motion filed with the Judge or the Commission during the pendency of any proceeding shall be in writing and shall contain a short and plain statement of the grounds upon which it is based. A statement in opposition to the motion may be filed by any party within 10 days after the date of service. Unless ordered or permitted by the Judge or the Commission, oral argument on motions will not be heard. The Judge or the Commission may permit oral motions during the course of proceedings.

§ 2700.14 Consolidation of proceedings.

The Judge or the Commission may at any time order a proceeding described in these rules to be consolidated with any other proceeding which involves the same applicant or similar issues of law or fact.

§ 2700.15 Withdrawal of pleading.

(a) Except as provided in paragraph (b) of this section, a party may withdraw a pleading at any stage of a proceeding subject to the approval of the Commission or the Judge.

(b) A petition for civil penalty assessment filed by the Secretary under section 105 of the Act may be withdrawn only upon the motion of the Secretary. Such petitions may not be withdrawn without the approval of the Commission or the Judge.

§ 2700.16 [Reserved]

§ 2700.17 Expedition of proceedings.

(a) At any time upon or after the commencement of a proceeding, a party may move to expedite the matter before a Judge or the Commission. Such motion shall be in writing and accompanied by supporting documents that establish the party's claim of exigent circumstances warranting expedition. Service of such motions, where possible, shall be by personal delivery to all parties; otherwise, service shall be by telegraphic communication followed by registered or certified mail. All parties to the proceeding in which the motion is filed shall have 3 days from the date of receipt of the motion to file an answer. Where time is of the essence in proceedings before the Commission or a Judge, time requirements provided elsewhere in these rules may be waived or modified to the extent required to fulfill the overall objectives of the Act and the ends of Justice. *Provided,* A hearing on the merits of the case shall not be scheduled on less than 5 days notice to the parties unless all parties to the proceeding consent to an earlier hearing.

Subpart B—Proceedings

Applications for Review of Citations and Orders

§ 2700.18 General.

(a) Section 105(d) of the Act provides that the operator, miners, or representative of miners shall have 30 days from receipt of an order, citation, or modification under section 104 of the Act to notify the Secretary of an intention to contest such order, citation, or modification, and that the Secretary shall immediately notify the Commission upon receipt of such a notice of intention to contest.

(b) The timely filing of an application for Commission review of a citation, order, or modification issued under section 104 of the Act shall be deemed to be in compliance with the requirements of section 105(d) of the Act; that is, a timely application for review with service on the Secretary shall be deemed, for the purposes of these rules, to satisfy the requirement that the operator, miners, or representative of miners notify the Secretary of their intention to contest the subject citation, order, or modification, and will relieve the Secretary of the duty under section 105(d) to notify the Commission of such intention to contest. *Provided, however,* That these rules shall not foreclose a party's right to file a notice of contest with the Secretary under section 105(d) of the Act, and such notice, if timely, shall be deemed to satisfy the jurisdictional requirements of section 105(d) of the Act. In that event, the Secretary shall be required to notify the Commission immediately upon receiving a notice from an operator, miners, or representative of miners of an intention to contest a citation, order, or modification issued under section 104 of the Act.

(c) This rule does not apply to civil penalty proceedings or to applications for review of orders or modifications issued under section 107 of the Act.

§ 2700.19 Applications for review of citations and orders under sections 104 and 107 of the Act.

(a) *How initiated.* Except as provided in § 2700.18, proceedings for the review of a citation, order, or modification or termination thereof, shall be initiated by filing an application for review.

(b) *Who may file.* An application for review may be filed by the operator of the mine affected by the order or citation sought to be reviewed or by a miner or representative of miners employed at such mine.

(c) *Time for filing.* An application for review shall be filed within 30 days of receipt by the applicant of the order or citation sought to be reviewed or within 30 days of receipt of any modification or termination of an order or citation if review is sought of the modification or termination. A copy of the application for review shall be served upon the representative of the miners (or the operator, as the case may be), and the Secretary.

(d) *Effect of failure to file.* An operator's failure to file an application for review of a withdrawal order or citation shall not preclude the operator from challenging the fact of violation or raising any other pertinent matter in a penalty proceeding under section 105(a) or 105(b) of the Act.

§ 2700.20 Answer.

The Mine Safety and Health Administration and any party desiring to participate in the proceeding in opposition to the application for review shall file an answer within 15 days of service of such application for review.

§ 2700.21 Contents of application and answer.

(a) An application for review and an answer shall comply with applicable general requirements and shall contain a plain and concise statement of (1) such party's position with respect to each issue of law and fact which the party contends is pertinent to review of the order or citation and (2) the relief requested by such party.

(b) A copy of the order or citation sought to be reviewed shall be attached to the application.

§ 2700.22 Review of a subsequent order or citation.

(a) An applicant in a proceeding under these rules shall file, within 15 days of receipt thereof, any subse-

quent order or citation which modifies or extends the order or citation sought to be reviewed and any subsequent order or citation which relates to the violation charged in the order or citation sought to be reviewed. The application for review, unless withdrawn by the applicant, shall be deemed to challenge any such subsequent order or citation. Where clarification of the applicant's position is deemed desirable, the Judge or the Commission may require the applicant to file a new or amended application.

(b) An operator or a representative of miners who is not the applicant in a pending proceeding for review of a withdrawal order or citation may apply for review of a citation or order which modifies or extends the citation or order then being reviewed, or of a citation or order which relates to the violation charged in the citation or order then being reviewed, by filing an application for review in such pending proceeding within the time prescribed by § 2700.19(c).

CIVIL PENALTY PROCEEDINGS

§ 2700.23 General.

The Secretary, by certified mail, shall notify the operator or any other person against whom a civil penalty is proposed of: (a) The violation charged; (b) the amount of the penalty proposed; and (c) that such person shall have 30 days to notify the Secretary that he wishes to contest the proposed civil penalty. If within 30 days from the receipt of the Secretary's notice of proposed penalty, the operator, or other person, fails to notify the Secretary that he intends to contest the proposed penalty, the Secretary's proposed penalty shall be deemed to be a final order of the Commission and shall not be subject to review by the Commission or a court.

§ 2700.24 Petition to assess civil penalty.

(a) Promptly upon receipt of a timely notice of intent to contest a proposed penalty under sections 105(a) or 105(b) of the Act, the Secretary shall file a petition for civil penalty with the Commission.

(b) The petition for civil penalty shall include a list of the cited violations for which civil penalties are sought to be assessed and the proposed penalties therefor. Each cited violation shall be identified by number and date of the citation or order involved and the section of the Act or regulations which the Administration alleges has been violated.

(c) A copy of each citation or order for which a civil penalty is sought shall be attached to the petition.

(d) Where appropriate, the Judge or Commission shall consolidate civil penalty proceedings with other proceedings involving the same parties.

§ 2700.25 Answer.

A party against whom a penalty is sought (hereafter designated as respondent) shall file and serve an answer within 30 days after service of a copy of the petition on the party. An answer shall include a plain and concise statement of the reasons why each of the violations cited in the petition to assess civil penalties is contested, including a statement as to whether a violation occurred and whether a hearing is requested.

§ 2700.26 Summary disposition of civil penalty proceedings.

(a) Where the respondent fails to file a timely answer to a petition for assessment of civil penalty, or fails to timely comply with any prehearing order of a Judge, the Judge may issue an order to show cause why (1) the respondent should not be deemed to have waived his right to a hearing and contest of the proposed penalty and (2) the proposed order of assessment should not be summarily entered as the final order of the Commission and not subject to further review by the Commission or a court.

(b) If the order to show cause is not satisfied as provided therein, the Judge may order that the respondent be held in default and issue a summary order imposing the proposed penalties as final and directing that such penalties be paid.

(c) Where the respondent fails to appear at a hearing, the Judge shall have the authority to conclude that the respondent has waived its right to a hearing and contest of the proposed penalties and may find the respondent in default. Where the Judge determines to hold respondent in default, the Judge shall enter a summary order imposing the proposed penalties as final, and directing that such penalties be paid.

(d) (1) If the Secretary fails to timely comply with any prehearing order, the Judge may issue an order to show cause why the proceeding should not be dismissed for want of prosecution.

(2) If the order to show cause is not satisfied as provided therein, the proceedings shall be summarily dismissed for want of prosecution.

(3) If the Secretary fails to appear at a hearing, the Judge may summarily dismiss the case for want of prosecution.

§ 2700.27 Assessment of penalty.

(a) Where, after opportunity for hearing and consideration of the record as a whole, the Judge finds a violation as charged, he shall determine the amount of penalty in accordance with section 110 of the Act and incorporate it in a decision containing findings of fact, conclusions of law, and an order requiring that the penalty be paid.

(b) Where the Commission upon review of the record and decision of the Judge in a penalty proceeding modifies the amount of penalty, it shall issue an order requiring the modified amount to be paid.

(c) In determining the amount of civil penalty, the Judge and the Commission shall not be bound by a penalty recommended by the Mine Safety and Health Administration or by any offer of settlement made by any party.

(d) No proposed penalty which has been contested before the Commission or a Judge under section 105(a) or 105(b) of the Act shall be compromised, mitigated, or settled except with the approval of the Commission or the Judge, respectively. No penalty assessment which has become the final order of the Commission shall be compromised, mitigated, or settled except with the approval of the court.

APPLICATION FOR COMPENSATION

§ 2700.28 Who may file.

(a) An application for compensation may be initiated by a miner who has been idled by an order of withdrawal or by a miner who asserts that he was not withdrawn because the operator failed or refused to comply with an order issued pursuant to section 104 of the Act.

(b) Such applications may be initiated on behalf of a miner or miners by an authorized representative of miners.

§ 2700.29 When to file.

An application for compensation shall be filed within 30 days after the commencement of the period the applicants are idled or would have been idled as a result of the order which gives rise to the claim.

§ 2700.30 Contents of the application.

An application for compensation shall comply with the applicable general requirements and shall include:

(a) A plain and concise statement of the facts giving rise to the claim, including the period for which compensation is claimed;

(b) The total amount of the compensation claimed; and

(c) A copy of any pertinent order of withdrawal or information sufficiently identifying any such order.

§ 2700.31 Answer.

Within 30 days after service of the application, the operator shall file an answer responding to each allegation of the application.

APPLICATION FOR REVIEW OF DISCHARGE, DISCRIMINATION OR INTERFERENCE

§ 2700.32 Who may file.

An application for review of discharge, discrimination or interference

may be filed by the Secretary after an investigation pursuant to section 105(c)(2) of the Act, if he finds that a violation of section 105(c)(1) of the Act has occurred, or by the complaining miner, representative of miners or applicant for employment if the Secretary determines that no violation has occurred.

§ 2700.33 When to file.

(a) An application for review of discharge, discrimination or interference may be filed by the Secretary within 30 days after his written determination that a violation has occurred.

(b) An application for review of discharge, discrimination or interference may be filed by a complainant within 30 days after receipt of the Secretary's written determination that no violation has occurred.

§ 2700.34 Contents of application.

The application for review of a discharge, discrimination or interference shall be supported by:

(a) An affidavit of a person with knowledge of the facts, setting forth the alleged discharge, discrimination or interference; and

(b) A statement of the relief requested.

§ 2700.35 Answer.

Within 30 days after service of an application filed by the Secretary or a complainant, the operator shall file an answer responding to each allegation of the application.

§ 2700.36 Complainant's participation in an application filed by the Secretary.

In a proceeding instituted by the Secretary under § 2700.33(a), the complaining miner, applicant for employment or representative of miners shall be allowed to intervene as a party and may present additional evidence on his own behalf.

APPLICATION FOR TEMPORARY RELIEF

§ 2700.37 Procedure.

(a) An application for temporary relief may be filed at any time prior to decision by the Judge or the Commission in the matter to which the application relates. The application shall be addressed to the Judge, or to the Commission if the proceeding is then pending before the Commission.

(b) All parties to the proceeding in which the application is filed shall have 3 days from the date of receipt of the application to file a written response.

§ 2700.38 Contents of application.

(a) An application for temporary relief shall comply with applicable general requirements and shall contain: (1) A statement of the specific relief requested, (2) a showing of substantial likelihood that the findings and decision of the Judge or the Commission in the matters to which the application relates will be favorable to the applicant, and (3) a showing that such relief will not adversely affect the health and safety of miners in the affected mine.

(b) An application for temporary relief may be supported by affidavits or other evidentiary matter.

§ 2700.39 Jurisdictional limitations.

Temporary relief shall not be granted with respect to any citation issued under section 104 (a) or (f) of the Act or with respect to any order issued under section 107(a) of the Act.

HEARINGS

§ 2700.40 General.

All hearings shall be presided over by a Judge, a Commissioner, a panel of the Commission, or the Commission sitting as a body, and may be held at any place designated or authorized by the Commission or the Judge.

§ 2700.41 Assignment of Judges.

In any proceedings under the Act in which cases are assigned to Judges for a hearing, the Judges shall be assigned cases in rotation as far as practicable. All motions, applications, and other papers thereafter filed in the proceeding shall be filed with the Judge assigned to the proceeding at the address specified until his jurisdiction terminates.

§ 2700.42 Powers of Judges.

(a) Subject to the regulations of this subpart, a Judge is empowered to:

(1) Administer oaths and affirmations;

(2) Issue subpoenas authorized by law;

(3) Rule on offers of proof and receive relevant evidence;

(4) Take depositions or have depositions taken when the ends of justice would be served;

(5) Regulate the course of the hearing and maintain the order and decorum thereof;

(6) Hold conferences for the settlement or simplication of the issues;

(7) Dispose of procedural requests or similar matters;

(8) Make decisions in the proceedings before him, provided that he shall not be assigned to make a recommended decision;

(9) Order discovery;

(10) Examine witnesses and call his own witnesses if he determines that the search for truth and the ends of justice will thereby be served; and

(11) Take other action authorized by this part, by Section 556 of Title 5 of the United States Code, or by the Act.

(b) The Judge may require the parties to appear for a prehearing conference or to submit prehearing statements concerning:

(1) The simplification of the issues;

(2) The possibility of obtaining stipulations, admissions of fact, and of producing documents which will avoid unnecessary proof;

(3) The possibility of agreement disposing of all or any of the issues in dispute;

(4) The exchange of exhibits, names of witnesses and a synopsis of the testimony expected of each witness; and

(5) Such other matters as may aid in the expedition of the hearing and the disposition of the case.

§ 2700.43 Notice of hearing; appearances.

Except in expedited proceedings, written notice of the time, place, nature of hearing, the legal authority under which the hearing is to be held, and the matters of fact and law asserted shall be given to all parties at least 30 days prior to the date set for hearing.

§ 2700.44 Discovery: general.

(a) Discovery procedures shall be initiated within 20 days after a party's initial pleading has been filed. For good cause shown, the Judge may permit discovery procedures to be initiated after that date.

(b) Discovery shall be completed 60 days after the initial pleading has been filed. For good cause shown, the Judge may permit the time for discovery to be extended.

§ 2700.45 Depositions.

(a) *When permitted.* The Judge may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories for use as evidence or for the purpose of discovery. The attendance and testimony of witnesses by deposition may be required at any stage of a proceeding.

(b) *Orders for depositions.* If the parties are unable to agree thereto, the time, place, and manner of taking depositions shall be governed by the order of the Judge.

§ 2700.46 Interrogatories, requests for admissions, and production of documents.

Any party may serve written interrogatories or a request for admission of facts upon another party to a proceeding brought under these rules. A party served with written interrogatories or a request for admissions shall answer such interrogatories under oath within 15 days of service unless the proponent of the interrogatories or requests agrees to a longer time, or unless the Judge by order specifies a different time or excuses the party from answering on good cause shown. For good cause shown, the Judge may order a party to produce and permit

inspection, copying or photographing of designated documents or objects relevant to the proceeding.

§ 2700.47 Subpoena power and witness provisions.

(a) *Compulsory attendance of witnesses.* The Commission and its Judges are authorized to issue subpoenas on their own motion or on the written application of the parties requiring the attendance of witnesses and the production of documents or physical evidence at hearings to be held before them or proceedings ordered by them. A subpoena may be served by any person who is not less than 18 years of age. The original subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

(b) *Fees payable to witnesses.* Witnesses subpoened by any party shall be paid the same fees and mileage as are paid for like service in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose request the witness appears, or by the Commission if a witness is subpoened on its own motion or the motion of a Judge. This paragraph does not apply to Government employees who are called as witnesses by the Government.

(c) *Motions to revoke or modify subpoenas.* Any person served with a subpoena, whether ad testificandum or duces tecum, may, within 5 days of service of the subpoena upon him, move in writing to revoke or modify the subpoena. All motions to revoke or modify shall be served on the party at whose request the subpoena was issued. The Judge shall revoke or modify the subpoena if in his opinion the evidence required to be produced does not relate to any matter under investigation or in question in the proceedings; or the subpoena does not describe with sufficient particularity the evidence required to be produced; or if for any other reason, sufficient in law, the subpoena is found to be invalid or unreasonable. The Judge shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed thereto, and any ruling thereon shall become a part of the record.

(d) Persons compelled to submit data or evidence at a public proceeding are entitled to obtain, on payment of lawfully prescribed costs, a transcript of that part of the proceeding which involves their testimony or production of data.

(e) Upon the failure of any person to comply with an order to testify or a subpoena directed or issued by the Commission or a Judge, the Commission or the Judge, respectively, may apply to the appropriate district court for enforcement of the order or subpoena. Neither the Commission nor the Judge shall be deemed thereby to have assumed responsibility for the effective prosecution of the failure to obey the subpoena or order.

§ 2700.48 Burden of proof.

In proceedings brought under these rules, the applicant, petitioner or other party initiating the proceedings shall have the burden of proving his case by a preponderance of the evidence: *Provided,* That, whenever the violation of a mandatory health or safety standard is at issue, the Secretary shall have the burden of proving the violation by a preponderance of the evidence.

§ 2700.49 Waiver of evidentiary hearing.

Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary hearing may submit such documents for the Judge's consideration in the matter with a waiver of the right to an evidentiary hearing and a motion for the Judge's decision on the record.

§ 2700.50 Evidence.

(a) Any relevant evidence may be received at the discretion of the Judge. The Judge may exclude evidence which he finds to be unreliable or unduly repetitious.

(b) A party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

§ 2700.51 Summary decision of the Judge.

(a) *Filing.* At any time after commencement of a proceeding and before the scheduling of a hearing on the merits, a party to the proceeding may move the Judge to render summary decision disposing of all or part of the proceeding.

(b) *Grounds.* A motion for summary decision shall be granted only if the entire record, including the pleadings, depositions, answers to interrogatories, admissions and affidavits, shows: (1) That there is no genuine issue as to any material fact; and (2) that the moving party is entitled to summary decision as a matter of law.

(c) *Form of motion and affidavits.* The motion may be supported by affidavits or other verified documents, and shall specify the grounds showing the party's right to the relief sought. Supporting and opposing affidavits shall be made on personal knowledge and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or be incorporated if not otherwise a matter of record. The Judge may permit affidavits to be supplemented or opposed by testimony, depositions, answers to interrogatories, admissions or further affidavits. When a motion for summary decision is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for hearing. If he does not so respond, summary decision, if appropriate, shall be entered against him.

(d) *Case not fully adjudicated on motion.* If a motion for summary decision is denied in whole or in part, and the Judge determines that an evidentiary hearing of the case is necessary, he shall, if practicable, and upon examination of all relevant documents and evidence before him, ascertain what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, and direct such further proceedings as deemed appropriate.

§ 2700.52 Interlocutory review.

Interlocutory review shall be discretionary, and not a matter of right. Review shall not be granted unless: (a) The Judge has certified the interlocutory ruling to the Commission; or (b) the Commission in its discretion, by a vote of two Commissioners, grants a petition for interlocutory review. Review will not be considered except upon a showing that the ruling complained of involves a controlling question of law and that immediate review thereof may materially advance the final decision. An interlocutory review shall not operate to suspend the hearing unless otherwise ordered by the Commission.

§ 2700.53 Proposed findings, conclusions and orders.

The Judge may require the submission of proposed findings of fact, conclusions of law, and orders, together with supporting briefs. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

§ 2700.54 Decision.

As soon as practicable after the conclusion of the hearing, the Judge shall render a decision. The decision shall be in writing or, if rendered orally from the bench, shall be reduced to writing after filing of the transcript, and shall include a statement of: (a) Findings and conclusions and the reasons or basis therefor on the material issues of fact, law or discretion presented on the record; (b) rulings on proposed findings and conclusions; and (c) the appropriate ruling or order, or

denial of relief, with the effective date. All decisions of the Judges shall be served upon all parties to the proceeding and upon the Commission promptly upon issuance.

§ 2700.55 Effect of a decision.

The decision of the Judge shall become the final decision of the Commission upon the expiration of 40 days after its issuance in writing unless the Commission has directed that such decision shall be reviewed by the Commission in accordance with § 2700.58 or § 2700.59. A Commission order granting a the petition for discretionary review, or docketing a case for review by the Commission on its own motion, shall automatically stay the effect of the Judge's decision.

§ 2700.56 Certification of record.

Within 5 days after a written decision has been rendered by a Judge, the docket clerk shall certify the official record of the proceedings to the Commission.

REVIEW BY THE COMMISSION

§ 2700.57 Pending appeals before the Interior Department Board of Mine Operations Appeals.

With regard to any appeal pending before the Interior Department Board of Mine Operations Appeals as of March 8, 1978, and reviewable by the Commission after that date, the appellant shall have 60 days from March 9, 1978, to petition the Commission for discretionary review under § 2700.58 of these rules. Unless review is ordered by the Commission under § 2700.58 or, within 60 days from March 9, 1978, under § 2700.59, the decision appealed to the Interior Department Board of Mine Operations Appeals shall become the final decision of the Commission.

§ 2700.58 Petitions for discretionary review.

(a) Any party adversely affected by a Judge's decision or order may file with the Commission a petition for discretionary review within 30 days after issuance of the order or decision. Two or more parties may join in the same petition; the Commission may consolidate related petitions. Copies of the petition shall be served on all parties to the proceeding in accordance with § 2700.12.

(b) Review by the Comission shall not be a matter of right but of the sound discretion of the Commission.

(c) Petitions for discretionary review shall be filed only upon one or more of the following grounds:

(1) A finding or conclusion of material fact is not supported by substantial evidence;

(2) A necessary legal conclusion is erroneous;

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

(4) A substantial question of law, policy, or discretion is involved; or

(5) A prejudicial error of procedure was committed.

(d) Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by detailed citations to the record when assignments of error are based on the record, and by statutes, regulations, or principal authorities relied upon. Except for good cause shown, no assignment of error by any party shall rely on any question of fact or law upon which the Judge had not been afforded an opportunity to pass. Review by the Commission shall be granted only by affirmative vote of two of the Commissioners present and voting.

(e) An original and six copies of each petition shall be filed with the Commission.

(f) If the Commission grants the petition for review, it shall issue an order for review and shall state therein the specific issue(s) to be reviewed. Review shall be limited to those questions in the petition which are specified in the review order. Denial of review shall be by summary order.

(g) The Commission may either remand the case to the Judge for further proceedings as it may direct, or it may affirm, set aside, or modify the decision or order of the Judge in conformity with the record.

(h) If the Commission determines that further evidence is necessary on an issue of fact, it shall remand the case for further proceedings before the Judge.

(i) If a petition for review is denied, the Judge's decisions shall become the final decision of the Comission unless the Commission orders review on its own motion under § 2700.59.

§ 2700.59 Review by the Commission on its own motion.

The Commission, at any time within 30 days after a Judge issues a decision in writing, may, by the affirmative vote of two of the Commissioners present and voting, order the case before it for review on its own motion, but only upon the ground that the decision may be contrary to law or Commission policy or that a novel question of policy has been presented. The Commission shall state in such order the specific issue(s) of law, Commission policy, or novel question of policy to be reviewed. If a party's petition for review has been granted, the Commission shall not raise or consider additional issues in such review proceedings except in compliance with the requirements of this paragraph.

§ 2700.60 Briefs.

(a) *Petitioner's brief.* Within 20 days after the Commission grants a petition for discretionary review, petitioner shall file his brief and serve copies on all other parties to the proceeding. When a party who has filed a petition for review fails to file a timely brief, the petition shall be subject to summary dismissal.

(b) *Respondent's brief.* Within 20 days after service of petitioner's brief, any other party to the proceeding may file a brief in opposition thereto as a respondent.

(c) *Review on the Commission's motion.* When the Commission orders a case before it for review on its own motion, as provided for in § 2700.59, the parties shall have 20 days to file briefs on the specific issues stated in the Commission's order.

(d) *Number of copies.* Six copies of each Brief shall be filed with the Comission and one copy served on each party. Copies of briefs shall be typewritten (double-spaced), printed or duplicated.

(e) *Length of brief.* Except by permission of the Commission, petitioner's brief may not exceed 50 pages and respondent's brief may not exceed 25 pages. Where the Commission has ordered review on its own motion, each party's brief may not exceed 25 pages.

§ 2700.61 Interlocutory review.

(a) *Petitions for review.* A petition for interlocutory review by the Commission shall be in writing, not to exceed 10 pages.

(b) *Briefs.* Unless the Commission directs otherwise, a brief shall be filed by petitioner within 5 days after notice of an order granting interlocutory review. Within 5 days after service of petitioner's brief, any other party to the proceeding may file a brief as respondent.

(c) *Scope of review.* If an interlocutory review is granted, the scope of review shall be confined to review of the ruling or order of the Judge on the issue(s) stated in the Commission's order granting review, and shall not extend to other issues.

(d) *Decision and remand.* Upon affirmance, reversal or modification of the Judge's interlocutory ruling or order, the jurisdiction of the Commission shall terminate, and the case will be remanded promptly to the Judge for further proceedings.

§ 2700.62 Reconsideration.

Unless the Commission orders otherwise, the filing of a petition for reconsideration shall not stay the effect of any decision or order of the Commission and shall not affect the finality of any decision or order for purposes of review in the courts.

§ 2700.63 Final decision.

Final decisions of the Commission shall be rendered as promptly as practicable consistent with adequate consideration of the issues involved.

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