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highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for April are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SUNSHINE ACT MEETINGS 12436

IMPROVING GOVERNMENT REGULATIONS
Executive order (Part VI of this issue) 12661

ENERGY EMERGENCY
Presidential determinations under the Clean Air Act for the States of:
Alabama 12285
Indiana 12275, 12287
Kentucky 12277
Maryland 12281, 12289
Ohio 12273, 12283
Pennsylvania 12279

COAL MINE HEALTH AND SAFETY
Labor/MSHA promulgates technical and nonsubstantive revisions to existing regulations; effective 3-24-78 12312

INTERNATIONAL OIL ALLOCATION
DOE/ERA postpones public hearing and extends comment period on program 12333

HEMOPHILIA
HEW/HSA announce availability of project grants 12383

HOME HEALTH SERVICES
HEW/HSA announce availability of training grants 12383

JUVENILE JUSTICE AND DELINQUENCY
JUSTICE/LEAA propose guideline revision (Part V of this issue) 12650

CANCER CAUSE AND PREVENTION
HEW/NIH issue reports on bioassays of malathion and trifluralin for possible carcinogenicity (2 documents) 12385

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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Subscription problems (GPO)	**202**–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5285
Weekly Compilation of Presidential Documents.	523–5284
Public Papers of the Presidents	523–5286
Index	523–5285
PUBLIC LAWS:	
Public Law dates and numbers	523–5266
	523–5282
Slip Laws	523–5266
	523–5282
U.S. Statutes at Large	523–5266
	523–5282
Index	523–5266
	523–5282
U.S. Government Manual	523–5287
Automation	523–5240
Special Projects	523–4534

HIGHLIGHTS—Continued

AIR POLLUTION

EPA proposes amendments to standards of control from aircraft and aircraft engines; comments by 7–24–78 (Part III of this issue) **12615**

EPA sets effective date of 1–1–81 for all gaseous emissions standards for newly manufactured aircraft and aircraft gas turbine engines (Part III of this issue) **12614**

TOYS

CPSC issues final regulation establishing technical requirements concerning sharp metal and glass edges on articles intended for use by children under 8; effective 3–26–79 (Part IV of this issue) **12636**

MOTION PICTURES

Library of Congress adopts interim amendments to modify deposit requirements; effective 3–24–78; comments by 5–12–78 ..... **12320**

CITIZENS BAND RADIOS

Commerce/EDA determines imported radio transceivers are a threat to domestic industry **12359**

HEALTH PROFESSIONS SCHOOLS

HEW/HRA announce that applications for fiscal year 1978 grants are being accepted **12385**

DISEASE CONTROL

HEW/CDC revise regulation regarding imported lather brushes **12338**

NEW DRUGS

HEW/FDA proposes to withdraw approval of combination drugs containing theophylline, ephedrine, and hydroxyzine **12380**

MEDICAL DEVICES

HEW/FDA issues notice of petition to reclassify O.H.C. Ventilator to class II; comments by 4–24–78 ..... **12380**

ENDANGERED SPECIES

Interior/FWS propose addition of the Guanaco; comments by 4–24–78 ..... **12348**

DISCRIMINATION OF THE HANDICAPPED

CSC sets forth appeals system for hearing complaints; effective 4–10–78 ..... **12293**

MINIMUM WAGES

Labor/ESA issue general wage determination decisions for federal and federally assisted construction (Part II of this issue) **12526**

EMPLOYMENT OF APPRENTICES

Labor/WHD changes requirement of hours of on-the-job work experience; effective 3–24–78 ..... **12311**

MEAT IMPORTS

USDA/Secy publish second quarterly 1978 calendar year import estimates **12352**

OLEORESINS FROM SPAIN

Treasury/Customs initiates investigation; effective 3–24–78 ... **12418**

COMMON CARRIERS

FMC proposes to allow capitalization of interest during construction; comments by 5–1–78 ..... **12345**

VINYL CHLORIDE

CPSC reissues ban on aerosol products with vinyl chloride monomer propellants; effective 6–22–78 ..... **12308**

MEETINGS—

DOD/Army: Armed Forces Epidemiological Board; 4–11, 4–13, and 4–14–78 12360
EPA: Resource Conservation Committee; 4–11–78 12377
HEW/NIH: Clinical Applications and Prevention Advisory Committee; 5–8 and 5–9–78 12384
Board of Scientific Counselors, DCBD, 5–12 and 5–13–78 12384
Conference on the Role of the NIGMS/NIH in the Development of New Therapeutic Agents, 5–31 and 6–1–78 12384
Labor/BLS: Business Research Advisory Councils Committee on Manpower and Employment, 4–13–78 12391
National Commission on Employment and Unemployment Statistics, 4–6 and 4–7–78 12401

CHANGED MEETINGS—

DOD/Secy: Defense Science Board Task Force on National/Tactical Interface, 4–4 through 4–6–78 12361
HEW/NIH: General Research Support Program Advisory Committee, 3–29 and 3–30–78 12384
Office of Special Representative for Trade Negotiations: Advisory Committee for Trade Negotiations, 4–19–78 12418

SEPARATE PARTS OF THIS ISSUE

Part II, Labor/ESA 12526
Part III, EPA 12614
Part IV, CPSC 12636
Part V, Justice/LEAA 12650
Part VI, The President 12661

reminders

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

Rules Going Into Effect Today

DOT/CG—Hillsborough River, Fla.; drawbridge operation regulations 8516; 3–2–78
FCC—Amateur radio service; Licensing and call sign assignment systems simplification 7320; 2–22–78
Private land mobile radio services; use of Automatic Morse Code identification equipment 7432; 2–23–78
FRS—Loans to executive officers of member banks; credit card indebtedness 8506; 3–2–78

List of Public Laws

This is a continuing numerical listing of public bills which have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

S. 773 ..... Pub. L. 95–247
Authorizing the Wichita Indian Tribe of Oklahoma, and its affiliated bands and groups of Indians, to file with the Indian Claims Commission any of their claims against the United States for lands taken without adequate compensation, and for other purposes. (Mar. 21, 1978; 92 Stat. 158) Price: $.50

H.R. 8803 ..... Pub. L. 95–248
To amend the National Trails System Act, and for other purposes. (Mar. 21, 1978; 92 Stat. 159) Price: $.50

contents

THE PRESIDENT

Executive Orders

Government regulations, improvement 12661

CLEAN AIR ACT DETERMINATIONS

Energy emergencies:
- Alabama 12285
- Indiana 12275, 12287
- Kentucky 12277
- Maryland 12281, 12289
- Ohio 12273, 12283
- Pennsylvania 12279

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz. and Calif.. 12307

Proposed Rules

Celery grown in Fla 12329

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service.

Notices

Meat import limitations:
- Second quarterly estimates..... 12352

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal and poultry import restrictions:
- Brucellosis 12307

Overtime services relating to imports and exports:
- Commuted traveltime allowances 12301

ARMY DEPARTMENT

Notices

Meetings:
- Armed Forces Epidemiological Board (2 documents) 12360

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1978; additions and deletions..... 12360

CIVIL AERONAUTICS BOARD

Proposed Rules

Citizen of U.S., corporations qualifying as; advance notice; correction 12333

Notices

Hearings, etc.:
- Western Air Lines, Inc., et al . 12352

CIVIL SERVICE COMMISSION

Rules

Allowances and differentials:
- Nonforeign areas, cost of living rates and area listing; Guam and Hawaii..... 12292

Equal opportunity:
- Handicaps, physical or mental; nondiscrimination; appeals system..... 12293

Excepted service:
- Air Force Department et al 12291
- Commerce Department 12292
- Commerce Department et al .. 12291
- Health, Education, and Welfare Department et al. (2 documents) 12291, 12292
- State Department et al 12291

Notices

Noncareer executive assignments:
- Defense Department et al 12354
- Health, Education, and Welfare Department et al. (2 documents) 12354

COMMERCE DEPARTMENT

See also Economic Development Administration.

Notices

Organization and functions:
- Administration, Assistant Secretary 12354
- Census Bureau 12356
- Congressional Affairs, Assistant Secretary 12359

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Hazardous substances and articles; administration and enforcement:
- Toys; technical requirements for determining sharp metal or glass edges..... 12636
- Vinyl chloride monomer, self-pressurized; household substances containing 12308

COPYRIGHT OFFICE, LIBRARY OF CONGRESS

Rules

Copyright owners and broadcasting entities:
- Motion pictures; registration of copyright claims, deposit requirements 12320

CUSTOMS SERVICE

Notices

Countervailing duty petitions and preliminary determinations:
- Oleoresins from Spain 12418

DEFENSE DEPARTMENT

See also Army Department.

Notices

Meetings:
- Science Board task forces; national/tactical interface date and meeting site change 12361

DISEASE CONTROL CENTER

Proposed Rules

Quarantine, foreign:
- Lather brushes importation; elimination of tests; advance notice 12338

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Citizens Band (CB) radio transceiver industry; availability of study 12359

ECONOMIC REGULATORY ADMINISTRATION

Proposed Rules

Administrative procedures and sanctions; oil:
- Ex parte communications in natual gas and electricity import and export proceedings 12330

International oil allocation; hearing postponement and extention of time 12333

Petroleum allocation and price regulations, mandatory:
- Emergency standby mandatory crude oil and refinery yield control programs; hearing postponements and cancellations, and extension of time 12332

Notices

Power rates and charges:
- Central Valley Project, Western Area Power Administration..... 12361

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications..... 12392

EMPLOYMENT AND UNEMPLOYMENT STATISTICS, NATIONAL COMMISSION

Notices

Meetings 12401

EMPLOYMENT STANDARDS ADMINISTRATION

Proposed Rules

Minimum wage determinations:
- Fair Labor Standards Act adjustment to wage increases 12337

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions Ala., Fla., Guam, Ill., Ind., La., Mich., Minn., Miss., N.J., N.Y., N.C., Pa., P.R., Tex., V.I. 12526

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

Proposed Rules

Environmental Policy Act, National; compliance; hearing cancellation 12333

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution control; aircraft and aircraft engines:
Turbine engines, gas; NOx and NO2 emissions standards; effective date postponed 12614
Air quality implementation plans; approval and promulgation; various States, etc.:
Massachusetts 12324
Noise abatement programs:
Transportation equipment; editorial changes 12326

Proposed Rules

Air pollution control, aircraft and aircraft engines:
Turbine engines, large in-use gas; standards 12615

Notices

Environmental statements; availability, etc.:
Agency statements, weekly receipts 12375
Meetings:
Resource Conservation Committee 12377
Pesticide applicator certification and interim certification; State plans:
Maryland 12371
Pesticides; tolerances, registration, etc.:
Heptachlor/chlordane; cancellation 12372

FEDERAL AVIATION ADMINISTRATION

Rules

Control areas; correction 12614

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

FM broadcast stations; table of assignments:
Vermont 12346

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend. 12367
Hearings, etc.:
Appalachian Power Co. et al .. 12363
Cleary, John V., Jr 12363
Indianapolis Power & Light Co 12363
Northern Indiana Public Service Co 12364
Northern State Power Co 12364
Northwest Pipeline Corp 12364
Ohio Power Co 12365
Pacific Power & Light Co 12365
Reuss, Robert P 12365
Southern California Edison Co. (2 documents) 12366
Southern Natural Gas Co 12366
Transcontinental Gas Pipe Line Corp 12368
United Gas Pipe line Co 12366
Veeser, William L 12367

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Notices

Structural Engineering Bulletin (SEB), purpose and effect 12386

FEDERAL MARITIME COMMISSION

Proposed Rules

Financial reports by carriers in domestic offshore trades:
Interest capitalization during construction 12345

Notices

Freight forwarder licenses:
Gumbert, G. L., Co 12378
Reacer Export, Inc 12378

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Chevalier, Inc 12378
Midland Capital Co 12378
Tri County Investment Co 12379

FISCAL SERVICE

Notices

Surety companies acceptable on Federal bonds:
Binford Insurance Co 12418

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened species; fish, wildlife, and plants:
Guanaco; inquiry 12348
Wild fauna and flora; Convention appendicies change procedures 12349

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Febantel paste; correction 12311
Fenbendazole suspension; correction 12311
Methylene blue, drugs containing; correction 12310
Uredofos tablets; correction 12311
Biological products:
Blood and blood products; standards; source plasma (human), donor plasmapheresis; correction 12311
Medical devices:
Intraocular lenses; investigational device exemptions; correction 12311

Notices

Human drugs:
Theophylline, ephedrine and hudroxyzine; approval withdrawal, hearing 12380
Medical devices:
O.H.C.Ventilator to class II; petition for reclassification . 12379

FOOD AND NUTRITION SERVICE

Rules

Child nutrition programs:
Cash in lieu of commodities; annual food value estimate.. 12299
Nutrition education and training 12296

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (ICC) ... 12379
Regulatory reports review, proposals, approvals, etc. (NRC, CAB, FCC) 12379

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Disease Control Center; Food and Drug Administration; Health Resources Administration; Health Services Administration; National Institutes of Health; Public Health Service.

HEALTH RESOURCES ADMINISTRATION

Notices

Grants; availability:
Health professions schools in financial distress 12385
Health service areas:
Florida, redesignation; note ... 12385

HEALTH SERVICES ADMINISTRATION

Notices

Grants, availability:
Hemophilia treatment centers 12383
Home health services, training grants 12383

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; Mine Safety and Health Administration.

Proposed Rules

Departmental proceedings:
Participant expense payment assistance; inquiry 12339

INTERNAL REVENUE SERVICE

Proposed Rules

Income taxes:
Insurance, group-term life; excludability from employee income; hearing 12336

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Paper, offset printing, from Canada 12389

INTERSTATE COMMERCE COMMISSION

Rules

Passenger and freight tariffs and schedules; form designation, carrier code assignment, and agent designation; correction 12327
Railroad car service orders:
Grain cars, distribution 12326

Notices

Fourth section applications for relief 12419
Hearing assignments 12419
Motor carriers:
Irregular route property carriers; gateway elimination 12419
Transfer proceedings (5 documents) 12434, 12435

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Labor Statistics Bureau; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.

Notices

Adjustment assistance:
Albarry Steel Co. of Camden et al 12400
Alliance Weaving 12393
Bethlehem Steel Corp. 12393
Bonon Footwear Co., Inc 12393
Erie Mining Co 12396
General Foods, Inc 12394
Kerramerican, Inc 12394
Patapsco & Back Rivers Railroad Co 12395
Solo Products Corp 12395
Stupp Brothers Bridge & Iron Co 12396
Techron Corp 12397
Toy Mark Corp 12397
Union Carbide Corp. (2 documents) 12397, 12398
U.S. Pipe & Foundry 12398
Wean United, Inc 12399
Zi-Pep Coats Corp 12399

LABOR STATISTICS BUREAU

Notices

Meetings:
Business Research Advisory Council's Committee 12391

LAND MANAGEMENT BUREAU

Notices

Alaska Native claims settlement; correction 12387
Applications:
Wyoming (2 documents) 12388, 12389
Authority delegations:
Ely, Nev., District Managers .. 12387
Outer Continental Shelf:
Oil and gas leasing; Gulf of Mexico; correction 12389
Survey plat filings:
Idaho 12387
Withdrawal and reservation of lands, proposed, etc.:
Oregon 12388

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Juvenile justice and delinquency prevention; proposed guideline revision 12650
Mental health competitive research grants; solicitation 12391

LIBRARY OF CONGRESS

See Copyright Office.

MANAGEMENT AND BUDGET OFFICE

Notices

Federal operations and programs; audit (A-73) 12404

MINE SAFETY AND HEALTH ADMINISTRATION

Rules

Establishment of CFR Chapter, transfer of MESA regulations, and nomenclature changes 12312

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay reports; availability:
Malathion 12385
Trifluralin 12385
Meetings:
Clinical Applications and Prevention Advisory Committee 12384
General Research Support Program Advisory Committee; agenda change 12384
Scientific Counselors Board, DCBD 12384
Therapeutic agents, new; role of NIGMS/NIH; conference 12384

NUCLEAR REGULATORY COMMISSION

Notices

Advisory committee review; inquiry 12402
Environmental statements; availability, etc.:
Fuel, spent light water power reactor; handling and storage 12402
Applications, etc.:
Baltimore Gas & Electric Co.. 12402
Ohio Edison Co. et al 12403
Portland General Electric Co. et al 12403
Virginia Electric & Power Co . 12404

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Applications, etc.:
Minnesota Mining & Manufacturing Co.; correction 12392

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc 12401

PUBLIC HEALTH SERVICE

Proposed Rules

Health maintenance organizations; correction 12339

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Financial statements:
Replacement cost data disclosures; mineral resources assets; extension of time 12334

Notices

Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc 12414
New York Stock Exchange 12417
Pacific Stock Exchange, Inc ... 12417
Hearings:
Dreyfus Money Market Instruments, Inc 12414
Hartford Electric Light Co 12416

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:
California 12418

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Generalized system of preferences; articles eligible for; petition review results 12406
Meetings:
Trade Negotiations Advisory Committee; date change 12414

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Service; Fiscal Service; Internal Revenue Service.

WAGE AND HOUR DIVISION

Rules

Apprentices, employment of:
On-the-job work experience; hours requirement 12311

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

EXECUTIVE ORDERS:
12044 12661

CLEAN AIR ACT DETERMINATIONS:
February 11, 1978 12273
February 15, 1978 12275
February 18, 1978 12277
February 24, 1978 12279
March 7, 1978 12281
March 13, 1978 12283
March 14, 1978 12285
March 21, 1978 ..... 12287, 12289

5 CFR

213 (6 documents) 11291, 12292
591 12292
713 12293

7 CFR

227 12296
240 12299
354 12301
910 12307

PROPOSED RULES:
967 12329

9 CFR

78 12307

10 CFR

PROPOSED RULES:
205 12331
209 12333
211 12332
212 12332
218 12333
711 12333
1021 12333

14 CFR

PROPOSED RULES:
Ch. II 12333

16 CFR

1500 (2 documents) 12308, 12636

17 CFR

PROPOSED RULES:
210 12334

21 CFR

500 12310
520 (4 documents) 12311
640 12311
813 12311

26 CFR

PROPOSED RULES:
1 12336
20 12336

29 CFR

521 12311

30 CFR

1 12312
11 12312
15 12313
16 12313
17 12313
18 12313
19 12314
20 12314
21 12314
22 12315
23 12315
24 12315
25 12315
26 12315
27 12316
28 12316
29 12316
31 12317
32 12317
33 12317
35 12317
36 12318
50 12318
55 12318
56 12318
57 12318
70 12319

30 CFR—Continued

71 12319
74 12319
75 12319
77 12320
90 12320

37 CFR

202 12320

40 CFR

52 12324
87 12614
205 12326

PROPOSED RULES:
87 12615

41 CFR

PROPOSED RULES:
50-202 12337

42 CFR

PROPOSED RULES:
71 12338
110 12339

43 CFR

PROPOSED RULES:
14 12339

46 CFR

PROPOSED RULES:
512 12345

47 CFR

PROPOSED RULES:
73 12346

49 CFR

1033 12326
1300 12327

50 CFR

PROPOSED RULES:
23 (2 documents) 12348, 12349

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. I 8251
3 10329

3 CFR

PROCLAMATIONS:

4552 11141
4553 11557
4554 11559
4555 11561
4556 11959

EXECUTIVE ORDERS:

12042 9269
12043 9773
12044 12661

CLEAN AIR ACT DETERMINATIONS:

February 11, 1978 12273
February 15, 1978 12275
February 18, 1978 12277
February 24, 1978 12279
March 7, 1978 12281
March 13, 1978 12283
March 14, 1978 12285
March 21, 1978 ..... 12287, 12289

MEMORANDUMS:

February 13, 1978 8247
February 15, 1978 8249

4 CFR

331 9775
332 9780
351 9781
403 9781
406 9781
409 9781

PROPOSED RULES:

331 10699
403 10699
408 10699
410 10699
417 11118
418 11118
419 11118
420 11118
421 11118

5 CFR

Ch. X 8505
Ch. XII 8505
213 ..... 8251, 8777, 9781, 11143, 11689, 12291, 12292
591 12292
713 12293

PROPOSED RULES:

300 ..... 9131, 11812

7 CFR

2 ..... 8252, 11689
29 9585
180 9782
227 12296
240 12299
247 8777

7 CFR—Continued

250 9782
272 9783
354 12301
701 8783
711 9783
722 8785
760 10535
795 9784
905 ..... 9455, 10901
907 ..... 8505, 9586, 10901, 11961
908 ..... 8506, 8785, 9586, 10902, 11961
910 ..... 8785, 9787, 11143, 12307
991 10902
1135 11143
1207 9133
1464 9133
1468 9456
1472 9461
1861 8786
1901 8787
1933 1114
2852 10539

PROPOSED RULES:

Ch. II 10568
410 9616
760 10568
908 10370
929 12020
967 12329
1464 11707
1701 10571
1409 9155
2853 ..... 9284, 10571
2858 11204

8 CFR

PROPOSED RULES:

214 11707

9 CFR

73 10544
78 ..... 8787, 11144, 12307
92 11690
112 11145
113 11145
350 11147
351 11147
354 11148
355 11148
362 11148

PROPOSED RULES:

54 11204
97 10571
317 8807
318 8807

10 CFR

50 11963
51 10544
70 11964
73 11964
170 11815
212 10329

10 CFR—Continued

PROPOSED RULES:

30 10370
35 ..... 11206, 11208
40 10370
50 10370
70 10370
205 12331
209 ..... 10572, 12333
211 ..... 9488, 12332
212 ..... 9488, 10935, 12332
218 12333
711 12333
1010 9284
1021 12333

12 CFR

202 ..... 11966, 11967
215 8506
225 10331
303 9788
329 9789
330 10683
338 11563
543 10544
545 9790
550 10546
564 10547
566 10546

PROPOSED RULES:

11 ..... 10371, 10938
206 10387
207 11214
220 11214
221 11214
225 11584
335 10401

13 CFR

107 ..... 9134, 10683
121 10332
123 10684
308 8252
309 ..... 8252, 8507

PROPOSED RULES:

112 9488
113 9488
121 11584

14 CFR

13 10333
25 10338
36 8722
39 ..... 9135, 9587, 9590-9593, 10340, 10904, 11569, 11570, 11969, 11970
71 ..... 8507-8508, 9137-9139, 9594, 9595, 10340, 11571-11573, 11970-11972
73 ..... 9139, 9596, 11573, 11574
91 ..... 10338, 10903, 10905, 11575
95 8508
97 ..... 9596, 11972
121 ..... 9598, 11974, 11976
129 11976

14 CFR—Continued

302 8254
1214 9790

PROPOSED RULES:

Ch. II 10938, 12330
37 9155
39 ..... 9156, 9617, 10410, 12025, 12026
71 ..... 9157, 9617-9622, 10938, 11585-11587, 12026, 12027
73 12028
75 9157
121 ..... 9159, 9160, 10938
129 9160
207 ..... 8266, 11215
208 ..... 8266, 11215
212 ..... 8266, 11215
214 ..... 8266, 11215
221 ..... 11225, 12029
223 8266
241 11833
371 11215
372a 11215
373 11215
378 11215
378a 11215
399 11833
1221 8267

15 CFR

16 8254
369 11576
371 10340
923 8378
930 10502

PROPOSED RULES:

904 9623

16 CFR

1 11690
2 10684
3 11978
4 11978
13 ..... 9141, 9469-9471
600 9471
1303 8514
1500 ..... 12308, 12636
1701 11979

PROPOSED RULES:

13 ..... 9493, 9495, 9497, 9623, 10572, 11709, 11834
437 11834
443 8268
1201 10700
1505 10575
1701 12029

17 CFR

140 9143
200 11980
211 9599
229 9602
230 10548
231 9599
239 10548
240 ..... 10550, 11542, 11981
241 ..... 9599, 11542

17 CFR—Continued

PROPOSED RULES:

210 ..... 9823, 10876, 12334
230 ..... 9823, 10701, 10876
231 ..... 8807, 10888
239 ..... 9823, 10876, 10888
240 ..... 8269, 8807 9271, 9823, 10876
241 ..... 8807, 10288
249 ..... 8807, 9823, 10876, 10888

18 CFR

157 11691

PROPOSED RULES:

2 8270
154 8270

19 CFR

19 10684
141 11815
153 11982

PROPOSED RULES:

101 11587

20 CFR

416 11983
602 10311
603 9103
621 10311
651 ..... 9103, 10311
653 ..... 9092, 10312
654 9103
655 10312
658 9105

PROPOSED RULES:

404 ..... 9284, 11714, 12031-12033
416 ..... 8555, 9284, 11714, 12033

21 CFR

Ch. I 11301
2 11316
5 ..... 11694, 11695
14 11149
81 8796
101 8793
103 9272
105 10551
131 11150
139 11695
146 ..... 10552, 11695
172 11696
173 11317
175 11697
176 11698
182 ..... 11697, 11698
184 11698
186 11698
189 11317
250 10551
300 11317
310 10553
314 8797
431 9792
433 11150
436 ..... 9799, 11151
440 ..... 9799, 9800
442 9800
444 9801
446 11151

21 CFR—Continued

449 9800
452 9800
455 ..... 9801, 9802
460 9792
500 ..... 9802, 11317, 12310
510 ..... 9803, 11175, 11698
520 ..... 8797, 9804, 10553, 11176, 11177, 12311
522 ..... 9272, 9804, 11176
524 11176
526 10554
539 11177
540 11700
546 11177
558 ..... 9803, 11176
573 ..... 11181, 11700
610 10554
640 ..... 9804, 12311
660 10554
700 11317
701 10559
801 11318
813 12311

PROPOSED RULES:

109 8808
131 11226
133 9823
150 9823
166 9823
172 8808
182 ..... 8808, 8809, 9823, 11227
184 ..... 8808, 8809, 9823, 10577, 11227
186 9823
193 9319
320 11227
436 11714
448 11714
455 11715
514 9829
558 11716
610 11716
680 11716
740 9830
820 9320
1308 11588

23 CFR

1204 9143

PROPOSED RULES:

Ch. I 10578

24 CFR

0 8255
200 9475
203 8798
213 8798
234 8798
235 9273
570 ..... 8434, 8450, 8476
571 12222
885 8492
1914 ..... 11181, 11183
1915 11184
1916 ..... 10905, 11193, 11194
1917 ..... 10906, 11488
1920 10906-10908
2205 8764

24 CFR—Continued

PROPOSED RULES:

81 11589
1917 11499
11660-11670, 11788-11798, 11928-11952, 12192-12215

25 CFR

73 8798
183 11815
191 8799
221 8799
231 11983

PROPOSED RULES:

43p 8555
113 8557
277 12034

26 CFR

1 ..... 9475, 10685, 11195

PROPOSED RULES:

1 ..... 10411, 10704, 10939, 11589, 12038, 12336
20 12336
301 12038

27 CFR

71 10687

PROPOSED RULES:

6 8270
8 8270
47 11745
178 11742
179 11742

28 CFR

0 8256

PROPOSED RULES:

50 ..... 9131, 11812

29 CFR

521 12311
1902 11195
1910 11514
1952 9806
2520 10130
2610 10559
2700 10320

PROPOSED RULES:

1607 ..... 9131, 11812
1910 ..... 9830, 9831, 11227
2510 10579
2610 10580

30 CFR

1 12312
11 12312
15 12313
16 12313
17 12313
18 12313
19 12314
20 12314
21 12314
22 12315
23 12315
24 12315

30 CFR—Continued

25 12315
26 12315
27 12316
28 12316
29 12316
31 12317
32 12317
33 12317
35 12317
36 12318
50 12318
55 12318
56 12318
57 12318
70 12319
71 12319
74 12319
75 12319
77 12320
90 12320
231 10341

PROPOSED RULES:

40 9108
41 9109
43 9113
44 9114
55 9114
56 9114
57 9114
81 9108
82 9111
100 9120

31 CFR

52 9807

PROPOSED RULES:

51 9320
103 10940

32 CFR

268 11196
706 8256
763 11815
888h 10908

PROPOSED RULES:

Ch. XIV 12039
288 8271
1460 10581
1469 10581
1806 10940

33 CFR

3 8515
87 10911
117 ..... 8516-8517, 11983
161 12054
165 10342
181 9766
209 8257
402 11672

PROPOSED RULES:

117 ..... 8559, 9625
183 9260
207 10942

35 CFR

10 11577

36 CFR

215 11827

PROPOSED RULES:

7 ..... 9321, 12042

37 CFR

202 ..... 11701, 12320

38 CFR

2 10560
3 11703
14 10560
36 9274

PROPOSED RULES:

21 ..... 9322, 10581, 10706
36 10583

39 CFR

PROPOSED RULES:

111 ..... 9831, 12044

40 CFR

33 10342
52 ..... 9274, 9275, 9603, 11816, 11817, 11819
60 ..... 8799, 9276, 9452, 10866, 11984, 12324
61 8799
81 8962
87 12614
116 10474
117 10484
118 10485
119 10491
205 12326
436 9808
710 9254
712 11318
762 11318

PROPOSED RULES:

51 ..... 8809-8810, 9162
52 ..... 10707-10709, 11834, 12047
87 12615
116 10474
117 10484
118 10485
119 10491
141 ..... 9163, 10942
162 11590
180 ..... 9163, 9165, 9323, 10943
205 ..... 10822, 12047
228 8811
413 9324
423 8812

41 CFR

Ch. 101 10342
1-3 11986
1-12 11986
8-4 8258
15-7 9278
101-21 11820
101-25 8800
101-45 11820
114-43 11577
114-44 11580
114-45 11580
114-46 11582

41 CFR—Continued

PROPOSED RULES:

50-202 12337
60-3 ..... 9131, 11812
114-150 8272

42 CFR

123 10100
405 8258
448 9810
449 ..... 8800, 9810
450 ..... 8801, 9817

PROPOSED RULES:

71 12338
110 ..... 11472, 12339
122 11229
123 11229
460 8813

43 CFR

Ch. II 11821
32 12266
419 11821
2920 11822
6260 11822

PUBLIC LAND ORDERS:

5631 11992
5632 11992

PROPOSED RULES:

14 12339
1600 8814
2880 8770
3250 12260

45 CFR

16 9264
100a 9242
172 11703
179 9242
201 9265
1061 ..... 9476, 9818
1069 10911
1622 11198

PROPOSED RULES:

90 8756
102 8561
115 8561
116 8561
116d 8561
126 12048
130 8561
161 8561
180 11676
190 12048
205 8562
282 11719
1608 11241
1612 11241

45 CFR—Continued

PROPOSED RULES—Continued

1613 11241
1614 11241
1620 11241

46 CFR

148 ..... 8760, 11583
160 ..... 9769, 10913
502 11992

PROPOSED RULES:

4 9165
93 10946
157 12218
186 12218
187 12218
511 11590
512 12345

47 CFR

1 10342
64 11704
73 ..... 8805, 9280, 10342, 11704
81 10344
89 ..... 10697, 11822
91 ..... 8518, 10368, 11822, 11993
93 11993

PROPOSED RULES:

2 9500
61 11719
63 9505
67 11835
73 8273
8274, 8815, 8816, 9509-9511, 10413, 10710, 10943, 10944, 11724, 11835, 11836, 12346
74 9500
76 8275
78 9500
81 ..... 10414, 11836
91 12048
93 12048

49 CFR

Ch. V 10918
25 10913
171 10917
172 ..... 8519, 10917
173 ..... 8521, 9149
174 8522
176 8522
179 8523
218 9512
501 ..... 8525, 11995
523 11995
533 11995
567 ..... 9604, 12014
568 9604
571 ..... 9149, 9605, 9606, 10919, 12014, 12015

49 CFR—Continued

580 10921
1033 8528
8529, 9281, 9282, 9606, 10561-10564, 10922, 11200, 11823, 12326
1047 ..... 8817, 10697
1080 10923
1082 8817
1121 10564
1125 8530
1127 ..... 9150, 10368
1131 ..... 8554, 11706
1300 ..... 8531, 11706, 12327
1303 ..... 8534, 11706
1304 ..... 8536, 11706
1306 ..... 8538, 11706
1307 ..... 8539, 11706
1308 ..... 8544, 11706
1309 ..... 8547, 11706
1310 ..... 8549, 11706
1331 11201

PROPOSED RULES:

Ch. II 9324
Ch. V 11100
172 8562
173 8562
174 8562
175 8562
176 8562
177 8562
221 10583
393 ..... 9166, 9626
399 8569
567 9167
571 ..... 8571, 9626, 10947
581 12049
1047 8817
1082 8817
1201 10711
1204 11725
1206 10711
1260 11725
1261 11725

50 CFR

10 10565
17 9607
21 10565
26 ..... 9282, 10923-10926, 12017
33 ..... 10368, 10929-10933, 11823, 12017, 12018
255 9153
285 8554
351 9481
611 ..... 10566, 10933, 11824

PROPOSED RULES:

17 12050
23 ..... 9168, 9628, 12348, 12349
26 10590
32 9629
230 9172
285 10592

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
8247-8504	Mar. 1	9595-9772	9	11141-11555	17
8505-8776	2	9773-10327	10	11557-11687	20
8777-9131	3	10329-10533	13	11689-11813	21
9133-9267	6	10535-10681	14	11815-11957	22
9269-9454	7	10683-10899	15	11959-12271	23
9455-9594	8	10901-11140	16	12273-12670	24

presidential documents

[3195-01]

Title 3—The President

Presidential Determination of February 11, 1978

Determination Under Section 110(f) of the Clean Air Act—Ohio

Governor Rhodes of the State of Ohio petitioned me on February 9, 1978, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Ohio of such severity that a temporary suspension of certain particulate matter emission limitations of the Ohio implementation plan is necessary to avoid high levels of unemployment or loss of energy supplies necessary for residential dwellings. After considering the information and views provided to me by Governor Rhodes, members of the Congress representing Ohio, and the Administrator of the Environmental Protection Agency, I am hereby making the requested determination, subject to the conditions listed below. Because of the imminency of the emergency, I am waiving the requirement that the Governor provide notice and opportunity for public hearing prior to petitioning me. This determination shall remain in effect for thirty days, unless I rescind it before that time or extend it.

The following conditions shall apply to this determination:

1. Governor Rhodes must immediately provide notice and opportunity for public hearing to be held concerning the issues covered by his petition. If a hearing is requested, it shall be held no later than one week from the date of this determination.

2. Any temporary emergency suspensions shall be granted by Governor Rhodes on a source-by-source basis, after he has determined that in the vicinity of the source without the suspension there would be high levels of unemployment or loss of necessary energy supplies for residential dwellings.

3. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

Jimmy Carter

February 11, 1978

[FR Doc. 78-7981 Filed 3-22-78; 3:17 pm]

[3195-01]

Presidential Determination of February 15, 1978

Determination Under Section 110(f) of the Clean Air Act—Indiana

Governor Otis Bowen of the State of Indiana petitioned me on February 13, 1978, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Indiana of such severity that a temporary suspension of certain particulate and sulfur dioxide control regulations, and regulations governing reserves of low sulfur coal under the Indiana Air Quality Implementation Plan, may be necessary and that other means of responding to the emergency may be inadequate. After considering the information provided me by Governor Bowen, Members of Congress representing Indiana and the Administrator of the Environmental Protection Agency, I am hereby making the requested determination, subject to the conditions listed below. Because of the imminency of the emergency, I am waiving the requirement that the Governor provide notice and an opportunity for public hearing prior to petitioning me. This determination shall remain in effect for thirty days, unless I rescind it before that time, or extend it.

The following conditions shall apply to this determination:

1. The Governor shall schedule a public hearing within one week for the purpose of providing full information about coal supplies, unemployment impacts, residential energy deficiencies, and the environmental consequences of the suspended regulations.

2. The Governor shall grant suspensions of the particulate regulations, sulfur dioxide regulations, and low sulfur fuel reserve regulations on a source-by-source basis, and only to those facilities in emergency areas.

3. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

Jimmy Carter

February 15, 1978

[FR Doc. 78-7982 Filed 3-22-78; 3:18 pm]

[3195-01]

Presidential Determination of February 18, 1978

Determination Under Section 110(f) of the Clean Air Act—Kentucky

Governor Julian Carroll of the State of Kentucky petitioned me on February 16, 1978, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Kentucky of such severity that a temporary suspension of certain particulate, sulfur dioxide and hydrocarbon emissions control regulations under the Kentucky Air Quality Implementation Plan may be necessary, and that other means of responding to the emergency may be inadequate. After considering the information provided me by Governor Carroll and the administrator of the Environmental Protection Agency, I am hereby making the requested determination, subject to the conditions listed below. Because of the imminency of the emergency, I am waiving the requirement that the Governor provide notice and an opportunity for public hearing prior to petitioning me. This determination shall remain in effect for thirty days, unless I rescind it before that time, or extend it.

The following conditions shall apply to this determination:

1. The Governor shall schedule a public hearing within one week for the purpose of providing full information about coal supplies, unemployment impacts, residential energy deficiencies, and the environmental consequences of the suspended regulations.

2. The Governor shall be authorized to grant suspensions of the particulate regulations and sulfur dioxide regulations on a source-by-source basis, and only to those facilities in emergency areas.

3. The Governor is not authorized at this time to grant suspensions of hydrocarbon regulations. The need for possible suspension of those regulations should be reviewed further, with the results of the further analysis to be presented at the required public hearing.

4. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

5. If, during the period that the temporary suspension is in force, I determine that an energy emergency no longer exists in Kentucky, I may direct the temporary suspension of pollution control regulations be terminated.

Jimmy Carter

February 18, 1978

[FR Doc. 78-7983 Filed 3-22-78; 3:19 pm]

[3195-01]

Presidential Determination of February 24, 1978

Determination Under Section 110(f) of the Clean Air Act—Pennsylvania

Governor Milton Shapp of the State of Pennsylvania petitioned me on February 23, 1978, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Pennsylvania of such severity that a temporary suspension of certain particulate and sulfur dioxide control regulations may be necessary, and that other means of responding to the emergency may be inadequate. After considering the information provided me by Governor Shapp and the Administrator of the Environmental Protection Agency, I am hereby making the requested determination, subject to the conditions listed below. Because of the imminency of the emergency, I am waiving the requirement that the Governor provide notice and an opportunity for public hearing prior to petitioning me. This determination shall remain in effect for thirty days, unless I rescind it before that time, or extend it.

The following conditions shall apply to this determination:

1. The Governor shall schedule a public hearing within one week for the purpose of providing full information about coal supplies, unemployment impacts, residential energy deficiencies, and the environmental consequences of the suspended regulations.

2. The Governor shall grant suspensions of the particulate regulations and sulfur dioxide regulations on a source-by-source basis, and only to those facilities in emergency areas.

3. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

Jimmy Carter

February 24, 1978

[FR Doc. 78-7984 Filed 3-22-78; 3:20 pm]

[3195-01]

Presidential Determination of March 7, 1978

Determination Under Section 110(f) of the Clean Air Act—Maryland

Acting Governor Blair Lee of the State of Maryland petitioned me on February 27, 1978, for a determination under Section 110(f) of the Clean Air Act that an energy emergency exists in the service area of the Potomac Edison Company, Maryland, of such severity that a temporary suspension of certain particulate emission regulations under the Maryland Air Quality Implementation Plan may be necessary, and that other means of responding to the energy emergency may be inadequate. After considering the information provided me by Acting Governor Lee and the Administrator of the Environmental Protection Agency, I am hereby making the requested determination, subject to the conditions listed below. Because of the imminency of the emergency, I am waiving the requirement that the Acting Governor provide notice and an opportunity for public hearing prior to petitioning me. This determination shall remain in effect for thirty days, unless I rescind it before that time, or extend it.

The following conditions shall apply to this determination:

(1) The Acting Governor shall schedule a public hearing within one week for the purpose of providing full information about coal supplies, unemployment impacts, residential energy deficiencies, and the environmental consequences of the suspended regulations.

(2) The Acting Governor is authorized to grant a temporary suspension of certain particulate emission regulations under the Maryland Air Quality Implementation Plan in the service area of the Potomac Edison Company.

(3) The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Acting Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

Jimmy Carter

March 7, 1978

[FR Doc. 78-7985 Filed 3-22-78; 3:21 pm]

[3195-01]

Presidential Determination of March 13, 1978

Determination Under Section 110(f) of the Clean Air Act—Ohio

Governor Rhodes of the State of Ohio petitioned me on February 9, 1978, for a determination under Section 110(f) of the Clear Air Act that a regional energy emergency exists in Ohio of such severity that a temporary suspension of certain particulate matter emission limitations of the Ohio implementation plan is necessary to avoid high levels of unemployment or loss of energy supplies necessary for residential dwellings. After considering the information and views provided to me by Governor Rhodes, members of the Congress representing Ohio, and the Administrator of the Environmental Protection Agency, I made the requested determination, subject to certain conditions, on February 11, 1978. The original determination was ordered to remain in effect for thirty days unless otherwise rescinded or extended before that time. Because the disruption of certain energy supplies continues to threaten high levels of unemployment or loss of energy supplies necessary for residential dwellings, I am hereby extending my determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Ohio. This extension shall remain in effect for thirty days, subject to the conditions listed below, unless I rescind it before that time or extend it.

The following conditions shall apply to the extension:

1. Any temporary emergency suspensions shall continue to be granted by Governor Rhodes on a source-by-source basis, after he has determined that in the vicinity of the source without the suspension there would be high levels of unemployment or loss of necessary energy supplies for residential dwellings.

2. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

3. Governor Rhodes is authorized to automatically extend any temporary emergency suspension granted under my original determination unless the Administrator of the Environmental Protection Agency has disapproved such suspension.

Jimmy Carter

March 13, 1978

[FR Doc. 78-7986 Filed 3-22-78; 3:22 pm]

[3195-01]

Presidential Determination of March 14, 1978

Determination Under Section 110(f) of the Clean Air Act—Alabama

Governor George Wallace of the State of Alabama petitioned me on March 6, 1978, for a determination under Section 110(f) of the Clean Air Act that an energy emergency exists in Alabama of such severity that a temporary suspension of certain particulate and sulfur dioxide control regulations under the Alabama Air Quality Implementation Plan, may be necessary, and that other means of responding to the emergency may be inadequate. After considering the information provided me by Governor Wallace, Members of Congress representing Alabama and the Administrator of the Environmental Protection Agency, I am hereby making the requested determination, subject to the conditions listed below. This determination shall remain in effect for thirty days, unless I rescind it before that time, or extend it.

The following conditions shall apply to this determination:

1. The Governor shall grant suspensions of the particulate regulations, sulfur dioxide regulations on a source-by-source basis, and only to those facilities in emergency areas.

2. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

Jimmy Carter

March 14, 1978

[FR Doc. 78-7987 Filed 3-22-78; 3:23 pm]

[3195-01]

Presidential Determination of March 21, 1978

Determination Under Section 110(f) of the Clean Air Act—Indiana

Governor Bowen of the State of Indiana petitioned me on February 13, 1978, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Indiana of such severity that a temporary suspension of certain particulate and sulfur dioxide control regulations and regulations governing reserves of low sulfur coal under the Indiana implementation plan is necessary, and that other means of responding to the emergency may be inadequate. After considering the information and views provided to me by Governor Bowen, members of the Congress representing Indiana, and the Administrator of the Environmental Protection Agency, I made the requested determination, subject to certain conditions, on February 16, 1978. The original determination was ordered to remain in effect for thirty days unless otherwise rescinded or extended before that time. Because the disruption of certain energy supplies continues to threaten high levels of unemployment or loss of energy supplies necessary for residential dwellings, I am hereby extending my determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Indiana. This extension shall be effective March 18 and shall remain in effect for thirty days, subject to the conditions listed below, unless I rescind it before that time or extend it.

The following conditions shall apply to the extension:

1. Any temporary emergency suspensions shall continue to be granted by Governor Bowen on a source-by-source basis, after he has determined that in the vicinity of the source without the suspension there would be high levels of unemployment or loss of necessary energy supplies for residential dwellings.

2. The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

3. Governor Bowen is authorized to automatically extend any temporary emergency suspension granted under my original determination unless the Administrator of the Environmental Protection Agency has disapproved such suspension.

Jimmy Carter

March 21, 1978

[FR Doc. 78-7988 Filed 3-22-78; 3:24 pm]

[3195-01]

Presidential Determination of March 21, 1978

Determination Under Section 110(f) of the Clean Air Act—Kentucky

Governor Julian Carroll of the State of Kentucky petitioned me on February 16, 1978, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Kentucky of such severity that a temporary suspension of certain particulate matter and sulfur dioxide emission limitations of the Kentucky implementation plan is necessary to avoid high levels of unemployment or loss of energy supplies necessary for residential dwellings. After considering the information and views provided to me by Governor Carroll and the Administrator of the Environmental Protection Agency, I made the requested determination, subject to certain conditions, on February 18, 1978. The original determination was ordered to remain in effect for thirty days unless otherwise rescinded or extended before that time. Because the disruption of certain energy supplies continues to threaten high levels of unemployment or loss of energy supplies necessary for residential dwellings, I am hereby extending my determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Kentucky. This extension shall be effective March 20, 1978 and shall remain in effect for thirty days, subject to the conditions listed below, unless I rescind it before that time or extend it.

The following conditions shall apply to the extension:

(1) Any temporary emergency suspensions shall continue to be granted by Governor Carroll on a source-by-source basis, after he has determined that in the vicinity of the source without the suspension there would be high levels of unemployment or loss of necessary energy supplies for residential dwellings.

(2) The Administrator of the Environmental Protection Agency may disapprove any temporary emergency suspension issued by the Governor as provided in Section 110(f)(3) of the Clean Air Act or if the Administrator determines that an air pollution emergency exists.

(3) Governor Carroll is authorized to automatically extend any temporary emergency suspension granted under my original determination unless the Administrator of the Environmental Protection Agency has disapproved such suspension.



March 21, 1978

[FR Doc. 78-7989 Filed 3-22-78; 3:25 pm]

EDITORIAL NOTE: The documents printed above were submitted by the White House Office on March 22, 1978 for publication in the FEDERAL REGISTER to insure their availability to the public. Future determinations, if any, will be submitted as soon as signed.

rules and regulations

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Air Force; Department of Energy; Consumer Product Safety Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment shows that certain positions in the Department of the Air Force, Department of Energy, and Consumer Product Safety Commission 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 213.3309(a)(4) and 213.3331(g)(2) are added and 213.3360(a) is amended as set out below:

§ 213.3309 Department of the Air Force.

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

(4) One Special Assistant to the Assistant Secretary (Manpower, Reserve Affairs, and Installations).

* * * * *

§ 213.3331 Department of Energy.

* * * * *

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

(2) One Staff Assistant to the Director.

* * * * *

§ 213.3360 Consumer Product Safety Commission.

(a) Four Special Assistants, one Director of Congressional Relations, one Public Information Officer, and one Staff Assistant to the Chairman.

(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. 78-7455 Filed 3-23-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce, ACTION

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) shows title changes in the Department of Commerce, and (2) revokes a position at ACTION because it has been vacant for more than 60 days.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314 (a)(9) and 213.3359(k) are amended as set out below:

§ 213.3314 Department of Commerce.

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

(9) One Congressional Liaison Specialist and three Congressional Liaison Officers.

* * * * *

§ 213.3359 ACTION.

* * * * *

(k) [Revoked].

(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. 78-7453 Filed 3-23-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare; Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C certain positions at Department of Health, Education, and Welfare because they are confidential in nature, and (2) shows a change in title for a position in the Department of Energy.

EFFECTIVE DATE: Department of Health, Education, and Welfare, March 8, 1978; Department of Energy, March 2, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(h)(16) is added and 213.3331(q)(1) is amended to read as follows:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

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

(16) Five Special Assistants for National Health Insurance to the Deputy Assistant Secretary for National Health Insurance.

* * * * *

§ 213.3331 Department of Energy.

* * * * *

(q) *Office of the Controller.*

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

(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. 78-7454 Filed 3-23-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of State; Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment to the regulations shows that certain positions in the Department of State and the Department of Defense are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATES: Department of State: Secretary (Stenography) to the Assistant Secretary for African Af-

fairs—March 6, 1978; Secretary (Stenography) to the Ambassador-at-Large and U.S. Special Representative for Non-Proliferation Matters—March 7, 1978; Department of Defense: Special Assistant to the Advisor to the Secretary and Deputy Secretary of Defense for NATO Affairs—March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3304(a)(10) and (r) are added and 213.3306(a)(97) is amended as set out below:

§ 213.3304 Department of State.

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

(10) One Secretary (Stenography) to the Ambassador-at-Large and U.S. Special Representative for Non-Proliferation Matters.

* * * * *

(r) *Office of the Assistant Secretary for African Affairs.*

(1) One Secretary (Stenography) to the Assistant Secretary.

* * * * *

§ 213.3306 Department of Defense.

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

(97) One Private Secretary and one Special Assistant to the Advisor to the Secretary and Deputy Secretary of Defense for NATO Affairs.

(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. 78-7457 Filed 3-23-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C (1) General Counsel, (2) Assistant Administrator for Coastal Zone Management, (3) Assistant Administrator for Fisheries, (4) Assistant Administrator for Oceanic and Atmospheric Services, (5) Assistant Administrator for Policy and Planning, and (6) Assistant Administrator for Research and Development, National Oceanic and Atmospheric Administration, because the positions are confidential in nature.

EFFECTIVE DATE: March 13, 1978.

FOR FURTHER INFORMATION CONTACT:

On Position Authority: Dean Bollman, Civil Service Commission, 202-632-7676; On Position Content: John M. Golden, Director of Personnel, Department of Commerce, 202-377-4808.

Accordingly, 5 CFR 213.3314(r) (4) through (9) are added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(r) *National Oceanic and Atmospheric Administration.* * * *.

(4) General Counsel.

(5) Assistant Administrator for Coastal Zone Management.

(6) Assistant Administrator for Fisheries.

(7) Assistant Administrator for Oceanic and Atmospheric Services.

(8) Assistant Administrator for Policy and Planning.

(9) Assistant Administrator for Research and Development.

(5 U.S.C. 3301, 3302; E.O. 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. 78-7820 Filed 3-23-78; 8:45 am]

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare; Department of Energy; Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Health, Education, and Welfare; Department of Energy; and Department of Housing and Urban Development because they are confidential in nature.

EFFECTIVE DATE: March 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533

Accordingly, 5 CFR 213.3316(a)(45), (h)(17); and 213.3331 (c)(6) are added; and 213.3384(a)(9) and (47) are amended as follows:

§ 213.3316 Department of Health, Education, and Welfare.

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

(45) One Special Assistant for Special Projects.

* * * * *

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

(17) One Special Assistant for Social Sciences to the Assistant Secretary for Health.

* * * * *

§ 213.3331 Department of Energy.

* * * * *

(c) *Federal Energy Regulatory Commission.* * * *

(6) One Confidential Assistant for Legislation.

* * * * *

§ 213.3384 Department of Housing and Urban Development.

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

(9) Four Special Assistants to the Under Secretary.

* * * * *

(47) Four Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.

(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. 78-7786 Filed 3-23-78; 8:45 am]

[6325-01]

PART 591—ALLOWANCES AND DIFFERENTIALS

Cost of Living Allowance and Post Differential—Nonforeign Areas

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The Commission has completed its 1977 review of the cost of living allowances that are paid to eligible employees in Guam and Hawaii and its review of post differential allowances paid to eligible employees in designated areas. The new cost of living allowance rates are contained in this notice. There are no changes in the post differential rates currently authorized.

EFFECTIVE DATE: The effective date of the new allowance rates is the first pay period that begins on or after February 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard J. Carney, Civil Service Commission, 1900 E Street NW., Washington, D.C., 202-632-5595.

SUPPLEMENTARY INFORMATION: Employees in certain cost of living allowance categories in the State of Hawaii are receiving interim allowance rates. The 1977 review resulted in no new interim rates being authorized for areas in Hawaii. On Molokai, the rate for employees in the Local Retail/Private Housing and Local Retail/Federal Housing categories has been increased. The interim rate adjustments will no longer apply to these two categories. For other locations in Hawaii, there is no change in the final interim rate adjustment scheduled to be effective the

first pay period that begins on or after April 1, 1978.

Accordingly, 5 CFR Part 591, Appendix A of Subpart B, the tables for the State of Hawaii and the Island of Guam are amended as set out below:

APPENDIX A OF SUBPART B.—*Places and rates at which allowances shall be paid*

* * * * * * *

Geographic coverage/allowance category	Index	Authorized allowance rate (percent)
State of Hawaii	1977	
Island of Oahu:		
Local retail/private housing	118.4	17.5
Local retail/Federal housing	102.3	
Commissary/PX/private housing	103.8	
Commissary/PX/Federal housing	87.7	
Commissary/PX/military housing	73.9	
Island of Kauai:		
Local retail/private housing	117.2	17.5
Local retail/Federal housing	107.2	7.5
Commissary/PX/private housing	116.7	17.5
Commissary/PX/Federal housing	106.7	7.5
Commissary/PX/military housing	89.0	
Island of Molokai:		
Local retail/private housing	115.4	15.0
Local retail/Federal housing	108.2	7.5
Commissary/PX/private housing	None	
Commissary/PX/Federal housing	None	
Local retail/military housing	90.7	
Island of Maui and Island of Lanai:		
Local retail/private housing	112.2	12.5
Local retail/Federal housing	99.7	
Commissary/PX/private housing	None	
Commissary/PX/Federal housing	None	
Local retail/military housing	86.2	
Island of Hawaii:		
Local retail/private housing	113.6	12.5
Local retail/Federal housing	99.8	
Commissary/PX/private housing	None	
Commissary/PX/Federal housing	None	
Local retail/military housing	88.1	
Island of Guam:		
Local retail/private housing	110.6	10.0
Local retail/Federal housing	102.4	
Commissary/PX/private housing	98.2	
Commissary/PX/Federal housing	90.0	
Commissary/PX/military housing	68.7	

* * * * * * *

(5 U.S.C. 5941; E.O. 10,000, 3 CFR 1943-48 Comp., p. 792; E.O. 11938, 3 CFR 1976 Comp., p. 148-149)

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

[FR Doc. 78-7851 Filed 3-23-78; 8:45 am]

[6325-01]

PART 713—EQUAL OPPORTUNITY

Prohibition Against Discrimination Because of a Physical or Mental Handicap

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 713 is amended to set forth an appeals system for hearing complaints of discrimination based on physical or mental handicap. This appeals system will follow the existing procedures provided for discrimination complaints based on race, color, religion, sex, national origin, and age. Variations from the latter procedures are required in two areas because of limitations of the Commission's existing authority. These variations relate to backpay remedial relief for applicants and court actions.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Lee Willis, Office of Selective Placement Program, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, 202-632-5687.

SUPPLEMENTARY INFORMATION: On September 16, 1977, the Civil Service Commission published for comment in the FEDERAL REGISTER a proposed rule (42 FR 46541) to expand the coverage of Part 713 (discrimination complaints procedure) of the Commission's regulations to include complaints of discrimination based on physical or mental handicap. The Commission requested that comments on the proposed regulations be submitted on or before October 31, 1977. At the request of various organizations and consumer groups, the comment period was extended to December 15, 1977 (42 FR 56348, October 25, 1977). Virtually all of the 85 comments received in response to the proposed rule were in favor of establishing such a procedure.

DISCUSSION OF MAJOR COMMENTS

IS THIS ADMINISTRATIVE COMPLAINTS PROCEDURE FOR HANDICAPPED PERSONS A STATUTORY APPEALS PROCEDURE?

The Civil Service Commission's authority to promulgate the complaints procedure for handicapped persons is derived from 5 U.S.C. 7153, § 5.1 of the Civil Service Rules, and 29 U.S.C. 791. In the opinion of the U.S. Court of Appeals for the District of Columbia Circuit, these statutes give rise to an affirmative obligation to establish a complaints procedure for physically and mentally handicapped persons (*Ryan* v. *FDIC*, EPD PP 7896 (D.C. Cir. 1977)). Thus, the procedure conforms to statute, is required by statute, and is established by regulations of appropriate authorities. The procedure is, therefore, clearly a statutory appeals procedure and, in the Commission's view, has the effect, within the meaning of Part 771 of the Code of Federal Regulations and section 13(a) of Executive Order No. 11491, of removing handicap discrimination complaints from the agency internal grievance and from negotiated grievance procedures.

WHY USE THE DISCRIMINATION COMPLAINTS PROCEDURE?

The majority of comments were in support of using the existing discrimination complaints procedure to process complaints of discrimination based on handicap. However, some commenters questioned the practicality of using a procedure that is viewed by some individuals as being too burdensome and prolonged, with an enormous backlog of cases. The Commission elected to expand the coverage of the discrimination complaints procedure because it did not want to add to the confusion that already exists as a

result of the numerous and varied appeal mechanisms by creating another procedure. It would also be impractical to establish a parallel system because of the cost implications.

DOES THE COMPLAINTS PROCEDURE COVER EXCEPTED POSITIONS?

These regulations are applicable to excepted as well as competitive positions within executive agencies as defined in 5 U.S.C. 105. This includes employees serving under special appointing authorities for the severely physically handicapped and the mentally retarded, §§ 213.3102 (u) and (t) of Schedule A.

WHY CAN'T APPLICANTS BE AWARDED BACK PAY?

Many commenters were concerned about the lack of a back pay provision for applicants. There presently exists no express statutory authority for back pay to persons who can establish that they were discriminated against because of a physical or mental handicap in Federal employment. However, there is generalized authority contained in the Back Pay Act to provide an employee with backpay relief when he or she is the subject of an unwarranted or improper personnel action. The Commission takes the position that discrimination because of handicap can give rise to a backpay award under the Back Pay Act (5 U.S.C. 5596) and the regulations implementing the Act (5 CFR Part 550). However, since the Act creates a backpay entitlement for employees only, the Commission has no authority under existing law to extend such relief to applicants for employment.

COURT ACTIONS

The regulations set forth in §§ 713.281-283 of Title 5 of the Code of Federal Regulations, relating to filing of civil actions, are not applicable because there is no specific statutory authority governing lawsuits involving discrimination because of a handicap. For this reason, any such court action would necessarily have to proceed under general jurisdictional statutes, without regard to the time limits set forth in section 717(c) of the Civil Rights Act.

DEFINITION OF HANDICAP IS TOO BROAD?

The administrative complaints procedure uses the definition of physical and mental handicap established by the amendments to the Rehabilitation Act of 1973 (Pub. L. 93-516). This definition is used for the following reasons:

(1) Under the terms of the Rehabilitation Act of 1973, the Civil Service Commission must use the Act's definition to monitor Federal agency affirmative action programs for handicapped persons. It would create confusion if one definition for handicap existed for affirmative action and another were used for complaints of discrimination.

(2) The Federal Government as a model employer cannot require less of itself by using a narrower, more restrictive definition than it requires of the private employment sector. The Department of Labor, in its enforcement of section 503 (applies to Federal contractors) of the Rehabilitation Act, and the Department of Health, Education, and Welfare, in its enforcement of section 504 (applies to programs or activities receiving Federal grants) of the Act, use this definition.

(3) The key issue in a complaint of discrimination is not the current or past nature or extent of a handicap but whether an individual was discriminated against by an employer.

ARE ALCOHOL AND DRUG ABUSERS COVERED BY THE DEFINITION OF HANDICAPPED?

The Attorney General, after reviewing the Rehabilitation Act of 1973 and the legislative history of the Act, determined that Congress definitely intended that alcohol and drug abusers be covered by the Act's definition. This is also consistent with the Commission's current regulations that state that applicants and employees cannot be denied or deprived employment consideration solely on the basis of alcohol or drug abuse. Applicants or appointees who currently abuse alcohol or use drugs may be disqualified if there is a nexus between such abuse or use and the nature of the employment or if the symptoms resulting from the use of these substances may be so severe that such use, in and of itself, will be sufficient to justify an adverse suitability determination. This is not to be construed to prohibit the dismissal of an employee who, after a reasonable effort at rehabilitation, cannot properly function in his or her employment.

WHAT CONSTITUTES A QUALIFIED HANDICAPPED PERSON?

Numerous commenters requested clarification of the term "qualified" handicapped person. The Commission agrees that without clarification this term would create confusion. For this reason, a new subsection (f) has been added to § 713.702.

WHAT CONSTITUTES REASONABLE ACCOMMODATION?

Many commenters requested an explanation as to what constitutes "reasonable accommodation." As a result, a new section has been added (713.704) which clarifies this term.

MUST EACH AGENCY DEVELOP REGULATIONS FOR PROCESSING COMPLAINTS?

Many commenters assumed that agencies would be required to develop regulations for the processing of complaints of discrimination based on handicap (as with section 504 of the Rehabilitation Act of 1973). The term "provide" regulations (§§ 713.708 and 713.709) means that agencies must incorporate into their existing internal materials, guidance, manuals, etc., language that would provide for the processing of complaints of discrimination based on handicap within the existing discrimination complaints procedure with the exclusions described in § 713.710. Agencies must begin processing complaints of discrimination based on handicap on the effective date of these regulations. In no way can §§ 713.708 and 713.709 be construed to postpone the effective date of these regulations.

WILL THE PROCEDURE BE RETROACTIVE?

Several commenters suggested that the appeals procedure be made available to persons alleging handicap discrimination based on acts or personnel actions that occurred on or after September 26, 1973 (date of the Rehabilitation Act). The Commission, after reviewing this issue from an administrative standpoint, has determined that it is simply not feasible to reconstruct circumstances dating back that far. The Commission believes that a reasonable solution is to process complaints of handicap discrimination based on acts or actions that occurred 1 year prior to the effective date of these regulations, within the restrictions set forth in § 713.709(b).

TRAINING

Many commenters emphasized the importance of training relative to the addition of complaints of discrimination based on handicap to the existing discrimination complaints procedure. The Commission has developed a training module that will become an integral part of courses currently offered by the Commission's Bureau of Training to EEO counselors, investigators, and others involved in EEO work. The training module will also be made available to agencies to use in training staff persons within their agencies.

NEW SECTIONS

It was suggested that the Civil Service Commission add three new sections in addition to the section on "reasonable accommodation," to the regulations relative to "employment criteria," "preemployment inquiries," and "physical access to buildings." After reviewing and analyzing these suggestions, the Commission agreed that the regulations would be strengthened by adding these three new sections (see §§ 713.705, and 706, and 707).

Accordingly, 5 CFR Part 713, Subpart D is amended by revising the

heading and § 713.401 and by adding a new Subpart G as set forth below:

Subpart D—Equal Opportunity Without Regard to Politics or Marital Status

Sec.
713.401 Equal opportunity without regard to politics or marital status.

* * * * * *

Subpart G—Prohibition Against Discrimination Because of a Physical or Mental Handicap

GENERAL PROVISIONS

713.701 Purpose and applicability.
713.702 Definitions.
713.703 General policy.
713.704 Reasonable accommodation.
713.705 Employment criteria.
713.706 Preemployment inquiries.
713.707 Physical access to buildings.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

713.708 General.
713.709 Coverage.
713.710 Exclusions.

AUTHORITY: Subpart G issued under 5 U.S.C. 7153; § 5.1 of the Civil Service Rules; 29 U.S.C. 791.

Subpart D—Equal Opportunity Without Regard to Politics or Marital Status

§ 713.401 Equal opportunity without regard to politics or marital status.

(a) *In appointments and position changes.* In determining the merit and fitness of a person for competitive appointment or appointment by noncompetitive action to a position in the competitive service, an appointing officer shall not discriminate on the basis of the person's political affiliations, except when required by statute, or on the basis of marital status.

(b) *In adverse actions and termination of probationers.* An agency may not take an adverse action against an employee covered by Part 752 of this chapter, nor effect the termination of a probationer under Part 315 of this chapter (1) for political reasons, except when required by statute, or (2) because of marital status.

Subpart G—Prohibition Against Discrimination Because of a Physical or Mental Handicap

GENERAL PROVISIONS

§ 713.701 Purpose and applicability.

(a) *Purpose.* This subpart sets forth the policy under which an agency shall establish a continuing program to assure nondiscrimination on account of physical or mental handicap and the regulations under which an agency will process complaints of discrimination based on a physical or mental handicap.

(b) *Applicability.* (1) This subpart applies to executive agencies as defined in section 105 of Title 5 of the United States Code and to those positions in the legislative and judicial branches of the Federal Government and the government of the District of Columbia which are in the competitive service. (2) This subpart applies to the U.S. Postal Service and Postal Rate Commission. (3) This subpart applies only to applicants and employees who have a handicap as defined in § 713.702(a).

§ 713.702 Definitions.

(a) "Handicapped person" is defined for this subpart as one who: (1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

(b) "Physical or mental impairment" means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(c) "Major life activities" means functions, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(d) "Has a record of such an impairment" means has a history of, or has been classified (or misclassified) as having a mental or physical impairment that substantially limits one or more major life activities.

(e) "Is regarded as having such an impairment" means (1) has a physical or mental impairment that does not substantially limit major life activities but is treated by an employer as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of an employer toward such impairment; (3) or has none of the impairments defined in (b) of this section but is treated by an employer as having such an impairment.

(f) "Qualified handicapped person" means with respect to employment, a handicapped person who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of the individual or others and who, depending upon the type of appointing authority being used: (1) Meets the experience and/or education requirements (which may include passing a written test) of the position in question, or (2) meets the criteria for appointment under one of the special appointing authorities for handicapped persons.

§ 713.703 General policy.

Agencies shall give full consideration to the hiring, placement, and advancement of qualified mentally and physically handicapped persons. The Federal Government shall become a model employer of handicapped individuals. An agency shall not discriminate against a qualified physically or mentally handicapped person.

§ 713.704 Reasonable accommodation.

(a) An agency shall make reasonable accommodation to the known physical or mental limitations of a qualified handicapped applicant or employee unless the agency can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include, but shall not be limited to: (1) Making facilities readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, the provision of readers and interpreters, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of the agency in question, factors to be considered include: (1) The overall size of the agency's program with respect to the number of employees, number and type of facilities and size of budget; (2) the type of agency operation, including the composition and structure of the agency's work force; and (3) the nature and the cost of the accommodation.

§ 713.705 Employment criteria.

(a) An agency may not make use of any employment test or other selection criterion that screens out or tends to screen out qualified handicapped persons or any class of handicapped persons unless: (1) The test score or other selection criterion, as used by the agency, is shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Civil Service Commission's Director of Personnel Research and Development Center to be available.

(b) An agency shall select and administer tests concerning employment so as to insure that, when administered to an applicant or employee who has a handicap that impairs sensory,

manual, or speaking skills, the test results accurately reflect the applicant's or employee's ability to perform the position or type of positions in question rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

§ 713.706 Preemployment inquiries.

(a) Except as provided in paragraph (b) of this section, an agency may not conduct a preemployment medical examination and may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. An agency may, however, make preemployment inquiry into an applicant's ability to meet the medical qualification requirements, with or without reasonable accommodation, of the position in question, i.e., the minimum abilities necessary for safe and efficient performance of the duties of the position in question. The Civil Service Commission may also make an inquiry as to the nature and extent of a handicap for the purpose of special testing.

(b) Nothing in this section shall prohibit an agency from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, *Provided*, That: (1) All entering employees are subjected to such an examination regardless of handicap or when the preemployment medical questionnaire used for positions which do not routinely require medical examination indicates a condition for which further examination is required because of the job-related nature of the condition, and (2) the results of such an examination are used only in accordance with the requirements of this part. Nothing in this section shall be construed to prohibit the gathering of preemployment medical information for the purposes of special appointing authorities for handicapped persons.

(c) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained according to the existing maintenance, use, and disposition schedules for medical records, except that: (1) Supervisors and managers may be informed regarding necessary accommodations; (2) first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment.

§ 713.707 Physical access to buildings.

(a) An agency shall not discriminate against qualified handicapped applicants or employees due to the inaccessibility of its facility.

(b) For the purpose of this subpart, a facility shall be deemed accessible if it is in compliance with the Architectural Barriers Act of 1968.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

§ 713.708 General.

An agency shall provide regulations governing the acceptance and processing of complaints of discrimination based on a physical or mental handicap which subject to § 713.710, comply with principles and requirements in §§ 713.213 through 713.271 and §§ 713.601 through 713.614 and §§ 713.631 through 713.632. Nothing in the foregoing shall be construed to postpone the effective date of this rule.

§ 713.709 Coverage.

(a) An agency shall provide in its regulations for the acceptance of a complaint from any aggrieved employee or applicant for employment who believes that he or she has been discriminated against because of a handicap as defined in § 713.702.

(b) An agency must process complaints of discrimination based on acts or actions that occurred 1 year prior to the effective date of these regulations *Provided:* (1) The complaint of discrimination was brought to the attention of the agency within 30 calendar days of the alleged discriminatory act, or, if a personnel action, within 30 calendar days of its effective date, (2) the complaint of discrimination was not adjudicated under some other grievance or appeals procedure, and (3) the complaint of discrimination is filed within 180 calendar days of the effective date of these regulations. Complaints of discrimination based on alleged discriminatory acts or personnel actions that occurred on or after the effective date of these regulations are subject to the time restraints set forth in § 713.214(a).

§ 713.710 Exclusions.

The remedies provided in § 713.271 shall apply to this subpart except that no back pay may be awarded to an applicant for employment.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-7782 Filed 3-23-78; 8:45 am]

[3410-30]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 227—NUTRITION EDUCATION AND TRAINING PROGRAM

Interim Regulations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: The Department is issuing interim regulations implementing the initial phase of the Nutrition Education and Training Program authorized by section 19 of the Child Nutrition Act of 1966, as amended. These regulations relate to the application for participation by State agencies, and the appointment of and funding for a nutrition education specialist to serve as a State Coordinator for the Program. The regulations also describe the responsibilities of the State Coordinator and contain provisions generally applicable to the Program. Regulations which implement other aspects of the Program will be issued in the near future.

DATES: This regulation shall become effective March 24, 1978, or on such later date as funds become available therefor.

ADDRESS: Comments should be sent to Dr. Kathleen M. Martin, Acting Director, Nutrition and Technical Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Joan Luck, Branch Chief, Nutrition Education and Training Branch, Nutrition and Technical Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8286.

SUPPLEMENTARY INFORMATION: Section 19 of the Child Nutrition Act of 1966, as added by Pub. L. 95-166, authorizes the Secretary to formulate and carry out a nutrition information and education program through a system of grants to State agencies to provide for (1) nutritional training of educational and foodservice personnel, (2) foodservice management training of school foodservice personnel, (3) nutrition education activities in schools and child care institutions.

The goal of the Program is to provide children with better learning op-

portunities regarding food and nutrition, the relationship of nutrition to health, and experiences to use this knowledge to develop food and nutrition attitudes and practices fundamental to their health and well being throughout life. To achieve this goal the Program developed focuses on both the school cafeteria and the classroom. To ensure the service of nutritious and acceptable meals in the Child Nutrition Programs, the Program provides foodservice personnel with opportunities for training in foodservice management skills and principles including nutrition; menu planning; food preparation and service; food procurement and storage; safety and sanitation; and management of resources including personnel, food and supplies, funds, and foodservice facilities. The Program provides the opportunity for instruction to those providing nutrition education to children, in the principles of sound nutrition, the methodologies and teaching strategies needed to present the nutrition messages to children, and how to utilize the foodservice program to reinforce classroom instruction.

The Department recognizes that the concept of this Program is significantly different from the National School Lunch, School Breakfast, and Child Care Food Programs in that this Program provides for direct educational benefits to children. The Department believes this Program to be an educational Program and the Coordinator is a key to the success of the Program. In accordance with the statute, section 19(f)(1)(A), the Coordinator's salary, travel expenses, fringe benefits and other related personnel costs are defined as Program costs.

To formulate such a diversified Program and ensure its success, the Department convened an Ad Hoc Task Force on January 5 and 6, composed of educators, school food service personnel, nutritionists, school administrators, health professionals, representatives of government agencies and special interest groups. The purpose of this meeting was to provide advice and counsel to the Department on implementing this Program. The discussions centered around the following topics: (1) coordinators' qualifications; (2) needs assessment; (3) State plans; (4) Program evaluation; (5) advisory councils; and (6) administration, role of USDA and coordination by State educational agencies. Additionally, the Department has received written comments from a number of individuals and groups relative to implementation of this Program.

The Program will be implemented in two phases. The first phase, which these regulations implement, is the start-up of the program by the State agency. This phase involves four major areas. The first is the execution of a written agreement between the Department and the State agency under which the State agency will conduct a nutrition education and training program in accord with pertinent regulations and guidelines. The second area concerns the advance funding to the State agency so that a nutrition education and training coordinator can be hired. The third area is the employment of a nutrition education and training coordinator by the State agency. The fourth area concerns the advance of additional funds to the State agency for the second phase of the Program, i.e., for a needs assessment, development of a State plan, and applying for an assessment and planning grant.

The second phase, which will be implemented in the near future by a second set of interim regulations, involves three areas. The first area is the conduct of the nutrition education and training needs assessment. The second area is the development and submission of the State plan for nutrition education and training. The third area is the implementation of the approved State plan.

Final rulemaking will incorporate the two sets of interim regulations governing the first and scond phases of the Program.

In order to provide State agencies with the opportunity to begin operating a nutrition education and training program as soon as possible, these regulations must become effective immediately. Therefore, it is deemed impracticable and not in the public interest to issue proposed rules. However, the Department welcomes written comments on these regulations and will consider them in the promulgation of final regulations. All comments received by FNS, together with the recommendations of the task force, will be available for public inspection during normal business hours in room 556, 500 12th Street SW., Washington, D.C. 20250.

On February 17, the Department submitted a request to reprogram fiscal year 1978 funds to the Senate House Subcommittees on Agriculture, Rural Development and Related Agencies, Committee on Appropriations. Pub. L. 95-166 included provisions necessitating the reprograming of funds such as the provision for the nutrition education and training program. Therefore, the approval of applications for funds to hire the State Coordinator and for assessment and planning is contingent on the availability of funds to the Department for the nutrition education and training program.

Accordingly, the Department is issuing interim regulations to read as follows:

Subpart A—General

Sec.

227.1 General purpose and scope.
227.2 Definitions.
227.3 Administration.
227.4 Application and agreement.
227.5 Program funding.

Subpart B—State Agency Provisions

227.30 Responsibilities of State agencies.

Subpart C—State Coordinator Provisions

227.35 Responsibilities of State Coordinator.

Subpart D—Miscellaneous

227.40 Program information.

AUTHORITY: Section 15, Pub. L. 95-166, 91 Stat. 1340 (42 U.S.C. 1788).

Subpart A—General

§ 227.1 General purpose and scope.

The purpose of these regulations is to implement section 19 of the Child Nutrition Act (added by Pub. L. 95-166, approved November 10, 1977) which authorizes the Secretary to formulate and carry out a nutrition information and education program through a system of grants to State agencies to provide for (1) the nutritional training of educational and foodservice personnel, (2) the foodservice management training of school foodservice personnel, and (3) the conduct of nutrition education activities in schools and child care institutions. To the maximum extent possible, the Program shall fully utilize the child nutrition programs as a learning experience.

§ 227.2 Definitions.

(a) "Administrative costs" are those direct and indirect costs, allowable under Federal Management Circular 74-4, incurred by a State agency for overall administrative and supervisory purposes, including, but not limited to, costs of financial management, data processing, recordkeeping and reporting, personnel management, and supervising the State Coordinator.

(b) "Child Care Food Program" means the program authorized by section 17 of the National School Lunch Act, as amended.

(c) "Child Nutrition Programs" means any or all of the following: National School Lunch Program, School Breakfast Program, Child Care Food Program.

(d) "Commodity only school" means a school which has entered into an agreement under § 210.15a(b) of this subchapter to receive commodities donated under Part 250 of this chapter for a nonprofit lunch program.

(e) "Department" means the U.S. Department of Agriculture.

(f) "Fiscal year" means a period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

(g) "FNS" means the Food and Nutrition Service of the Department.

(h) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of Food and Nutrition Service, U.S. Department of Agriculture.

(i) "Institution" means any licensed, nonschool, public or private nonprofit organization providing day care services where children are not maintained in permanent residence, including but not limited to day care centers, settlement houses, after school recreation centers, neighborhood centers, Head Start centers, and organizations providing day care services for handicapped children and includes a sponsoring organization under the Child Care Food Program regulations.

(j) "National School Lunch Program" means the lunch program authorized by the National School Lunch Act.

(k) "Needs assessment" means a systematic process for delineating the scope, extent (quantity), reach and success of any current nutrition education activities, including those relating to (1) methods and materials available inside and outside the classroom; (2) training of teachers in the principles of nutrition and in nutrition education strategies, methods, and techniques; (3) training of school foodservice personnel in the principles and practices of foodservice management; and (4) compilation of existing data relative to factors impacting on nutrition education and training such as statistics on child health and competency levels achieved by foodservice personnel.

(l) "Program costs" means costs, other than administrative costs, incurred in connection with any or all of the following: (1) the State Coordinator's salary, and related support personnel costs, including fringe benefits and travel expenses; (2) applying for assessment and planning funds; (3) the conduct of the needs assessment; (4) the development of the State Plan; and (5) the implementation of the approved State Plan, including related support services.

(m) "Program" means the Nutrition Education and Training Program.

(n) "School" means (1) An educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade. (2) With the exception of residential summer camps which participate in the Summer Food Service Program for Children and private foster homes, any distinct part of a public or nonprofit private institution or any public or nonprofit private child care institution, which (i) maintains children in residence, (ii) operates principally for the care of children and (iii) if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government. The term "child care institution" includes, but is not limited to: homes for the mentally retarded, the emotionally disturbed, the physically handicapped, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long term care facilities of chronically ill children; and juvenile detention centers. (3) With respect to the Commonwealth of Puerto Rico, non-profit child care centers certified as such by the Governor of Puerto Rico.

(o) "School Breakfast Program" means the program authorized by section 4 of the Child Nutrition Act of 1966, as amended.

(p) "Foodservice personnel" means those individuals responsible for operating foodservice programs in schools and institutions participating in the Child Nutrition Programs or the Commodity only schools.

(q) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Marianas.

(r) "State agency" means the State educational agency.

(s) "State educational agency" means, as the State legislature may determine: (1) the Chief State School Officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State Department of Education.

§ 227.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program.

(b) Within the States, responsibility for administration of the Program shall be in the State agency, except that FNSRO shall administer the Program with respect to nonprofit private schools or institutions in any State where the State agency is prohibited by law from administering the Program in nonprofit private schools or institutions.

§ 227.4 Application and agreement.

Each State agency desiring to obtain a grant under the Program shall execute Form SF-424, "Application for Federal Assistance (non-construction programs)." This Form shall constitute a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part.

§ 227.5 Program funding.

(a) *Total grant.* The total grant to each State agency for each fiscal year for Program costs and administrative costs shall consist of an amount equal to 50 cents per child enrolled in schools and institutions within the State during such year, but in no event less than $75,000: *Provided, however,* That a State's total grant shall be reduced proportionately if the State does not administer the Program in nonprofit private schools and institutions. Each State agency which receives funds based on all children enrolled in public and nonprofit private schools and institutions shall make the Program available to those schools and institutions. Enrollment figures shall be the latest available as certified by the Department of Health, Education, and Welfare.

(b) *Assessment and planning grant.* A portion of the total grant shall be made available to each State agency during its first fiscal year of participation as an assessment and planning grant for (1) employing a State Coordinator, as provided for in § 227.30, and related support personnel costs including fringe benefits and travel expenses; (2) undertaking a needs assessment in the State, (3) developing a State Plan for nutrition education and training within the State, and (4) applying for the State assessment and planning grant.

(c) *Advances for the assessment and planning grant.* FNS shall make advances to any State desiring to participate in the Program, to enable the State to carry out the responsibilities set forth in paragraph (b) of this section. Advances shall be made in two phases, in accordance with the following procedures: (1) Initially, State agencies may receive an advance up to $35,000 for the purpose of hiring a State Coordinator, as provided for in § 227.30. Application for such an advance shall be made on Form SF-424 when the State agency applies for participation in the Program. The information required for this advance shall be set out in Part III, Budget Information, Section B, Budget Categories. The State agency shall there indicate the funds required for the salary, travel, and fringe benefits of the State Coordinator, and related personnel costs necessary to carry out the duties and responsibilities of the State Coordinator. (2) After appointment of the State Coordinator, the State agency may receive an additional advance of up to 50 percent of the total grant to which the State agency is entitled for the first year of participation, after

deduction of the advance made for the State Coordinator under § 227.5(c)(1), but not to exceed $100,000, for the purpose of undertaking a needs assessment in the State, developing a State Plan for nutrition education and training, and applying for the assessment and planning grant. Application for such advance shall be made by amending Part III, Budget Information, of Form SF-424.

(d) *Administrative costs.* Each State agency may use up to 15 percent of its total grant for up to 50 percent of its cash expenditures for administrative costs.

(e) *Payment to State agencies.* All funds made available for the Program shall be provided through a letter of credit or check, as determined by FNS.

Subpart B—State Agency Provisions

§ 227.30 Responsibilities of State agencies.

(a) *General.* Except to the extent inconsistent with this part, the program shall be administered in accordance with the applicable provisions of Office of Management and Budget (OMB) Circular A-102.

(b) *Application.* The State agency is responsible for making application for administration of the Program on Form SF-424, and is responsible for amending Form SF-424 to request additional funding or as otherwise required. In the initial application, in connection with the request for advance funding for the State Coordinator, Part IV, Program Narrative, of Form SF-424 shall indicate the State agency's procedures for hiring a State Coordinator and contain a justification for the dollar value of salary requested. Also, the narrative shall indicate the time frame for hiring the State Coordinator. In amending Form SF-424 in connection with the request for advance funding for the remaining portion of the assessment and planning grant, Part IV, Program Narrative, shall set forth the details for areas of the assessment and planning grant, other than employment of the State Coordinator.

(c) *State Coordinator.* After execution of the agreement (Form SF-424), the State agency shall appoint a nutrition education specialist to serve as a State Coordinator for the Program. The State Coordinator, at a minimum, shall meet both of the following requirements: (1) The State Coordinator shall have a Masters degree or equivalent experience. Equivalent experience is experience related to the position being filled or as defined by State civil service or personnel policies. If the Masters degree is not in foods and nutrition or dietetics, the Bachelors degree shall include academic preparations in foods and nutrition or dietetics. (2) In addition, the State Coordinator shall have recognized and demonstrated skills in management and education through at least three years experience in one or more of these areas: Elementary or secondary education, but not limited to classroom teaching; foodservice management and training for adults; community nutrition or public health programs; foodservice operations for children; or community action or assistance programs.

(d) *Records and reports.* (1) Each State agency shall maintain full and complete records concerning Program operations and shall retain such records in accordance with OMB Circular A-102, Attachment C. (2) Each State agency shall submit to FNS a quarterly Financial Status Report, Form AD-626 (SF-269), as required by OMB Circular A-102, Attachment H.

(e) *Nondiscrimination.* Each State agency shall ensure that Program operations are in compliance with the Department's nondiscrimination regulations (Part 15 of this title) issued under title VI of the Civil Rights Act of 1964.

Subpart C—State Coordinator Provisions

§ 227.35 Responsibilities of State Coordinator.

At a minimum, the State Coordinator shall be responsible for (1) preparation of a budget to conduct the needs assessment, (2) the conduct of the needs assessment, (3) development of a State Plan, (4) implementation of the approved State Plan, (5) evaluation of the progress and effectiveness of implementation of the State Plan, (6) coordination of the Program with the Child Nutrition Programs at the State and local levels, (7) coordination of the Program with other nutrition education and training programs conducted with Federal or State funds, (8) communication of needs and accomplishments of State nutrition education and training programs to parents and the community at large, (9) use of Program funds in compliance with all regulations, instructions, or other guidance material provided by FNS, and (10) preparation of Program financial status report.

Subpart D—Miscellaneous

§ 227.40 Program Information.

Persons desiring information concerning the Program may write to the appropriate State agency or Regional Offices of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Mass. 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, One Vahlsing Center, Robbinsville, N.J. 08691.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Ga. 30309.

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(e) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 2420 West 26th Avenue, Room 430D, Denver, Colo. 80211.

(f) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Tex. 75242.

(g) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, Calif. 94108.

Effective date: This part shall become effective on March 24, 1978, or on such later date as funds become available therefor.

NOTE.—The Food and Nutrition Service has determined that this document does not contain major proposals requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107. The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: March 21, 1978.

C. T. FOREMAN,
Assistant Secretary.

[FR Doc. 78-7903 Filed 3-23-78; 8:45 am]

[3410-30]

[Amdt. 1]

PART 240—CASH IN LIEU OF COMMODITIES

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment provides for an estimate of the value of foods delivered to schools to be made by May 15 of each school year. If the

estimated value is less than the level of commodity assistance required under the National School Lunch Act, cash payments will be made by June 15 of each year. This amendment makes no substantive changes in the procedures governing cash payments in lieu of commodities, but rather implements nondiscretionary legislative provisions.

EFFECTIVE DATE: This amendment becomes effective March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Acting Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: Section 5 of Pub. L. 95-166 amended section 6(b) of the National School Lunch Act to require an annual estimate of the value of agricultural commodities and other foods that will be delivered during the school year to States for the school lunch program to be made not later than May 15. If such estimated value is less than the total level of commodity assistance required under section 6(e) of the Act, cash payments equal to the difference in the total programmed and the total required value for each State must be made to the State agency not later than June 15. The amended law deletes references to "meals served under the school food service programs" and "number of school breakfasts" and bases the commodity cash-out solely on "lunches served in the school lunch program." The new law further requires that such cash payments be used by schools for the purchase of United States agricultrual commodities and other foods for their programs.

In addition, section 19 of Pub. L. 95-166 amended sections 6(e) and 17(e) of the National School Lunch Act to delete the references to "fiscal year" and to substitute therefor "school year," and amended section 12(d) to define "school year." Implementing changes are made in this amendment.

This amendment makes no substantive changes in the procedures governing cash payments in lieu of commodities, but rather implements nondiscretionary legislative provisions. It is determined, therefor, that proposed rule making and public participation procedures thereon are unnecessary and not in the public interest.

Accordingly, Part 240 is amended as follows:

1. In § 240.1, paragraphs (b), (c), and (d) are revised as follows:

§ 240.1 General purpose and scope.

* * * * *

(b) Section 6(b) of the Act requires that not later than May 15 of each school year, the Secretary shall make an estimate of the value of the agricultural commodities and other foods that will be delivered during that school year for use in lunch programs by schools participating in the National School Lunch Program (7 CFR Part 210). If this estimate is less than the total level of assistance authorized under section 6(e) of the Act the Secretary shall pay to the State administering agency not later than June 15 of that school year, an amount of funds equal to the difference between the value of commodities as then programmed for that school year and the total level of assistance authorized under such section.

(c) Section 6(e) of the Act requires that, for each school year after fiscal year 1975, the national average value of foods donated to schools participating in the National School Lunch Program, or cash payments made in lieu thereof, shall not be less than 10 cents per lunch, adjusted annually for each school year to reflect cost changes. Section 6(e) further requires that not less than 75 percent of the assistance provided to schools for lunches under that section shall be in the form of donated foods.

(d) Section 17(e) of the Act provides that the value of foods donated to States for use in institutions participating in the Child Care Food Program (7 CFR Part 226), for any school year shall be, as a minimum, the amount obtained by multiplying the number of lunches and suppers served during that school year by the rate established for that school year under section 6(e) of the National School Lunch Act. Section 17(e) also requires the payment of cash in lieu of donated foods, in amounts provided in appropriation Acts, to States for use in participating institutions, upon the application of the State agency.

* * * * *

2. In § 240.2, paragraph (d) is revised and a new paragraph (1-1) is added as follows:

§ 240.2 Definitions.

* * * * *

(d) "Fiscal year" means the period of 12 calendar months beginning October 1, 1977, and each October 1 of any calendar year thereafter and ending September 30 of the following calendar year.

* * * * *

(1-1) "School year" means the period of 12 months beginning July 1, 1977, and each July 1 of any calendar year thereafter and ending June 30 of the following calendar year.

* * * * *

3. Section 240.3 is revised to read as follows:

§ 240.3 Cash in lieu of commodities for schools.

(a) Not later than May 15 of each school year, FNS shall make an estimate of the value of agricultural commodities and other foods that will be delivered to States during such school year under the food donation regulations (7 CFR Part 250) for use in lunch programs by schools participating in the National School Lunch Program. If such estimated value is less than the total value of assistance authorized under section 6(e) of the Act for the school lunch program during that school year, FNS shall determine the difference between the value of the foods then programmed for each State for the school year and the required value and shall pay the difference to each State agency not later than June 15 of such school year.

(b) Notwithstanding any other provision of this section, in any State in which FNSRO administers the school lunch program in any of the schools of the State, FNS shall withhold from the funds payable to such State under this section an amount equal to the ratio of the number of lunches served in schools in which the program is administered by FNSRO to the total number of lunches served during that school year in all schools in such State.

4. In § 240.4, paragraph (a) is revised to read as follows:

§ 240.4 Cash in lieu of commodities for institutions.

(a) For each school year any State agency may, upon application to FNS prior to the beginning of such school year, elect to receive cash in lieu of donated foods for use in institutions participating in the Child Care Food Program in such amounts as may be provided in appropriation Acts. To the extent that funds are available, FNS shall pay each State agency making such election the required amount based upon the number of lunches and suppers served in such State's institutions participating in the Child Care Food Program during that school year.

* * * * *

§ 240.6 [Amended.]

5. In § 240.6, paragraph (a), the phrase, "or the School Breakfast Program" is deleted in the first sentence.

6. In § 240.7, the second sentence is revised as follows:

§ 240.7 Payments to schools, service institutions and institutions.

* * * Funds withheld from States under § 240.3 and § 240.4 shall be dis-

bursed to eligible schools, service institutions, and institutions by FNSROs in the same manner.

7. In § 240.8, the first paragraph is designated (a), the first sentence thereof is revised and a new paragraph (b) is added as follows:

§ 240.8 Use of funds by schools, service institutions and institutions.

(a) Funds made available to School Food Authorities, service institutions and institutions under this part shall be used only to purchase United States agricultural commodities and other foods for use in their food service under the National School Lunch Program, School Breakfast Program, Child Care Food Program, or Summer Food Service Program for Children, as applicable. * * *

(b) Purchases with funds made available under this part shall be made in compliance with the procurement standards set forth in §§ 210.19(a), 220.16, 225.15, or 226.25 of this chapter, as applicable.

* * * * *

Dated: March 17, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 78-7911 Filed 3-23-78; 8:45 am]

[3410-34]

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the list of commuted traveltime allowances for agricultural inspection services relating to imports and exports by deletions, additions, and changes in traveltime allowances since the last amendment and consolidates all existing amendments into one list.

EFFECTIVE DATE: March 24, 1978. This amendment shall supersede 7 CFR 354.2, as amended, March 18, May 17, and August 16, 1977, (42 FR 15055, 25314, and 42167).

FOR FURTHER INFORMATION CONTACT:

H. I. Rainwater, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, Md. 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION: This document amends the list of commuted traveltime allowances, 7 CFR 354, Overtime Services Relating to Imports and Exports, and consolidates all existing amendments into one list for the convenience of the user. Since the last amendment (August 16, 1977, 42 FR 42167), commuted traveltimes have been established for additional points. Therefore, Freeport, Bahamas; Monterey, Calif., served from San Francisco; Groton, Conn., served from Wallingford; Wilmington, Del., served from Baltimore, Md.; Orlando, Fla., served from Port Canaveral and Ocoee; St. Petersburg/Clearwater, Fla., served from Tampa; Sanford, Fla., served from Port Canaveral, have been added. This amendment also deletes references to Ogdensburg, N.Y., served from within, and Massena, and Roosevelt Town, N.Y., when served from Ogdensburg; McCoy Air Force Base and Sanford NAS, Fla., when served from Tampa; St. Petersburg, Fla., when served from within. In addition, the traveltime allowance has been increased for Muskegon, Mich., served from Kalamazoo from 3 to 4 hours.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 (FR 28464, 28477, as amended; 38 FR 19141) the administrative instructions appearing at 7 CFR 354.2, as amended, March 18, May 17, and August 16, 1977, (42 FR 15055, 25314, and 42167), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are revised to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are set forth below:

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
Alabama:			
Birmingham (including Birmingham Municipal Airport).	Tuscaloosa		3
Do	Pelham		2
Chickasaw	Mobile		2
Mobile		2	
Port Osborne	Pelham or Tuscaloosa		3
Undesignated ports	Mobile		3
Alaska:			
Anchorage		1	
Seward	Anchorage		6
Undesignated ports	do		3
Arizona:			
Davis-Monthan AFB, Tucson	Nogales		4
Douglas		1	
Do	Nogales		6
Nogales		1	
Phoenix		2	
Do	Nogales		6
Do	Tucson		5
San Luis		2	
Tucson		1	
Do	Nogales		3
Yuma International Airport		1	
Undesignated ports	Nogales		3
Arkansas:			
Blytheville AFB		1	
Dardanelle	Little Rock		3
Fort Smith	do		6
Little Rock		1	
Little Rock AFB		1	
Pine Bluff	Little Rock		2
Undesignated ports	Memphis, Tenn		3
Bahamas:			
Nassau		1	
Freeport		1	
Bermuda:			
Ferry Reach		1	
California:			
Andrade	Calexico		2
Antioch	San Francisco		4
Burbank	Los Angeles		3
Calexico		1	
Camp Pendleton, USMC, Oceanside	San Diego		3
Castle AFB	Merced		1
El Segundo	Los Angeles		2
El Toro MCAS	do		3
George AFB	do		4
Gillespie Field	San Diego		1
Hamilton AFB, Novato	Travis AFB		3
Imperial Beach NAS	San Diego		1
Los Angeles (including San Pedro, Los Angeles		2	

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport).			
March AFB	Los Angeles		4
Martinez	San Francisco		3
Mather Field AFB	Travis AFB		3
McClellan AFB	do		3
Moffett Field NAS, Sunnyside	San Francisco		3
Monterey	do		6
North Island	San Diego		1
Norton AFB	Los Angeles		4
Ontario	do		3
Pittsburg	San Francisco		4
Port Chicago	do		3
Redwood City	do		2
Richmond	do		3
Rodeo	do		3
Sacramento		1	
Do	Travis AFB		2
Sacramento Metropolitan Airport	do		3
San Diego (including Mexican border at San Ysidro; Brown, Gillespie and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian Maritime within the San Diego Unified Port District).		2	
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport).		2	
Seal Beach	Los Angeles		2
Stockton		1	
Do	Travis AFB		3
Tecate	San Diego		2
Travis AFB		1	
Vallejo	San Francisco		2
Undesignated ports	San Diego, Los Angeles, or San Francisco.		3
Colorado:			
Denver (including Stapleton International Airport)		2	
Ent AFB (Peterson Field)	Denver		5
Connecticut:			
Bradley Field, Windsor locks	Boston, Mass		6
Do	Warwick, R.I		6
Bradley International Airport Windsor locks		1	
Do	Hadley, Mass		2
Bridgeport	Groton		3
Do	Wallingford		2
Do	Warwick, R.I		6
Do	Windsor locks		3
Groton (including New London)		1	
Groton	Wallingford		3
New Haven	Groton		2
Do	Wallingford		1
Do	Warwick, R.I		6
Do	Windsor locks		2
New London	Warwick, R.I		4
Windsor locks	Wallingford		3
Undesignated ports	do		3
Delaware:			
Claymont	Dover		3
Do	Wilmington		1
Delaware City	do		2
Do	Dover		3
Dover		1	
Greater Wilmington Airport	Dover		3
Wilmington (including marine terminal and airport)		1	
Wilmington	Philadelphia, Pa		3
Do	Baltimore, Md		5
Do	Dover		3

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
District of Columbia:			
Washington, D.C. metropolitan area (including Arlington, Alexandria, and Dulles International Airport, Va.; Andrews AFB, Md.; and Washington Navy Yard).		2	
Florida:			
Apalachicola	Pensacola		6
Boca Grande	Tampa		5
Eglin AFB	Pensacola		3
Fort Lauderdale		1	
Fort Myers	Tampa		5
Fort Pierce	West Palm Beach		3
Jacksonville		2	
Key West		1	
Marathon	Key West		2
Melbourne	Port Canaveral		2
Miami		2	
Orlando	Port Canaveral		3
Do	Ocoee		2
Panama City	Pensacola		5
Patrick AFB		1	
Pensacola		1	
Do	Mobile, Ala		3
Port Canaveral		1	
Port Everglades		1	
Port St. Joe	Pensacola		6
St. Petersburg/Clearwater	Tampa	2	
Sanford	Port Canaveral		3
Tampa		2	
West Palm Beach		1	
Undesignated ports	Jacksonville, Miami, Port Canaveral, or Tampa.		3
Georgia:			
Atlanta		2	
Brunswick	Savannah		4
Columbus	Atlanta		4
Macon	do		4
Marietta	do		2
St. Mary's	Jacksonville, Fla		3
Savannah		2	
Undesignated ports	Atlanta or Savannah		3
Hawaii:			
Barbers Point NAS	Honolulu		2
Hilo		1	
Honolulu		2	
Kaanapali, Lahaina, Maui	Kahului, Maui		2
Kahului, Maui		1	
Do	Honolulu		4
Kaneohi MCAS	do		2
Keaau	Hilo		1
Keahole		1	
Keauhou	Keahole		2
Lihue, Kauai		2	
Do	Honolulu		5
Schofield barracks, Wahiawa, Oahu	do		2
Undesignated ports	Hilo, Honolulu, or Keahole.		3
Illinois:			
Chicago		3	
Peoria	Princeton		3
Do	Watseka		5
Indiana:			
Indianapolis	Chicago, Ill		5
Do	Frankfort		3
Do	Franklin		2
Mount Vernon	Huntingburg		4

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Port of Gary	Hanna		2
Iowa:			
Des Moines	Boone		3
Kentucky:			
Covington	Lexington		4
Fort Campbell	Brentwood, Tenn.		4
Louisville	Lexington		4
Louisiana:			
Barksdale AFB	Shreveport	1	
Barksdale AFB, Shreveport	Baton Rouge		6
Baton Rouge (including Port Allen)		2	
Buras	New Orleans		4
Burnside	Baton Rouge		3
Convent	do		3
Donaldsonville	do		3
England AFB	Alexandria	1	
England AFB, Alexandria	Baton Rouge		4
Geismar	do		2
Lake Charles	Crowley		3
Do	Port Arthur, Tex		3
Do		1	
Morgan City	New Orleans		4
New Orleans		2	
Ostrica	New Orleans		4
Plaquemine	Baton Rouge		2
St. Gabriel	do		2
St. James	do		3
Uncle Sam	do		3
Undesignated ports	do		4
Venice	New Orleans		4
Points on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, La.; any point below Chalmette, La., on the east bank; and Belle Chasse, La., and points to and including Port Sulphur on the west bank.	do		3
Undesignated ports	Baton Rouge or New Orleans.		3
Maine:			
Bangor		1	
Bath	Portland		2
Brunswick NAS	do		2
Bucksport	Bangor		2
Cousins Island	Portland		1
Eastport	Bangor		6
Kittery	Portland		3
Portland		1	
Searsport	Bangor		2
Undesignated ports	Bangor or Portland		3
Maryland:			
Aberdeen Proving Ground	Baltimore		3
Andrews AFB	Fredericksburg, Va.		3
Annapolis	Baltimore		3
Baltimore		3	
Cambridge	Baltimore		4
Do	Dover, Del.		4
Salisbury	do		3
Do	Baltimore		4
Undesignated ports	Andrews AFB, Dover, Del., or Dulles International Airport, Va.		3
For other points in Maryland, see D.C. listing			
Massachusetts:			
Boston		3	
Fall River	Warwick, R.I		3
New Bedford	do		4

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Otis AFB	do		5
Plymouth	do		4
Sandwich	do		5
Westover AFB, Chicopee	Boston		6
Do	Hadley		1
Woods Hole	Warwick, R.I		6
Undesignated ports	do		3
Do	Boston		3
Michigan:			
Bay City	Detroit		5
Battle Creek	Kalamazoo		2
Detroit (including Detroit Metropolitan Airport, Inkster).		3	
Kent County Airport	Grand Rapids	1	
Monroe	Detroit		3
Muskegon	do		6
Do	Grand Rapids		2
Do	Kalamazoo		4
Port Huron	Detroit		4
Saginaw	do		5
South Haven	do		6
Minnesota:			
Duluth		1	
Minneapolis-St. Paul		2	
Silver Bay	Duluth		3
Mississippi:			
Greenville		1	
Gulfport	Mobile, Ala		4
Kessler AFB	do		4
Do	Brookhaven		4
Pascagoula	Mobile, Ala		3
Vicksburg	Florence		3
Undesignated ports	Mobile, Ala		3
Missouri:			
Kansas City International Airport		2	
St. Louis		2	
St. Louis International Airport		2	
Montana:			
Butte International Airport	Billings		6
Do	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hours).	2	
Great Falls International Airport	Great Falls	1	
Nevada:			
Las Vegas		1	
Reno		1	
New Hampshire:			
Newington	Portland, Maine		3
Pease AFB	do		3
Portsmouth	do		3
Undesignated ports	Rouses Point, N.Y		3
New Jersey:			
Atlantic City	Philadelphia, Pa		3
Bridgeport (Monsanto)	Wilmington, Del		1
Burlington	Philadelphia, Pa		3
Deepwater (Penns Grove)	Wilmington, Del		1
Lakehurst, NAS	McGuire, AFB		2
McGuire AFB	Philadelphia, Pa		3
Do	Freehold		2
Do	Seabrook		4
Do	Trenton		3
McGuire AFB, Wrightstown		2	
Paulsboro	Philadelphia, Pa		3
Trenton	McGuire AFB		3
New Mexico:			

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Albuquerque		1	
Columbus	El Paso, Tex		6
Do	Las Cruces		4
Holloman AFB, Alamogordo	El Paso, Tex		4
Undesignated ports	do		3
New York:			
Buffalo		2	
Chateaugay (including Churubusco and Cannon corners).	Rouses Point		2
Jamaica, Long Island		3	
Lewiston	Buffalo		2
Massena	Rouses Point		4
New York		3	
Niagara Falls	Buffalo		2
Ogdensburg	Rouses Point		5
Oswego	Buffalo		6
Plattsburg	Rouses Point		2
Rochester	Buffalo		4
Roosevelt Town	Rouses Point		4
Rouses Point (including Champlain)		1	
Syracuse		1	
Do	Buffalo		6
Undesignated ports	Buffalo or Rouses Point.		3
North Carolina:			
Camp Lejeune	Wilmington		3
Charlotte	Monroe		2
Do	Wilmington		6
Cherry Point	New Bern		2
Do	Wilmington		4
Do	Morehead City		1
Elizabeth City		1	
Do	Morehead City		6
Do	New Bern		5
Morehead City		1	
Do	New Bern		2
Do	Wilmington		4
New River MCAS, Jacksonville	do		3
Pope AFB	do		4
Do	Fayetteville		2
Seymour-Johnson AFB	Wilmington		3
Do	Goldsboro		2
Sunny Point Army Terminal, Southport	Wilmington		2
Wilmington		1	
Undesignated ports	New Bern, Monroe, Morehead City, or Wilmington.		
Ohio:			
Akron	Cleveland		2
Ashtabula	Perry		2
Cincinnati	Toledo		6
Cleveland		2	
Do	Perry		3
Columbus	Cleveland		6
Do	Marysville		2
Do	Sidney		5
Do	Washington courthouse		3
Dayton	Marysville		3
Do	Sidney		2
Do	Toledo		6
Do	Washington courthouse		3
Fairport Harbor	Cleveland		2
Lockbourne	do		6
Loraine	do		2
Toledo		2	
Do	Detroit, Mich		3
Undesignated ports	Cleveland or Toledo		3

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Oklahoma:			
Altus AFB	Hobart		2
Do	Elk City		3
Muskogee		1	
Port of Catoosa	Muskogee		3
Tulsa International Airport	do		3
Tinker AFB, Oklahoma City		1	
Will Rogers World Airport, Oklahoma City		1	
Oregon:			
Astoria		1	
Do	Portland		5
Coos Bay (including North Bend)		1	
Newport	Coos Bay		5
Port Westward	Astoria		2
Portland		2	
Westport	Astoria		2
Undesignated ports	Astoria, Coos Bay, or Portland.		3
Pennsylvania:			
Chester	Philadelphia		3
Do	Wilmington, Del		1
Erie	Buffalo, N.Y., or Cleveland, Ohio.		4
Do	Meadville		3
Greater Pittsburgh International Airport	Cleveland, Ohio		6
Do	Hollidaysburg		6
Do	Meadville		5
Do	Pittsburgh	3	
Harrisburg International Airport	Carlisle		2
Do	Allentown		4
Do	Moosic		6
Do	Philadelphia		5
Do	University Park		5
Do	Williamsport		6
Marcus Hook	Philadelphia		3
Do	Wilmington, Del		1
Philadelphia		3	
Do	McGuire Air Force Base		3
Do	Wilmington, Del		3
Tullytown	Philadelphia		3
Wilkes-Barre/Scranton Airport	Allentown		5
Do	Williamsport		6
Do			2
Puerto Rico:			
Aguadilla	Mayaguez		2
Aguirre	Ponce		2
Arecibo	San Juan		4
Borinquen Field	Mayaguez		2
Fajardo		1	
Do	San Juan		3
Guanica	Mayaguez		2
Do	Ponce		2
Guayama	Ponce		2
Guayanilla	do		2
Humacao and Yabucoa	San Juan		4
Mayaguez (including points from Ramey to Cabo Rojo).	do		5
Mayaguez and El Mani Airport		1	
Ponce (including all subports in the Ponce customs district).	San Juan		4
Ponce and Mercedita Airport		1	
Ramey AFB (including Borinquen Airport)		1	
Do	San Juan		3
Roosevelt Roads	Fajardo		2
San Juan		2	
Tallaboa (Penuelas)	Ponce		2
Yabucoa	Fajardo		4

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Rhode Island:			
Davisville NSD	Boston, Mass		4
Do	Warwick		3
Melville	do		3
Newport	Boston, Mass		5
Do	Warwick		4
Portsmouth	do		3
Providence	Boston, Mass		4
Do	Warwick		2
Quonset Point	Boston, Mass		4
Do	Warwick		3
Saunderstown	do		3
Tiverton	do		3
Warwick		1	
Undesignated ports	Warwick		3
South Carolina:			
Beaufort-Port Royal	Charleston		4
Do	Savannah		3
Charleston		2	
Columbia	Charleston		4
Do		1	
Georgetown	Charlestown		3
Greenville-Spartanburg		1	
Greenville-Spartanburg Airport, Columbia	Charlestown		6
McEntire NG Air Base	Columbia		2
McEntire NG Air Base, Eastover	Charleston		4
Myrtle Beach AFB	do		4
Do	Conway		1
Shaw AFB	Columbia and Florence		2
Shaw AFB, Sumter	Charleston		4
Undesignated ports	do		3
Tennessee:			
Knoxville		1	
Memphis		1	
Do	Batesville, Miss		2
Millington	Memphis		2
Nashville		1	
Undesignated ports	Brentwood		3
Do	Memphis		3
Do	Knoxville and Pulaski		4
Texas:			
Alamo	Hidalgo		1
Aransas Pass	Corpus Christi		2
Barbours Cut	Houston		3
Bayport	do		3
Baytown	do		2
Beaumont	Port Arthur		2
Do	Lake Charles		3
Bergstrom AFB	San Antonio		3
Brownsville		1	
Carswell Field, Fort Worth	Dallas-Fort Worth Regional Airport.		3
Corpus Christi		1	
Corpus Christi NAS	Corpus Christi		1
Dallas		1	
Dallas (including Love Field)	Dallas-Fort Worth Regional Airport.		1
Dallas-Fort Worth Regional Airport		1	
Do	Denton		2
Do	Waxahachie		3
Del Rio		1	
Donna	Hidalgo		2
Dyess AFB	Abilene	1	
Eagle Pass		1	
Edinburg	Hidalgo		2
El Paso		1	
Fabens	El Paso		2

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Falcon Heights	Roma		1
Freeport	Galveston or Houston		3
Galveston		1	
Do	Houston		4
Gregory	Corpus Christi		1
Harbor Island	do		2
Harlingen	Brownsville		2
Hidalgo		1	
Do	Brownsville		3
Houston (except Houston Intercontinental Airport)		2	
Houston Intercontinental Airport		3	
Kelly AFB	San Antonio		2
Do	Boerne		3
La Feria	Hidalgo		2
Laredo		1	
Love Field	Waxahachie		2
Do	Denton		2
McAllen	Hidalgo		1
Meacham Field	Dallas-Fort Worth Regional Airport.		2
Mercedes	Hidalgo		2
Mission	do		1
Orange	Port Arthur		2
Do	Lake Charles		2
Pharr	Hidalgo		1
Point Comfort		1	
Do	Corpus Christi		5
Port Arthur		1	
Do	Lake Charles		3
Port Isabel	Brownsville		2
Port Lavaca	Corpus Christi		4
Presidio		1	
Progreso		1	
Do	Brownsville or Hidalgo		2
Randolph AFB	San Antonio		2
Rio Grande City	Roma		1
Robert Grey Army Airfield	San Antonio		6
Rockport	Corpus Christi		2
Roma		1	
Do	Hidalgo		3
Do	Brownsville		5
Do	Laredo		4
Sabine Pass	Port Arthur		1
San Antonio International Airport	Boerne		2
San Antonio		1	
San Juan	Hidalgo		1
Texas City	Galveston		1
Weslaco	Hidalgo		2
Undesignated ports	Houston		3
Utah:			
Salt Lake City International Airport		2	
Hill Air Force Base, Ogden	Salt Lake City		4
Vermont:			
Alburg	Rouses Point, N.Y	1	
St. Albans (including Highgate Springs and Morses Line).	do		2
Undesignated ports	do		3
Virgin Islands:			
Alexander Hamilton Airport, St. Croix		1	
Charlotte Amalie, St. Thomas		1	
Christiansted, St. Croix		1	
Frederiksted, St. Croix		1	
Virginia:			
Dulles International Airport	Baltimore, Md		3
Do	Fredericksburg		3
Newport News		2	
Norfolk		2	

COMMUTED TRAVELTIME ALLOWANCES—Continued

Location covered	Served from	Metropolitan area	
		Within	Outside
Quantico MCAS	Andrews AFB, Md., or Dulles International Airport.		3
Undesignated ports	Andrews AFB, Md., Dulles International Airport, Newport News, or Norfolk.		3
For other points in Virginia, see District of Columbia listing.			
Washington:			
Anacortes	Blaine		3
Do	Seattle		5
Ault Field	Blaine		4
Do	Seattle		5
Bellingham	Blaine		2
Do	Seattle		6
Bangor NSD	do		4
Blaine		1	
Cherry Point	Blaine		1
Do	Seattle		6
Edmonds	do		2
Everett	do		3
Ferndale	Blaine		2
Do	Seattle		6
Fort Lewis	McChord AFB		1
Grays Harbor	Astoria, Oreg		3
Do	McChord AFB		4
Do	Seattle		6
Kalama	Portland, Oreg		3
Longview	Astoria or Portland, Oreg.		3
Lynden	Blaine		2
McChord AFB		1	
Do	Seattle		3
Olympia	McChord AFB		2
Do	Seattle		3
Paine Field	do		3
Point Wells		2	
Port Angeles	McChord AFB or Seattle.		6
Port Townsend	Seattle		4
Raymond	Astoria, Oreg		2
SEA TAC Airport		2	
Do	McChord AFB		2
Seattle		2	
Snohomish County Airport	Seattle		2
Sumas	Blaine		2
Tacoma	McChord AFB		2
Do	Seattle		3
Vancouver		2	
Willapa Bay	Astoria, Oreg		2
Do	McChord AFB		4
Do	Seattle		6
Undesignated ports	Astoria or Portland, Oreg., McChord AFB, or Seattle.		3
Wisconsin:			
Green Bay	Milwaukee		6
Kenosha	do		2
Milwaukee		2	
Racine	Milwaukee		2
Superior	Duluth, Minn	1	
Undesignated ports	Duluth, Minn., or Milwaukee.		3
Temporary detail: Any inspection point to which an employee may be temporarily detailed.		1	

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE.—The Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs 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.

Done at Washington, D.C., this 16th day of March 1978.

WILLIAM F. HELMS,

Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-7720 Filed 3-23-78; 8:45 am]

[3410-02]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Regulation 138]

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 26-April 1, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 26, 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 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

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.

§ 910.438 Lemon Regulation 138.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 26, 1978, through April 1, 1978, is established at 240,000 cartons.

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

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

Dated: March 23, 1978.

CHARLES R. BRADER,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-8073 Filed 3-21-78; 8:45 am]

[3410-34]

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

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

PART 78—BRUCELLOSIS

Swine Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule—change of effective date.

SUMMARY: This document extends the effective date of the swine brucellosis regulations for an additional 60 days. This action is needed to provide additional time for affected persons to prepare to implement the swine identification requirements of the regulations. This action changes the effective date of the swine brucellosis regulation from March 23, 1978 to May 22, 1978.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

G. H. Frye, Chief Staff Veterinarian, USDA, APHIS, VS, Room 804, Federal Building, Hyattsville, MD 20782, 301-436-8715.

SUPPLEMENTARY INFORMATION: On December 23, 1977, there was published in the FEDERAL REGISTER (42 FR 64339-64341) a notice of final rulemaking which prohibited swine from being moved interstate except in compliance with the regulations, effective March 23, 1978 and on March 17, 1978 (43 FR 11144-11145) the regulation was amended for purposes of clarification without substantive changes. The purpose of the amended regulation is to place restrictions on certain classes of swine moving interstate in order to prevent the spread of brucellosis by swine. Such restrictions include the identification of all brucellosis reactor and exposed swine moving interstate for immediate slaughter or sale for slaughter and the identification of all sows and boars over 6 months of age which are to be move interstate for slaughter.

Representatives of the swine industry and other interested groups have requested that the effective date of the subject regulation be deferred for a period of 60 days in order to provide affected persons with additional time to prepare for implementation of the identification provisions of the regulation.

The request for extension of time is approved by the Deputy Administrator. Accordingly, the effective date of the regulation is changed from March 23, 1978, to May 22, 1978.

This amendment postpones the effective date of the subject regulation from March 23, 1978, to May 22, 1978, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest.

Done at Washington, D.C., this 22th day of March 1978.

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

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

[FR Doc. 78-8010 Filed 3-23-78; 8:53 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Self-Pressurized Household Substances Containing Vinyl Chloride Monomer; Classification as Banned Hazardous Substance

AGENCY: Consumer Product Safety Commission.

ACTION: Reissuance of final regulation.

SUMMARY: The Commission reissues a regulation classifying any household substance in a self-pressurized container containing vinyl chloride monomer as a "banned hazardous substance" under the Federal Hazardous Substances Act. The Commission believes that there is ample scientific evidence to establish the carcinogenicity of vinyl chloride monomer by inhalation and to demonstrate that human exposure to vinyl chloride monomer can result in a rare form of liver cancer. The Commission is reissuing this regulation on a prospective basis, as of the date of the original ban (October 7, 1974), because that original retroactive ban was set aside for failure to hold a hearing on objections to the retroactive effect of the regulation and because retroactive application of the regulation is no longer necessary.

DATES: The effective date of the rule is June 22, 1978. The rule is applicable to products which are manufactured or imported on or after October 7, 1974. Any written objections must be received by April 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles M. Jacobson, Consumer Product Safety Commission, Directorate for Compliance and Enforcement, Division of Regulatory Management, Washington, D.C. 20207, 301-492-6400.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 21, 1974 the Commission published in the FEDERAL REGISTER, 39 FR 30112, a final regulation pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261 (q)(1)(B), declaring any self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant to be "banned hazardous substances" (the proposed regulation was published in the FEDERAL REGISTER on May 23, 1974 (39 FR 18115)). The Commission took that action because of scientific studies linking the death of industrial workers from a rare form of liver cancer to vinyl chloride exposure and because of certain animal studies further indicating the carcinogenicity of vinyl chloride monomer. In that same document the Commission declined to exercise any discretion, which it might have had under the FHSA, to make its banning order prospective only, thus requiring repurchase of products already distributed under the provisions of section 15 of the FHSA (15 U.S.C. 1274). That document also provided, as is required for the issuance of regulations pursuant to section 2(q)(1)(B) of the FHSA, that the procedures for rulemaking under section 701(e) of the Federal Food, Drug and Cosmetic Act would govern and that adversely affected persons could file objections and requests for a public hearing within 30 days of the publication of the Commission's order.

Four statements containing objections and requests for a public hearing were received by the Commission. The objections filed focused primarily on the fact that the ban applied to products already in the hands of consumers and suppliers and required that such products be repurchased by the manufacturer. The Commission's action insofar as it prohibited the future sale of self-pressurized household products containing vinyl chloride monomer was not objected to.

In a decision published in the FEDERAL REGISTER on October 11, 1974 (39 FR 36576), the Commission found that none of the objections received warranted a stay of the effective date of the order or the holding of a public hearing. The Commission noted that none of the objections contained a reference to or an offer to present factual information which might lead the Commission to a conclusion contrary to that reached by it.

As a result of the Commission's rulings on the objections, a petition for review of the vinyl chloride ban as it pertained to goods introduced into interstate commerce prior to the effective date of the ban was filed in the United States Court of Appeals for the Ninth Circuit on October 2, 1974. (Pactra Industries, Inc. v. Consumer Product Safety Commission, Nos. 74-2902; 74-3168). That court, in an opinion filed on May 2, 1977, set aside the vinyl chloride ban on the basis that a public hearing on the objections should have been held.*

In an effort to determine the appropriate regulatory response to the *Pactra* decision, the Commission staff undertook a field survey to determine the extent of vinyl chloride-containing aerosols in the marketplace. That survey revealed that no new such products containing vinyl chloride had been manufactured since 1974 and that, with the exception of three relatively small lots being held, virtually no products containing vinyl chloride remained in the marketplace. The Commission contacted the 3 firms holding the products and asked that they voluntarily destroy their existing inventories. The firms subsequently reported that the inventories had either been destroyed or removed from Commission jurisdiction.

Because the information available to the Commission indicates that vinyl chloride-containing aerosols are no longer being manufactured or held and because the Commission continues to believe that such products, if produced, would present a risk of serious

*That Court of Appeals on December 13, 1974 had granted a stay of that portion of the vinyl chloride ban which required repurchase and disposal of all household products in the channels of commerce containing vinyl chloride monomer because the Court found that the Commission has failed to comply with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. Subsequently, the Commission conducted an extensive environmental review of the ban and concluded that the repurchase requirement would not have a significant adverse effect on the human environment and that an environmental impact statement was not necessary. The Court vacated the stay and the ban remained in effect until May 2, 1977.

illness or injury, the Commission has decided to reissue its banning regulation on a prospective basis only, as of the date of the origingal ban (October 7, 1974). Such action will insure that no self-pressurized household substances containing vinyl chloride monomer are manufactured in the future.

Grounds for the Ban

Vinyl chloride is a colorless, flammable gas under normal conditions of temperature and pressure, but is generally handled as a liquid under pressure. Among the synonyms and trade names for vinyl chloride are chloroethylene, monochloroethene, ethylene monochloride, vinyl chloride monomer, VC and VCM.

Vinyl chloride monomer is not known to occur in nature. The substance has been produced commercially in the United States since at least 1928. In 1971, at least 97 percent of the vinyl chloride monomer consumed in the U.S. was for the production of vinyl chloride homopolymer and copolymer resins. The remainder was used in a variety of ways, such as the production of methyl chloroform, as an additive to specialty coatings, and as a component of propellant mixtures for certain aerosol products.

Vinyl chloride has been shown to be carcinogenic by inhalation in animal bioassays. In addition, a casual relationship has been demonstrated between exposure through inhalation of workers to vinyl chloride monomer during the polymerization process and the onset of angiosarcoma of the liver, a very rare form of live cancer. The animal and human data demonstrating the carcinogenicity of vinyl chloride was reference in the Commission's 1974 proposed and final vinyl chloride banning regulations (39 FR 18115; 39 FR 30112) and is summarized and updated below.

1. ANIMAL DATA

In 1974 Professor Cesare Maltoni of the Instituto di Oncologia, Bologna, Italy, reported on a series of experiments on the effect of exposure through inhalation on rats, mice, and hamsters to vinyl chloride monomer at concentrations of 10,000, 6,000 2,500, 500, 250, and 50 ppm for varying periods of time. Preliminary results of this study included the observation of angiosarcomas of the liver in both rats and mice exposed to vinyl chloride at concentrations as low as 250 parts per million. In addition, malignant tumors were induced at several other sites in both species. (Maltoni, C and G. La femine, "Carcinogenicity bioassays on vinyl chloride. I. Research plan and early results." Environm. Res., 7:387 (1974)).

Preliminary studies have suggested that vinyl chloride monomer causes subcutaneous (occurring beneath the skin) angiosarcomas in the offspring of rats exposed to vinyl chloride during pregnancy. (IARC Monographs on the Evaluation of Carcinogenic Risk of Chemicals to Man, 7:291 (1974).)

In addition, vinyl chloride monomer animal studies are currently being performed at Edgewood Arsenal for CPSC (1975-1978) under an interagency agreement. The results of those studies are expected in the second quarter of 1978.

2. HUMAN DATA

In early 1974, the B.F. Goodrich Chemical Company reported to the National Institute for Occupational Safety and Health (NIOSH) that since 1971, three of its employees, who had an average exposure of approximately 19 years to vinyl choride monomer at unknown concentrations, had died from angiosarcoma of the liver.

At about the same time reports of 10 other similar deaths among men employed at various vinyl chloride monomerpolymerizations plans appeared in the literature. In two of the reported cases, angiosarcomas were present in tissues other than the liver. (Heath, C.W., Jr., Falk, H. and J.L. Creech, Jr. "Characteristics of cases of angiosarcoma of the liver among vinyl chloride workers in the United States", Ann N.Y. Acad. Sci. (1974)).

At the time of its 1974 ban, previously cited herein, the Commission was aware of 24 confirmed cases of angiosarcoma among the 10,000 to 20,000 persons exposed to vinyl chloride in the course of their employment. As of August 1977, NIOSH reported a total of 63 cases of liver angiosarcoma among workers directly involved in the polymerization of VCM. Twenty-five of the cases developed among workers in the U.S., with the other 38 cases observed in workers from 11 other countries. (Table 1, Reported Cases of Angiosarcoma of the Liver Among Vinyl Chloride Polymerization Workers, submitted by NIOSH (August, 1977)). As angiosarcoma of the liver is extremely rare in the general population, there is agreement among scientists that this observation of 63 cases in vinyl chloride monomer workers is evidence of a casual relationship.

3. ACTIONS BY OTHER AGENCIES

In addition to the animal and human data demonstrating the carcinogenicity of vinyl chloride monomer, the Commission notes that actions taken by other agencies further support this ban. For example, on October 4, 1974, the Occupational Safety and Health Administration published a final standard (an emergency temporary standard and a proposed standard had been published earlier) setting an occupational exposure limit for vinyl chloride of 1 ppm averaged over any 8 hour period and a ceiling of 5 ppm averaged over any period not exceeding 15 minutes (39 FR 35890). On August 26, 1974 the Food and Drug Administration (FDA) published final rules applicable to the use of vinyl chloride monomer as an ingredient of self-pressurized drug and cosmetic products. The use of vinyl chloride in self-pressurized cosmetic products was banned, and an approved new drug application as a condition to marketing was required for all self-presurized drug products containing the substance (39 FR 30830). On April 26, 1974, the Environmental Protection Agency published an emergency suspension order and a notice to cancel the registration of all pesticide spray products containing vinyl chloride that are used in the home, in food handling establishments, in hospitals, or in enclosed areas (39 FR 14753). This notice stated that under some conditions of use of aerosol products in households, the concentration of propellant in the air could be as high as 400 parts per million immediately after spraying. The registration of a number of pesticides was subsequently cancelled under this order (see 40 FR 3494).

Effective Date and Applicability

The banning regulation set forth below applies to all self-pressurized household products containing vinyl chloride monomer as an ingredient or in the propellant manufactured or imported on or after October 7, 1974, the effective date of the Commission's original banning order. The regulation will, therefore, permit existing stock manufactured or imported before that date to be sold. Since the information available to the Commission indicates that such products are no longer being manufactured or held, the Commission believes that the primary effect of this regulation will be to insure that vinyl chloride monomer will not be used as an ingredient or as a propellant in household products in the future.

The regulation is effective June 22, 1978, except as to any provision that may be stayed by the filing of proper objections. Any written objections must be filed by April 24, 1978. The Commission will consider all objections prior to the effective date of this ban; and as an alternative to staying the ban as a result of the objections and holding a hearing, the Commission may revise its final order.

Environmental Considerations

Pursuant to section 1021.5 of the Commission's proposed and interim procedures implementing the National Environmental Policy Act (NEPA) (16 CFR 1021), the Executive Director of the Commission has determined that this ban is not a major action, that its impact on the environment will be

negligible, and that no environmental review is necessary. The Executive Director's determination, a copy of which is on file at the Office of the Secretary, concluded that the ban would have no environmental effect because no product which would be affected by the ban is currently being produced or held in inventory. Therefore, since no vinyl chloride aerosols are currently in the channels of commerce, the environmental issue of disposal of repurchased products which was present at the time of the initial ban is now moot. (At that time the Commission had concluded that disposal of concentrations of vinyl chloride aerosols could be accomplished without significant environmental danger. (40 FR 41170).)

CONCLUSION

Section 2(f)(1)(A) Federal Hazardous Substances Act defines "hazardous substance" as "any substance or mixture of substances which is toxic . . . if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children." Section 2(g) of the act states that the term "toxic" includes any substance or mixture of substances which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface. Provisions of section 2(q)(1)(B) authorize the Commission to issue regulations to classify a "hazardous substance" which is packaged or suitable for use in households as a "banned hazardous substance" if the Commission determines that notwithstanding any cautionary labeling which may be required under the FHSA, the degree or nature of the hazard involved in the presence or use of the substance in households is such that the public health and safety can be adequately served only by keeping that substance out of the channels of interstate commerce.

After careful consideration of all available information as discussed above, the Commission has decided to affirm its earlier determination (see 39 FR 30112) that self-pressurized household products containing vinyl chloride monomer are toxic hazardous substances within the meaning of sections 2 (f) and (g) of the FHSA because vinyl chloride monomer, when inhaled, has the capacity to produce substantial illness, specifically cancer. The Commission believes that ample evidence in the form of scientific studies and chemical reports is available to establish the carcinogenicity of vinyl chloride monomer by inhalation and to demonstrate that human exposure to the substance can result in angiosarcoma of the liver. As indicated above, it has been reported that vinyl chloride monomer may be present in the air in concentrations as great as 400 parts per million after household use of self-pressurized containers with vinyl chloride in the propellant. Tumors have been induced in mice after exposure to VCM in concentrations as low as 250 parts per million.

Because no safe level of human exposure to vinyl chloride monomer has been established, the Commission further has decided to affirm its earlier finding that adequate cautionary labeling cannot be written under the FHSA for self-pressurized household products containing vinyl chloride monomer. The Commission concludes that the degree and nature of the hazard presented by the use of self-pressurized household products containing VCM is such that the public health and safety can be adequately served only by keeping such products out of the channels of interstate commerce. Therefore, on the effective date of the regulation promulgated below, all self-pressurized household products containing VCM manufactured or imported on or after October 7, 1974 become banned hazardous substances.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 130-05, 83 Stat. 187-189, 90 Stat. 503; 15 U.S.C. 1261, 1262) and the Federal Food, Drug and Cosmetic Act (sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371 (e), (f), (g)), and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), 16 CFR 1500.17 is amended by deleting the existing paragraph (a)(10) and by adding a new paragraph (a)(10), as follows (unchanged, the introductory text of paragraph (a) is included below for context):

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce;

* * * * *

(10) Self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant manufactured or imported on or after October 7, 1974.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 24, 1978, file with the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207, written objections thereto, preferably in five copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. Objections should raise material issues that are not frivolous or inconsequential. If a hearing is requested, the objections must state the issues for the hearing. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours Monday through Friday.

Effective date: The regulation promulgated above shall become effective June 22, 1978, except as to any provision that may be stayed by the filing of proper objections. As indicated above, as an alternative to staying the ban as a result of any objections and holding a hearing, the Commission may revise its final order. Notice of the filing of objections or the lack thereof or any amending of the final order will be given by publication in the FEDERAL REGISTER.

(Secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 1304-05, 83 Stat. 187-189, 90 Stat. 503 (15 U.S.C. 2161, 1262); sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 371 (e), (f), (g)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).)

Dated: March 17, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-7819 Filed 3-23-78; 8:45 am]

[1505-01]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 77N-0133]

PART 500—GENERAL

Subpart B—Specific Administrative Rulings and Decisions

Correction

In FR Doc. 78-6051 appearing on page 9802 in the issue of Friday, March 10, 1978, on page 9803, in the

middle column in § 500.27(c), the 6th line should read, "conformity with § 514.1 of this Chapter.".

[1505-01]

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

Fenbendazole Suspension

Correction

In FR Doc. 77-32845 appearing on page 59068 in the issue of Tuesday, November 15, 1977, on page 59069, in the 1st column in § 520.905(a), the 3rd line should read, "yl]-, methyl ester".

Also, in the 1st column, § 520.905(d)(2) the 4th line, should read, "strongyles (*Cyanthostomum* spp., *Cylico-* [cyclus]".

[1505-01]

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

Uredofos Tablets

Correction

In FR Doc. 78-3203 appearing on page 4975 in the issue of Tuesday, February 7, 1978, in the middle column, § 520.2645(a) the 3rd line should read, "amino]-thioxomethyl] phosphoramidate".

Also, the periods after § 520.2645(d)(1) and (d)(2)(i) should be deleted.

[1505-01]

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

Febantel Paste

Correction

In FR Doc. 78-5443 appearing on page 8797 in the issue of Friday, March 3, 1978, in § 520.903(a) the last line should read, "thio)phenyl] carbonimidoyl]bis[car-".

In the 3rd column, § 520.903(d)(3), the 1st line should read, "(3) *Limitations.* (i) The paste may".

[1505-01]

SUBCHAPTER F—BIOLOGICS

[Docket No. 77N-0114]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Source Plasma (Human)

Correction

In FR Doc. 78-6338 appearing on page 9805 in the issue of Friday, March 10, 1978 in the 3rd column, § 640.63(e)(1), the 4th line should read, "[accept-]able for further plasmapheresis before".

[1505-01]

SUBCHAPTER A—GENERAL

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 76N-324]

INTRAOCULAR LENSES

Investigational Device Exemption Requirements

Correction

In FR Doc. 77-32258, appearing at page 58874 in the issue of Friday, November 11, 1977, the figure in the 17th line of the second paragraph in column two on page 5888 should read, ".5".

[4510-27]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION

PART 521—EMPLOYMENT OF APPRENTICES

Change in Requirement of Hours of On-The-Job Work Experience

AGENCY: Employment Standards Administration.

ACTION: Final rule.

SUMMARY: The Fair Labor Standards Act provides for the employment of apprentices at less than the statutory minimum wage rate under regulations issued by the Secretary of Labor. A change is being made as to the number of hours of on-the-job work experience required for an apprenticeable occupation in order to conform to the regulations issued by the Bureau of Apprenticeship and Training, U.S. Department of Labor, Employment and Training Administration, which were amended on February 18, 1977.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room C-4316, Washington, D.C. 20210, 202-523-8727.

SUPPLEMENTARY INFORMATION: Section 14(a) of the Fair Labor Standards Act (29 U.S.C. 214(a)) authorizes the employment of apprentices at wage rates lower than the minimum wage applicable under section 6 under regulations issued by the Secretary of Labor. Title 29 of the Code of Federal Regulations, Part 521, establishes the terms and conditions of such employment. Included in these regulations are standards which conform to Title 29 of the Code of Federal Regulations, Part 29, Labor Standards for Registration of Apprenticeship Programs. The current standards for an apprenticeable occupation under Regulations Part 521 include a minimum standard of 4,000 hours of work-experience. However, Regulations Part 29 have been amended to include a minimum standard of 2,000 hours.

Accordingly, as authorized under Section 14 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016) §§ 521.3(b) and 521.4(c) of Part 521, Title 29, code of Federal Regulations are amended to read: "2,000 hours" instead of "4,000 hours." This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division. No notice or public hearing is required as these amendments merely incorporate changes into Part 521 which have been effected in Part 29. Because these amendments remove a restrictive condition, they are effective as of the date of publication in the FEDERAL REGISTER. As amended, §§ 521.3(b) and 521.4(c) of Part 521, Title 29, code of Federal Regulations read as follows:

§ 521.3 Standards of apprenticeship.

* * * * *

(b) One year or more (2,000 or more hours) of work experience.

* * * * *

§ 521.4 Criteria for a skilled trade.

* * * * *

(c) Requires one year or more (2,000 or more hours) of work experience to learn.

* * * * *

(Secs. 11, 14, 52 Stat. 1068; Sec. 11, 75 Stat. 74; Secs. 501, 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).)

Signed at Washington, D.C., this 17th day of March, 1978.

XAVIER M. VELA,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 78-7898 Filed 3-23-78; 8:45 am]

[4510-23]

Title 30—Mineral Resources

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

FEDERAL MINE SAFETY AND HEALTH

Technical, Nonsubstantive Revisions and Miscellaneous Amendments

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: The Secretary of Labor is promulgating technical and nonsubstantive revisions and amendments to existing regulations to bring them into technical compliance with the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173 as amended by Pub. L. 95-164) (Act). The implementation of Departmental functions required by that Act requires changes in the nomenclature in certain regulations in effect on the effective date of the Act (March 9, 1978). These changes and revisions will accomplish the efficient implementation and enforcement of the Act.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

William E. Steadman, Special Assistant, Denver Technical Support, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-235-1374.

SUPPLEMENTARY INFORMATION:

I. ANALYSIS

The Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164, November 9, 1977) amended the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173) and redesignated it the Federal Mine Safety and Health Act of 1977; repealed the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577); transferred the functions of enforcing mine safety and health laws from the Secretary of the Interior to the Secretary of Labor except with respect to research functions assigned to the Secretary of the Interior under section 501 of the Federal Coal Mine Health and Safety Act of 1969, and except for those functions which are expressly transferred to the Federal Mine Safety and Health Review Commission; established in the Department of Labor a Mine Safety and Health Administration to be headed by an Assistant Secretary of Labor for Mine Safety and Health; *Provided*, That the mandatory standards relating to mines issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and regulations under the Federal Coal Mine Health and Safety Act of 1969, which are in effect on the date of enactment of the Federal Mine Safety and Health Amendments Act of 1977 shall remain in effect until the Secretary of Labor issues new or revised regulations; and authorized and directed the Secretary of Labor to carry out these functions through the Mine Safety and Health Administration, except as specifically provided otherwise.

In order to provide for necessary changes in names to conform to the provisions of the Federal Mine Safety and Health Act of 1977, Subchapters A through O of Chapter I, Title 30, Code of Federal Regulations (CFR) are revised and amended. Addresses and the names of organizational units have also been changed to those which are current on the date of this publication.

II. EFFECT ON EXISTING RULES

These amendments change the title of Chapter I, Title 30, CFR to reflect the transfer of functions to the Mine Safety and Health Administration in the Department of Labor. Names, addresses and telephone numbers are updated so that the rules will be current. Typographical errors in the regulations are also corrected. The amendments do not affect the substantive requirements of the regulations.

III. RULEMAKING PROCEDURE

These amendments involve nonsubstantive matters relating to management, personnel, agency organization and procedures. Therefore, these amendments are exempt from the notice and comment procedures of 5 U.S.C. section 553 by 5 U.S.C. section 553(a)(2) and (b)(3)(A). These rules will be effective on March 24, 1978.

IV. DRAFTING INFORMATION

The principal person responsible for the drafting of this final rule is:

William E. Steadman, Special Assistant, Denver Technical Support, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-235-1374.

V. IMPACT STATEMENTS

It has been 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 20, 1978.

ROBERT B. LAGATHER,
Assistant Secretary of Labor for Mine Safety and Health.

Title 30, Code of Federal Regulations is amended as follows:

The Title of Chapter I is revised to read as shown below:

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

The Title of Part 1, Chapter I, is revised to read as shown below:

PART 1—MINE SAFETY AND HEALTH ADMINISTRATION: ESTABLISHMENT AND USE OF OFFICIAL EMBLEM

Part 1 of Title 30 of the Code of Federal Regulations is further amended as follows:

§§ 1.1, 1.2, 1.3 [Amended]

1. In §§ 1.1, 1.2, and 1.3, the words "Mining Enforcement and Safety Administration" are deleted whenever they appear and the words "Mine Safety and Health Administration" are substituted therefor:

2. In § 1.1, the emblem shown is deleted and is replaced by a new emblem as shown following:

United States Department of Labor
MSHA
Mine Safety and Health Administration

3. In §§ 1.2 and 1.3, the acronym "MESA" is deleted whenever it appears and the acronym "MSHA" is substituted therefor.

4. In § 1.2, delete the words "The Interior" and substitute the word "Labor" therefor.

5. In § 1.3, delete the word "Administrator" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" therefor.

PART 11—RESPIRATORY PROTECTIVE DEVICES: TESTS FOR PERMISSIBILITY: FEES

Part 11 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 11.1, 11.3, 11.3(c), 11.3(jj), 11.4, 11.10(e), 11.22 (subtext), 11.30(a), 11.30(b), 11.30(c), 11.31(e), 11.32(a), 11.32(c), 11.33(a), 11.33(b), 11.33(c), 11.33(e), 11.33(f), 11.33(g), 11.34, 11.35(a), 11.40, 11.41(i), 11.42 (heading), 11.42(a), 11.42(b), 11.42(c), 11.43 (heading), 11.43(b), 11.43(c), 11.60(a), 11.60(b), 11.61(e), 11.63(c), 11.65 (heading), 11.65(a), 11.65(b), 11.65(c), 11.65(d), 11.65(e), 11.66(a), 11.79-1, 11.85-3(c) (footnote 1), 11.90(b) (note), 11.90(c), 11.124-7 (Table), 11.150 (note) [Amended]

1. In the sections specified below, the words "Mining Enforcement and Safety Administration" are deleted whenever they appear and the words "Mine Safety and Health Administration" are substituted therefor:

Sections 11.33(b) and 11.90(b)(note).

2. In the section specified below, the acronym "MESA" is deleted whenever it appears and the acronym "MSHA" is substituted therefor:

Sections 11.1, 11.3(c), 11.4, 11.22 (subtext), 11.30(a), 11.30(b), 11.30(c), 11.31(e), 11.32(a), 11.32(c), 11.33(a), 11.33(b), 11.33(c), 11.33(e), 11.33(f), 11.33(g), 11.34, 11.35(a), 11.40, 11.41(i), 11.42 (heading), 11.42(a), 11.42(b), 11.42(c), 11.43(heading), 11.43(b), 11.43(c), 11.60(a), 11.60(b), 11.61(e), 11.63(c), 11.65 (heading), 11.65(a), 11.65(b), 11.65(c), 11.65(d), 11.65(e), 11.66(a), 11.79-1, 11.85-3(c) (footnote 1), 11.90(c), 11.124.-7 (Table 8), and 11.150 (note).

3. In § 11.3(jj), insert a new sentence after the period as follows: "predecessor organization to MSHA, prior to March 9, 1978."

4. In § 11.3, add a new definition (kk), after (jj), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

5. In §§ 11.4 and 11.10(e), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa." to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 15—EXPLOSIVES AND RELATED ARTICLES

Part 15 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 15.2, 15.2(b), 15.2(i), 15.3, 15.4(a), 15.4(b)(1)(X), 15.5 15.5(d), 15.6(a), 15.6(e), 15.8, 15.9, 15.11, 15.12(a), 15.13, 15.14(a), 15.14(b), 15.14(d), 15.15, 15.16, 15.17, 15.18(a), 15.18(b), 15.20, 15.22(b), 15.24(a), 15.24(b) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 15.2(b), 15.3, 15.4(a), 15.4(b)(1)(x), 15.5, 15.5(d), 15.6(a), 15.6(e), 15.8, 15.9, 15.11, 15.12(a), 15.13, 15.14(a), 15.14(b), 15.14(d), 15.15, 15.16, 15.17, 15.18(a), 15.18(b), 15.20, 15.22(b), 15.24(a), and 15.24(b).

2. In § 15.2(i), insert a new sentence after the period as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 15.2, add a new definition (j), after (i), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 15.3 and 15.8, delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

5. In § 15.14(b), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 16—STEMMING DEVICES

Part 16 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 16.1, 16.2(b), 16.2(c), 16.2(d), 16.2(f), 16.3, 16.4(c), 16.4(a) (Footnote), 16.5, 16.6, 16.7, 16.8, 16.9, 16.10(b)(1), 16.10(b)(2), 16.10(c), 16.11, 16.12, 16.13, 16.14(a), 16.14(b), 16.15, 16.16(c), 16.16(d), 16.17, 16.18 [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 16.1, 16.2(b), 16.2(c), 16.2(d), 16.3, 16.4(c), 16.4(a) (Footnote), 16.5, 16.6, 16.8, 16.9, 16.10(b)(1), 16.10(b)(2), 16.10(c), 16.11, 16.12, 16.13, 16.14(a), 16.14(b), 16.15, 16.16(c), 16.16(d), 16.17, and 16.18.

2. In § 16.2(f), insert a new sentence after the period as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 16.2, add a new definition (g), after (f), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 16.3 and 16.8, delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

5. In § 16.14, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

6. In § 16.7, delete the words "Bureau's Explosives Testing Station at Bruceton, Pa.," and substitute the words "Approval and Certification Center" therefor.

PART 17—BLASTING DEVICES

Part 17 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 17.1, 17.2, 17.2(b), 17.2(c), 17.2(d), 17.2(e), 17.3, 17.4(d), 17.4(a) (footnote) (1), 17.6, 17.7, 17.8, 17.9, 17.10(g), 17.11(e), 17.11(f), 17.12, 17.13, 17.14, 17.15, 17.16(c), 17.16(j), 17.17, 17.18, 17.20 [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 17.1, 17.2(b), 17.2(c), 17.2(d), 17.3, 17.4(d), 17.4(a) (footnote) (1), 17.6, 17.7, 17.8, 17.9, 17.10(g), 17.11(e), 17.11(f), 17.12, 17.13, 17.14, 17.15, 17.16(c), 17.16(j), 17.17, 17.18, and 17.20.

2. In § 17.2(e), insert a new sentence after the period as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 17.2, add a new definition (f), after (e), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 17.3 and 17.8, delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Industrial Park Road, Dallas Pike, Triadelphia, W. Va.".

5. In § 17.7, delete the words "Explosives Testing Station at Bruceton, Pa.," and substitute the words "Approval and Certification Center" therefor.

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Part 18 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 18.1, 18.2, 18.3, 18.6(a), 18.6(e), 18.6(f), 18.6(g), 18.6(h), 18.6(k), 18.6(l), 18.7(m), 18.7 (note), 18.9(a), 18.9(b), 18.9(c), 18.10(a), 18.10(c), 18.11(a), 18.11(b), 18.12(a), 18.12(c), 18.13, 18.14, 18.15, 18.15(b), 18.16, 18.20(b), 18.21, 18.30(a), 18.31(a)(4), 18.32(a), 18.32(b), 18.32(h), 18.34(a)(2), 18.34(a)(3), 18.35(a)(5)(ii), 18.40, 18.47(d)(6), 18.61(a), 18.62(a), 18.62(c), 18.63, 18.64(e), 18.64(f), 18.65(f), 18.65(f)(1), 18.65(f)(2), 18.66(a), 18.67, 18.69, 18.80(c), 18.80(e), 18.80(f), 18.81(a), 18.81(c), 18.82(a), 18.82(c)(1)(ii), 18.82(c)(1)(iii), 18.82(c)(2), 18.82(d), 18.82(e), 18.82(f), 18.82(g), 18.82(g)(1), 18.82(h), 18. (Appendix II) (Figure 3—Caution 5), 18.90, 18.91(a), 18.92(b), 18.93(a)(1), 18.93(b), 18.93(c)(3), 18.97(b)(4)(iii), 18.99, 18.99(a), 18.99(b) [Amended]

In the sections below, the acronym "MESA" is deleted wherever it ap-

pears and the acronym "MSHA" is substituted therefor:

Sections 18.1, 18.6(a), 18.6(e), 18.6(f), 18.6(g), 18.6(h), 18.6(k), 18.6(l), 18.7(m), 18.7 (note), 18.9(a), 18.9(b), 18.9(c), 18.10(a), 18.10(c), 18.11(b), 18.12(a), 18.12(c), 18.13, 18.14, 18.15, 18.15(b), 18.16, 18.20(b), 18.21, 18.30(a), 18.31(a)(4), 18.32(a), 18.32(b), 18.32(h),

Sections 18.34(a)(2), 18.34(a)(3), 18.35(a)(5)(ii), 18.40, 18.47(d)(6), 18.61(a), 18.62(a), 18.62(c), 18.63, 18.64(e), 18.64(f), 18.65(f), 18.65(f)(2), 18.66(a), 18.67, 18.69, 18.80(c), 18.80(e), 18.81(c), 18.82(c)(1)(ii), 18.82(c)(1)(iii), 18.82(c)(2), 18.82(d), 18.82(g), 18.82(g)(1), 18. (Appendix II) (Figure 3—Caution 5), 18.90, 18.91(a), 18.92(b), 18.93(a)(1), 18.93(b), 18.97(b)(4)(iii), and 18.99.

2. Under 18.2, delete the definition "'Administrator' means the Administrator, Mining Enforcement and Safety Administration" and substitute the definition "'Assistant Secretary' means the Assistant Secretary of Labor for Mine Safety and Health" therefor, as the fifth listed definition; in the twenty-sixth listed definition, which begins with the word "MESA," add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978"; add a new definition after the twenty-seventh listed definition as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration"; in the twenty-eighth listed definition, which begins with the words "Permissible equipment," add a new clause, after the post-parenthesis and before the period, as follows: ", or, after March 9, 1978, by the Assistant Secretary under the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173, as amended by Pub. L. 95-164, 30 U.S.C. 801)"; in the definition which begins with the word "Permit," delete the word "Administrator" and substitute the words "Assistant Secretary" therefor: in all other listed definitions, delete the acronym "MESA" whenever it appears and substitute the acronym "MSHA" therefor.

3. In the Sections specified below, the words "Approval and Testing, Pittsburgh Technical Support Center" are deleted wherever they appear and the words "Approval and Certification Center" are substituted therefor, and the address is changed from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park, Dallas Pike, Triadelphia, W. Va. 26049" wherever it appears.

Sections 18.3, 18.6(a), 18.80(f), 18.81(a), 18.82(a), and 18.82(d).

4. In §§ 18.6(a) and 18.11(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 18.14, 18.65(f)(1), and 18.65(f)(2), delete the capital letters "USMESA" and substitute the capital letters "USMSHA" therefor.

6. In § 18.82(a), delete the words "Administrator of MESA, U.S. Department of the Interior, Washington D.C. 20240" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

7. In §§ 18.82(e), 18.82(g), and 18.82(h), delete the words "Administrator of MESA" and substitute the words "Assistant Secretary" therefor.

8. In § 18.82(f), delete the word "Administrator" the second time it appears and substitute the words "Assistant Secretary" therefor.

9. In §§ 18.92(c)(3), 18.99(a), and 18.99(b), delete the words "Approval and Testing" and substitute the words "Approval and Certification Center" therefor.

PART 19—ELECTRIC CAP LAMPS

Part 19 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 19.1(b), 19.1(c), 19.2(o), 19.3, 19.4(a), 19.4(b), 19.4(d), 19.4(f), 19.4(g), 19.6(b), 19.7, 19.8, 19.9, 19.10 (heading), 19.10, 19.10(a), 19.10(b)(1), 19.10(b)(2), 19.11(a), 19.12(a), 19.12(b), 19.12(c), 19.12(d), 19.13, 19.13(a), 19.13(b), 19.13(c) [Amended]

In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor.

Sections 19.1(b), 19.1(c), 19.2(o), 19.3, 19.4(b), 19.4(d), 19.4(f), 19.4(g), 19.6(b), 19.7, 19.8, 19.9, 19.10 (heading), 19.10, 19.10(a), 19.10(b)(1), 19.10(b)(2), 19.11(a), 19.12(b), 19.12(c), 19.12(d), 19.13, 19.13(b), and 19.13(c).

2. In the Sections specified below, the words "Approval and Testing, Pittsburgh Technical Support Center" are deleted wherever they appear and the words "Approval and Certification Center" are substituted therefor, and the address is changed from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059" wherever it appears.

Sections 19.2(o), 19.3, 19.3(g), 19.4(a), and 19.13(a).

3. In § 19.4(g), delete the words "Approval and Testing, Pittsburgh Technical Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

4. In §§ 19.3 and 19.12(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Part 20 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 20.0, 20.1(c), 20.2(b), 20.2(d), 20.3, 20.4(j), 20.5(a), 20.5(b), 20.5(c), 20.5(e), 20.5(f), 20.8(a), 20.8(b), 20.9(e)(1), 20.9(e) (subtext), 20.11 (heading), 20.11, 20.11(a), 20.11(b)(1), 20.11(b)(2), 20.12(a), 20.13, 20.13(a), 20.13(b), 20.13(c), 12.14, 20.14(a), 20.14(b), 20.14(c) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 20.0, 20.1(c), 20.2(b), 20.2(d), 20.3, 20.4(j), 20.5(b), 20.5(c), 20.5(e), 20.5(f), 20.8(a), 20.8(b), 20.9(e)(1), 20.9(e) (subtext), 20.11 (heading), 20.11, 20.11(a), 20.11(b)(1), 20.11(b)(2), 20.12(a), 20.13, 20.13(a), 20.13(b), 20.13(c), 20.14, 20.14(b), and 20.14(c).

2. In §§ 20.3 and 20.13, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

3. In §§ 20.3, 20.4(j), and 20.5(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

4. In § 20.14(a), delete the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa." and substitute the words "Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059" therefor.

PART 21—FLAME SAFETY LAMPS

Part 21 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 21.0, 21.1(b), 21.2(a), 21.2(b), 21.3(j), 21.4, 21.5(a), 21.5(b), 21.5(c), 21.7 (heading), 21.7, 21.7(a), 21.7(b)(1), 21.7(b)(2), 21.8(a), 21.9, 21.9(a), 21.9(b), 21.9(c), 21.10, 21.10(a), 21.10(b) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 21.0, 21.1(b), 21.2(a), 21.2(b), 21.3(j), 21.4, 21.5(b), 21.5(c), 21.7 (heading), 21.7, 21.7(a), 21.7(b)(1), 21.7(b)(2), 21.8(a), 21.9, 21.9(a), 21.9(b), 21.9(c), 21.10, and 21.10(b).

2. In §§ 21.3(j), 21.4, 21.5(a), and 21.10(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the

words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

3. In §§ 21.4 and 21.9, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 22—PORTABLE METHANE DETECTORS

Part 22 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 22.0, 22.1(b), 22.2(c), 22.3(j), 22.4, 22.5(a), 22.5(b), 22.5(c), 22.7(c), 22.7(d), 22.8 (heading), 22.8, 22.8(a), 22.8(b), 22.9, 22.10(a)(1), 22.10(a)(2), 22.10(b), 22.10(c), 22.10(d), 22.11, 22.11(a), 22.11(b), 22.11(c) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 22.0, 22.1(b), 22.2(c), 22.3(j), 22.4, 22.5(b), 22.5(c), 22.7(c), 22.7(d), 22.8 (heading), 22.8, 22.8(a), 22.8(b), 22.9, 22.10(a)(2), 22.10(b), 22.10(c), 22.10(d), 22.11, 22.11(b), and 22.11(c).

2. In §§ 22.3(j), 22.4, 22.5(a), and 22.11(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

3. In §§ 22.4 and 22.10(a)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 23—TELEPHONES AND SIGNALING DEVICES

Part 23 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 23.1(b), 23.2(a), 23.2(b), 23.2(d), 23.2(g), 23.3, 23.4(g), 23.5(a), 23.5(b), 23.5(c), 23.5(e), 23.5(f), 23.7(e), 23.9(e), 23.10 (heading), 23.10, 23.10(a), 23.10(b), 23.11, 23.12(a)(1), 23.12(a)(2), 23.12(b), 23.12(c), 23.13, 23.14, 23.14(a), 23.14(b), 23.14(c) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 23.1(b), 23.2(a), 23.2(b), 23.2(d), 23.3, 23.4(g), 23.5(b), 23.5(c), 23.5(e), 23.5(f), 23.7(e), 23.9(e), 23.10 (heading), 23.10, 23.10(a), 23.10(b), 23.11, 23.12(a)(2), 23.12(b), 23.12(c), 23.13, 23.14, 23.14(b), and 23.14(c).

2. In § 23.2(g), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 23.1, add a new definition (h), after (g), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 23.3 and 23.12(a)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 23.3, 23.4(g), 23.5(a), and 23.14(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 24—SINGLE-SHOT BLASTING UNITS

Part 24 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 24.0(a), 24.0(c), 24.0(d), 24.0(e), 24.1(i), 24.2, 24.3(a), 24.3(b), 24.3(d), 24.3(f), 24.3(g), 24.5(heading), 24.5, 24.5(b), 24.6, 24.7(a), 24.7(b), 24.7(c), 24.8, 24.9, 24.9(a), 24.9(b), 24.9(c) [Amended].

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 24.0(a), 24.0(c), 24.0(d), 24.1(i), 24.2, 24.3(b), 24.3(d), 24.3(f), 24.3(g), 24.5(heading), 24.5, 24.5(b), 24.6, 24.7(a), 24.7(b), 24.7(c), 24.8, 24.9, 24.9(b), and 24.9(c).

2. In § 24.0(e), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 24.0, add a new definition (f), after (e), as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In § 24.2, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In § 24.7, delete the words "Mining Enforcement and Safety Administration, United States Department of the Interior" and substitute the words "Mine Safety and Health Administration" therefor.

6. In §§ 24.1(i), 24.2, 24.3(a), 24.9(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

7. In § 24.0(a), delete all of the text following the parenthetical reference "(a)" and substitute the words "Investigations under this part are conducted under the authorization of the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173, as amended by Pub. L. 95-164)."

PART 25—MULTIPLE-SHOT BLASTING UNITS

Part 25 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 25.2(b), 25.2(f), 25.3, 25.4(j), 25.5 25.6(a), 25.6(b), 25.7(a), 25.7(d), 25.7(l), 25.9(a), 25.10(a), 25.10(c), 25.11(a), 25.11(b), 25.12, 25.12(b), 25.13, 25.21(a), 25.26(a) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 25.2(b), 25.3, 25.4(j), 25.5, 25.6(a), 25.6(b), 25.7(a), 25.7(d), 25.7(l), 25.9(a), 25.10(a), 25.10(c), 25.11(b), 25.12, 25.12(b), 25.13, 25.21(a), and 25.26(a).

2. In § 25.2(f), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 25.2, delete the parenthetical reference "(g)" which precedes the word "Applicant" and substitute the parenthetical reference "(h)" therefor, and add a new definition (g), after (f), as follows: " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 25.6(a) and 25.11(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 25.3, 25.4(j) and 25.6(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

Part 26 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 26.2, 26.2(b), 26.2(c), 26.2(p), 26.3, 26.5, 26.6(k), 26.7, 26.8(a), 26.8(b), 26.9(a), 26.9(b), 26.14, 26.15(a), 26.15(b), 26.16(a), 26.16(b), 26.17(a), 26.17(b), 26.18(a), 26.19, 26.19(b), 26.20 [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wher-

ever it appears and the acronym "MSHA" is substituted therefor:

Sections 26.2(b), 26.2(c), 26.3, 26.5, 26.6(k), 26.7, 26.8(a), 26.8(b), 26.9(a), 26.9(b), 26.14, 26.15(a), 26.15(b), 26.16(a), 26.16(b), 26.17(a), 26.17(b), 26.18(a), 26.19, 26.19(b), and 26.20.

2. In §§ 26.2(p), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 26.2, delete the parenthetical reference "(q)" which precedes the word "Applicant" and substitute the parenthetical reference "(r)" therefor, and add a new definition (q), after (p), as follows: " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 26.8(a) and 26.17(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 26.3, 26.6(k), and 26.8(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa." (Pa. in 26.6(k)) to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 27—METHANE—MONITORING SYSTEMS

Part 27 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 27.2(a), 27.2(h), 27.2(k), 27.2(n), 27.3, 27.4(a), 27.4(c), 27.4(d), 27.4(e), 27.5(a), 27.6, 27.7, 27.8(h), 27.8 (subtext), 27.10, 27.10(b), 27.10(c), 27.11, 27.11(b), 27.11(c), 27.12, 27.20(a), 27.20(f), 27.20 (note), 27.21(d), 27.21(e), 27.21(f), 27.22(c), 27.30, 27.31, 27.32(b), 27.33, 27.35, 27.36, 27.32 (footnote: 4), 27.38, 27.39(b) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 27.2(h), 27.2(k), 27.2(n), 27.3, 27.4(a), 27.4(c), 27.4(d), 27.4(e), 27.5(a), 27.6, 27.7, 27.8(h), 27.10, 27.10(b), 27.10(c), 27.11, 27.11(b), 27.11(c), 27.12, 27.20(a), 27.20(f), 27.20 (note), 27.21(d), 27.21(e), 27.21(f), 27.22(c), 27.30, 27.31, 27.32(b), 27.33, 27.35, 27.36, 27.32 (footnote: 4), 27.38, and 27.39(b).

2. In § 27.2, after the parenthetical reference "(a)", delete the definition which begins with the word "MESA" and substitute the definition " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration." therefor.

3. In §§ 27.4(a) and 27.4(d), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

4. In §§ 27.3, 27.4(a), 27.8(h) and 27.8 (subtext), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 28—FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

Part 28 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 28.4(b), 28.4(d), 28.10(c), 28.10(d), 28.10(e), 28.10(f), 28.10(g), 28.20(a), 28.20(b), 28.21(d), 28.22(a), 28.22(c), 28.23(a), 28.23(b), 28.23(c), 28.23(e), 28.23(g), 28.23(h), 28.24, 28.25(a), 28.25(c), 28.30, 28.31(b), 28.32 (heading), 28.32(a), 28.32(b), 28.32(c), 28.33 (heading), 28.33(a), 28.33(b), 28.40(a), 28.40(b), 28.40(d) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 28.4(b), 28.10(d), 28.10(e), 28.10(f), 28.10(g), 28.20(a), 28.20(b), 28.21(d), 28.22(a), 28.22(c), 28.23(a), 28.23(b), 28.23(c), 28.23(e), 28.23(g), 28.23(h), 28.24, 28.25(a), 28.25(c), 28.30, 28.32 (heading), 28.32(a), 28.32(b), 28.32(c), 28.33 (heading), 28.33(a), 28.33(b), 28.40(a), 28.40(b), and 28.40(d).

2. In § 28.4(d), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 28.4, delete the parenthetical reference "(e)" which precedes the word "fuse" and substitute the parenthetical reference "(f)" therefor, and add a new definition (e), after (d), as follows: " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 28.10(d), and 28.23(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 28.10(c), 28.10(g), 28.31(b), and 28.40(d), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

6. In §§ 28.10(c), 28.31(b), and 28.40(d), change the address which follows the word "Center" from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

7. In § 28.24, delete the words "Section 109(e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819(e))" and substitute the words "Section 110(h) of the Federal Mine Safety and Health Act of 1977" (Pub. L. 91-173 as amended by Pub. L. 95-164) therefor.

PART 29—PORTABLE COAL DUST/ROCK DUST ANALYZERS, AND CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS FOR USE IN COAL MINES

Part 29 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 29.4(b), 29.4(l), 29.10(a), 29.10(b), 29.10(c), 29.10(d), 29.12(a), 29.12(c), 29.12(d), 29.20, 29.20(b), 29.21(a), 29.21(b), 29.21(c), 29.21(d), 29.30(a), 29.30(b), 29.31(e), 29.32(a), 29.32(c), 29.33(a), 29.33(b), 29.33(c), 29.33(e), 29.33(f), 29.34, 29.35(a), 29.35(d), 29.35(e), 29.36, 29.40, 29.41(b), 29.41(i), 29.42 (heading), 29.42(a), 29.42(b), 29.42(c), 29.43 (heading), 29.43(b), 29.43(c), 29.50(a), 29.50(b), 29.51, 29.52(a), 29.53(a), 29.53(b), 29.53(c), 29.54(b), 29.54(c), 29.55 (heading), 29.55(a), 29.55(b), 29.55(c), 29.55(d), 29.55(e), 29.56(a), 29.56(b), 29.61(e), 29.61(f), 29.61 (Inspector's samples 1), 29.76(c), 29.76(d) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 29.4(b), 29.10(a), 29.10(d), 29.12(c), 29.12(d), 29.20, 29.20(b), 29.21(a), 29.21(b), 29.21(c), 29.21(d), 29.30(a), 29.30(b), 29.31(e), 29.32(a), 29.32(c), 29.33(a), 29.33(b), 29.33(c), 29.33(e), 29.33(f), 29.34, 29.35(a), 29.35(d), 29.35(e), 29.40, 29.41(i), 29.42 (heading), 29.42(a), 29.42(b), 29.42(c), 29.43 (heading), 29.43(b), 29.43(c), 29.50(a), 29.50(b), 29.52(a), 29.53(a), 29.53(b), 29.53(c), 29.54(b), 29.54(c), 29.55 (heading), 29.55(a), 29.55(b), 29.55(c), 29.55(d), 29.55(e), 29.56(a), 29.56(b), 29.61(e), 29.61(f), 29.61 (Table B, Inspector's Samples), 29.76(c), and 29.76(d).

2. In § 29.4(l), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 29.4, add a new definition (m), after (l), as follows: " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration".

4. In §§ 29.10(b) and 29.33(b), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 29.10(b), 29.10(c), 29.12(a), 29.36, and 29.41(b), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change

the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

6. In § 29.10(c), delete the words "or at the Bruceton, Pa. facility of the Technical Support Center."

7. In § 29.10(d), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

PART 31—DIESEL MINE LOCOMOTIVES

Part 31 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 31.2(a), 31.2(b), 31.2(d), 31.2(g), 31.2(j), 31.2(k), 31.3(a), 31.3(b), 31.3(c) (note), 31.3(d)(1), 31.3(d)(3), 31.3(e), 31.3(f), 31.3(g), 31.3(h), 31.3(j), 31.4(a), 31.4(i)(6)(i), 31.4(i)(7)(v), 31.5(a), 31.5(a)(4)(vi), 31.5(a)(5)(vii), 31.5(a)(6)(iii), 31.5(a)(6)(iv), 31.5(b)(2)(ii), 31.5(b)(3), 31.5(b)(4), 31.5(b)(5), 31.6(a)(i), 31.6(a)(2), 31.6(a)(4), 31.6(b)(1), 31.6(b)(2), 31.6(c)(1), 31.6(c)(2), 31.7, 31.8, 31.8(a), 31.8(b), 31.8(c), 31.9, 31.9(b)(2)(ii), 31.9(b)(2)(iv), 31.9(b)(3)(i), 31.9(b)(4)(i), 31.10 [Amended]

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 31.2(a), 31.2(b), 31.2(d), 31.2(g), 31.2(j), 31.3(b), 31.3(c)(Note), 31.3(d)(1), 31.3(d)(3), 31.3(e), 31.3(f), 31.3(g), 31.3(h), 31.3(j), 31.4(a), 31.4(i)(6)(i), 31.4(i)(7)(v), 31.5(a), 31.5(a)(4)(vi), 31.5(a)(5)(vii), 31.5(a)(6)(iii), 31.5(a)(6)(iv), 31.5(b)(2)(ii), 31.5(b)(3), 31.5(b)(4), 31.5(b)(5), 31.6(a)(1), 31.6(a)(2), 31.6(a)(4), 31.6(c)(1), 31.6(c)(2), 31.7, 31.8, 31.8(b), 31.8(c), 31.9, 31.9(b)(2)(ii), 31.9(b)(2)(iv), 31.9(b)(3)(i), 31.9(b)(4)(i), and 31.10.

2. In § 31.2(k), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 31.2, add a new definition (l), after (k), as follows: " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In § 31.3(a), delete the words and address "Central Experiment Station of The Bureau of Mines at 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Approval and Certification Center" therefor.

5. In §§ 31.3(b) and 31.6(b)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

6. In §§ 31.3(d), 31.6(b)(2) and 31.8(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

7. In §§ 31.3(b) and 31.6(b)(2), change the address shown from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" and "Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059", respectively.

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES

Part 32 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 32.1(b), 32.2(g), 32.2(h), 32.2(i), 32.2(j), 32.2(k), 32.3(b), 32.3(c)(note), 32.3(d)(1), 32.3(d)(3), 32.3(e), 32.3(f), 32.3(g), 32.3(h), 32.3(j), 32.4(a), 32.4(h)(3)(ii), 32.5(a)(1), 32.5(b), 32.5(c), 32.6(a)(1), 32.6(a)(2), 32.6(a)(4), 32.6(b)(1), 32.6(b)(2), 32.6(c)(1), 32.6(c)(2), 32.7, 32.8, 32.8(a), 32.8(b), 32.8(c), 32.8(d), 32.8(e), 32.9(b)(2)(ii), 32.9(b)(2)(iv), 32.10 [Amended]

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 32.1(b), 32.2(g), 32.2(h), 32.2(i), 32.2(j), 32.3(b), 32.3(c)(note: 2), 32.3(d)(1), 32.3(d)(3), 32.3(e), 32.3(f), 32.3(g), 32.3(h), 32.3(j), 32.4(a), 32.4(h)(4)(ii), 32.5(a)(1), 32.5(b), 32.5(c), 32.6(a), 32.6(a)(2), 32.6(a)(4), 32.6(c)(1), 32.6(c)(2), 32.7, 32.8, 32.8(b), 32.8(c), 32.8(d), 32.8(e), 32.9, 32.9(b)(2)(ii), 32.9(b)(2)(iv), and 32.10.

2. In § 32.2(k), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 32.2, add a new definition (l), after (k), as follows: " 'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 32.3(a), 32.3(b), 32.3(d)(1), 32.6(b)(2), and 32.8(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

5. In §§ 32.3(a), 32.3(b), 32.6(b)(2), and 32.8(a), change the address shown from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike Triadelphia, W. Va. 26059."

6. In §§ 32.3(b) and 32.6(b)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Part 33 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 33.2(c), 33.2(d), 33.2(i), 33.3, 33.5(a)(3) (Footnote 1), 33.5(e), 33.6(a), 33.6(c), 33.6(d)(1), 33.6(h), 33.6(i), 33.8(a), 33.8(b), 33.9, 33.10(a), 33.11(a), 33.11(c), 33.12, 33.12(b), 33.13, 33.20(a), 33.21, 33.30, 33.36, 33.37(d) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 33.2(c), 33.2(d), 33.2(i), 33.5(a)(3) (Footnote 1), 33.6(a), 33.6(c), 33.6(d)(1), 33.6(h), 33.6(i), 33.8(a), 33.8(b), 33.9, 33.10(a), 33.11(a), 33.11(c), 33.12, 33.12(b), 33.13, 33.20(a), 33.21, 33.30, 33.36, and 33.37(d).

2. In § 33.2(i), delete the words "Department of the Interior, Mining Enforcement and Safety Administration" and substitute the words "Department of Labor, Mine Safety and Health Administration" therefor.

3. In §§ 33.6 and 33.11, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

4. In §§ 33.3, 33.5(e), and 33.6(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, West Virginia 26059" therefor.

PART 35—FIRE RESISTANT HYDRAULIC FLUIDS

Part 35 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 35.2(b), 35.3, 35.4, 35.5(b), 35.5(d)(4), 35.6(a), 35.6(f), 35.6(g), 35.8, 35.9(a), 35.9(b), 35.10(a), 35.10(e), 35.11, 35.12, 35.12(b), 35.13 [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 35.2(b), 35.3, 35.4, 35.5(b), 35.5(d)(4), 35.6(a), 35.6(f), 35.6(g), 35.8, 35.9(a), 35.9(b), 35.10(a), 35.10(e), 35.11, 35.12, 35.12(b), and 35.13.

2. In § 35.2, delete the words "Department of the Interior, Mining Enforcement and Safety Administration" and substitute the words "Department of Labor, Mine Safety and Health Administration" therefor.

3. In §§ 35.3, 35.6(a), 35.6(g), delete the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213" and substitute the words "Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, West Virginia 26059" therefor.

4. In §§ 35.6 and 35.10(a), delete the words "Mining Enforcement and Safety Administration" and substitute

the words "Mine Safety and Health Administration" therefor.

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NON-COAL MINES AND TUNNELS

Part 36 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 36.2(c), 36.2(d), 36.3, 36.5, 36.6(a), 36.6(b)(6), 36.6(c), 36.6(d), 36.6(f), 36.6(g), 36.7(a)(16), 36.7(b), 36.9(a), 36.9(b), 36.10(a), 36.11(a), 36.11(b), 36.12, 36.12(b), 36.13, 36.20(a), 36.21, 36.23(d), 36.24(a), 36.25(b)(3), 36.25(c)(1), 36.25(c)(2), 36.25(d)(1), 36.25(e), 36.25(f)(1), 36.26(a), 36.26(b), 36.26(c), 36.27(c), 36.29, 36.33(a), 36.33(b), 36.33(c), 36.40, 36.41, 36.43(a), 36.44(a), 36.45(b), 36.46(b), 36.46(c), 36.48(a), 36.48(b) (note:), 36.49 [Amended]

1. In § 36.2(c), delete the definition "'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration" and subtitute the definition "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration" therefor.

2. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 36.2(d), 36.3, 36.5, 36.6(a), 36.6(b)(6), 36.6(c), 36.6(d), 36.6(f), 36.6(g), 36.7(a)(16), 36.9(a), 36.9(b), 36.10(a), 36.11(b), 36.12, 36.12(b), 36.13, 36.20(a), 36.21, 36.23(d), 36.24(a), 36.25(b)(3), 36.25(c)(1), 36.25(c)(2), 36.25(d)(1), 36.25(e), 36.25(f)(1), 36.26(a), 36.26(b), 36.26(c), 36.27(c), 36.29, 36.33(a), 36.33(b), 36.33(c), 36.40, 36.41, 36.43(a), 36.44(a), 36.45(b), 36.46(b), 36.46(c), 36.48(a), 36.48(b) (note), and 36.49.

3. In §§ 36.3, 36.6(a), and 36.7(b), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to Box 201B Industrial Park Road, Dallas Pike, Triadelphia, West Virginia 26059."

4. In §§ 36.6(a) and 36.11(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In § 36.40, delete the words and commas ", Bruceton, Pennsylvania,".

PART 50—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILL NESSES, EMPLOYMENT, AND PRODUCTION IN MINES

NOTE.—Appears at 42 FR 65535-65540, December 30, 1977, FR Doc. 77-37-37344

Part 50 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 50.1, 50.2(a), 50.2(b), 50.10, 50.11(a), 50.11(b), 50.12, 50.20(a), 50.20-1 (heading), 50.20-1, 50.20-3(a), 50.20-4 (heading), 50.20-4(a), 50.20-4(b), 50.20-5 (heading), 50.20-5(a), 50.20-6 (heading), 50.20-7 (heading), 50.30 (heading), 50.30(a), 50.30-1 (heading), 50.30-1(a), 50-30-1(d), 50.40(b), 50.41 [Amended]

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 50.1, 50.10, 50.11(a), 50.11(b), 50.12, 50.20(a), 50.20-1 (heading), 50.20-1, 50.20-4 (heading), 50.20-4(a), 50.20-4(b), 50.20-5 (heading), 50.20-5(a), 50.20-6 (heading), 50.20-7 (heading), 50.30 (heading), 50.30(a), 50.30-1 (heading), 50.30-1(a), 50.30-1(d), 50.40(b), and 50.41.

2. In §§ 50.1 and 50.40(b), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

3. In § 50.2(a), delete the entire definition and substitute a new definition as follows: "Mine" means (A) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities.

4. In § 50.2(b), delete the word "sorting" and substitute the word "storing" therefor. (Typographical correction)

5. In § 50.10, change the telephone number which appears at the end of the last sentence from "800-737-2000" to "(202) 783-5582".

6. In § 50.20-3(a), delete the words "first degree scratches, burns" which appear on the next to the last sentence and substitute the words "scratches, first degree burns, and" therefor. (Typographical correction)

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 55.2, 55.3-13, 55.4-4, 55.4-24(e), 55.5-1(a), 55.5-5(a), 55.5-5(b), 55.5-50(a), 55.6-94, 55.6-100, 55.9-88(e), 55.9-88(e)(4), 55.9-88(h), 55.12-47, 55.13-32, 55.26-1 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

Sections 55.2, 55.3-13, 55.4-4, 55.4-24(e), 55.5-1(a), 55.5-5(a), 55.5-5(b), 55.5-50(a), 55.6-94, 55.6-100, 55.9-88(e)(4), 55.12-47, 55.13-32, and 55.26-1.

2. In §§ 55.9-88(e) and 55.9-88(h), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

3. In § 55.26-1, delete the words "of (sic) the State Agency if the mine is located in a state which has a State Plan Agreement in effect", and the words "or State Agency", in the first and second paragraphs, respectively.

4. In §§ 55.9-88(e) and 55.9-88(e)(4), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 56.2, 56.3-13, 56.4-4, 56.4-24(e), 56.5-1(a), 56.5-5(a), 56.5-5(b), 56.5-50(a), 56.6-94, 56.6-100, 56.9-88(e), 56.9-88(e)(4), 56.9-88(h), 56.12-47, 56.13-32, 56.26-1 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 56.2, 56.3-13, 56.4-4, 56.4-24(e), 56.5-1(a), 56.5-5(a), 56.5-5(b), 56.5-50(a), 56.6-94, 56.6-100, 56.9-88(e)(4), 56.12-47, 56.13-32, and 56.26-1.

2. In §§ 56.9-88(e) and 56.9-88(h), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

3. In § 56.26-1, delete the words "or the State Agency if the mine is located in a state which has a State Plan Agreement in effect", and the words "or State Agency" in the first and second paragraphs, respectively.

4. In §§ 56.9-88(e) and 56.9-88(e)(4), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 57.2, 57.3-13, 57.4-4, 57.4-24(e), 57.5-1(a), 57.5-5(a), 57.5-5(b), 57.5-47, 57.5-50(a), 57.6-94, 57.6-100, 57.9-88(e), 57.9-88(e)(4), 57.9-88(h), 57.12-47, 57.13-32, 57.15-30, 57.18-28(a), 57.18-28(b), 57.18-28(d), 57.18-28(e), 57.21-96, 57.21-100, 57.26-1 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 57.2, 57.3-13, 57.4-4, 57.4-24(e), 57.5-1(a), 57.5-5(a), 57.5-5(b), 57.5-47, 57.5-50(a), 57.6-94, 57.6-100, 57.9-88(e)(4), 57.12-47, 57.12-32, 57.15-30, 57.18-28(a), 57.18-28(b), 57.18-28(d), 57.18-28(e), 57.21-96, 57.21-100, and 57.26-1.

2. In §§ 57.9-88(e), 57.9-88(h), 57.18-28(a) and 57.18-28(b), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

3. In § 57.26-1, delete the words "or the State Agency if the mine is located in a state which has a State Plan Agreement in effect", and the words "or State Agency" in the first and second paragraphs, respectively.

4. In §§ 57.9-88(e) and 57.9-88(e)(4), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 70—MANDATORY HEALTH STANDARDS — UNDERGROUND COAL MINES

Part 70 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 70.1, 70.2(i), 70.2(k), 70.2(l), 70.223, 70.260(a), 70.261, 70.271, 70.272, 70.305-1, 70.400-1, 70.504, 70.504-1(a), 70.504-1(b), 70.504-1(c), 70.504-2, 70.505(a), 70.507(b), 70.508(a), 70.509(a), 70.509(c), 70.509(d), 70.510(b)(2), 70.510(b)(3) [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 70.223, 70.261, 70.271, 70.272, 70.305-1, 70.400-1, 70.504-1(a), 70.504-1(b), 70.504-1(c), 70.504-2, 70.505, 70.507(b), 70.508(a), 70.509(a), 70.509(c), 70.509(d), and 70.510(b)(2).

2. In §§ 70.1 and 70.2(l), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

3. In § 70.2, delete definition "(i)" in its entirety.

4. In § 70.2(k), delete the words "the Interior" and substitute the word "Labor" therefor.

5. In § 70.260(a), delete the words "Mining Enforcement and Safety Administration, Department of the Interior" and substitute the words "Mine Safety and Health Administration, Department of Labor" therefor.

6. In § 70.504, delete the word "Administrator" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" therefor.

7. In § 70.510(b)(3), delete the words "Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240" and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

PART 71—MANDATORY HEALTH STANDARDS—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Part 71 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 71.1, 71.2(a), 71.2(h), 71.111(a), 71.200(a), 71.302(b), 71.303(a), 71.304(a), 71.304(c), 71.305(b)(2), 71.402(b), 71.500(b), 71.500(c) [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 71.302(b), 71.303(a), 71.304(a), 71.304(c), 71.305(b)(2), and 71.500(b).

2. In §§ 71.1 and 71.2(a), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

3. In § 71.2(a), add the words and reference "as amended by Pub. L. 95-164" between the reference "91-173" and the post parenthesis.

4. In § 71.2(h), delete the words "Secretary of the Interior" and substitute the words "Secretary of Labor" therefor.

5. In § 71.111(a), delete the words "Mining Enforcement and Safety Administration, Department of the Interior" and substitute the words "Mine Safety and Health Administration, Department of Labor."

6. In §§ 71.200(a) and 71.402(b), delete the words "Mining Enforcement and Safety Administration, 18th and C Streets NW., Washington, D.C." and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

7. In § 71.500(c), delete the words "Mining Enforcement and Safety Administration, U.S. Department of the Interior, Washington, D.C. 20240" and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

PART 74—COAL MINE DUST PERSONAL SAMPLER UNITS

Part 74 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 74.4(b), 74.5, 74.6(a), 74.6(b), 74.6(d), 74.7(a), 74.7(b), 74.8(b), 74.9(a), 74.10(b), 74.11 [Amended]

1. In § 74.4(b), delete the words "Bureau of Mines, Department of the Interior" and substitute the words "Mine Safety and Health Administration, Department of Labor (MSHA)" therefor.

2. In the sections specified below, delete the words "The Bureau of Mines" and "The Bureau" wherever they appear and substitute the acronym "MSHA" therefor, respectively:

Sections 74.5, 74.6(b), 74.6(d), 74.7(a), 74.7(b), 74.8(b), 74.9(a), 74.10(b), and 74.11

3. In § 74.6(a), delete the words "The Bureau of Mines" the first two times they appear and substitute the acronym "MSHA" therefor; delete the words "U.S. Bureau of Mines" and substitute the words "U.S. Mine Safety and Health Administration" therefor; and delete the words and address "The Bureau of Mines, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words and address "MSHA Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Part 75 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 75.1, 75.2(m), 75.2(n), 75.100(c)(1), 75.150(b)(2), 75.151, 75.155(c), 75.301-7(c)(2), 75.301-8(b), 75.303-2(c), 75.503-1, 75.506(a), 75.517-2(d), 75.523-1(c), 75.1103-2(c)(1), 75.1107-17, 75.1703-1, 75.1710-1(f), 75.1712-6(b), 75.1712-6(c), 75.1714-1(b), 75.1719-1(f), 75.1719-2(c)(2), 1719-3(a), 75.1721(b)(1), 75.1800(b), 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1806, 75.1807 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 75.151, 75.301-7(c)(2), 75.301-8(c)(1), 75.503-1, 75.506(a), 75.517-2(d), 75.1103-2(b), 75.1107-17, 75.1703-1, 75.1712-6(b), 75.1714-1(b), 75.1721(b)(1), 75.1800(b), 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1806, and 75.1807.

2. In §§ 75.1 and 75.2(n), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

3. In § 75.2(m), delete the words "the Interior" and substitute the word "Labor" therefor.

4. In §§ 75.100(c)(1), 75.150(b)(2), and 75.155(c), delete the words "Mining Enforcement and Safety Administration, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225" therefor.

5. In § 75.303-2(c), delete the words "Mining Enforcement and Safety Administration, Approval and Test, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Mine Safety and Health Administration, Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059" therefor.

6. In §§ 75.523-1(c), 75.1710-1(f), and 75.1712-6(c), delete the words "Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240" and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

7. In §§ 75.1719(1)(f), 75.1719-2(c)(2), and 75.1719-3(a), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Part 77 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 77.1, 77.2(aa), 77.100(b)(2), 77.101(b)(2), 77.102, 77.105(b), 77.215-2(b)(1), 77.216-2(a)(1), 77.403(b), 77.413(d), 77.1000-1, 77.1303(m), 77.1902-1, 77.1914(c) [Amended].

1. In § 77.1, delete the words section 101(i) of "the Federal Coal Mine Health and Safety Act of 1969" and substitute the words "the Federal Mine Safety and Health Act of 1977" therefor.

2. In § 77.2(aa), delete the words "Secretary of the Interior" and substitute the words "Secretary of Labor" therefor.

3. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 77.102, 77.403(b), 77.413(d), 77.1000-1, 77.1303(m), 77.1902-1, and 77.1914(c).

4. In § 77.100(b)(2), insert "or MSHA" between the words "Mining Enforcement and Safety Administration" and "under Part 22 of this Chapter" which will thus read "Mining Enforcement and Safety Administration or MSHA under Part 22 of this chapter."

5. In §§ 77.100(b)(2), 77.101(b)(2), and 77.105(b), delete the words "Health and Safety Activity, Mining Enforcement and Safety Administration, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225" therefor.

6. In §§ 77.215-2(b)(1), 77.216-2(a)(1), and 77.403(b), delete the acronym "MESA" and substitute the acronym "MSHA" therefor.

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Part 90 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 90.1, 90.2(b), 90.2(g), 90.10 (heading), 90.10(a), 90.10(b), 90.20 (heading), 90.20, 90.30, 90.31(a), 90.32, 90.33(b), 90.40 (title), 90.40(b) (figure 1) [Amended].

1. In § 90.1, delete the words "the Interior" and substitute the word "Labor" therefor; delete the words "Administrator, Mining Enforcement and Safety Administration" both places that they appear and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" and "Assistant Secretary" in the first and second instances therefor, respectively.

2. In § 90.2, delete definition "(g)" in its entirety.

3. In § 90.2(b), delete the words "Administrator, means the Administrator, Mining Enforcement and Safety Administration, U.S. Department of the Interior" and substitute the words "Assistant Secretary, means the Assistant Secretary of Labor for Mine Safety and Health" therefor.

4. In § 90.10 (heading), delete the word "Director" and substitute the word "Assistant Secretary" therefor.

5. In the sections specified below, delete the word "Administrator" and substitute the words "Assistant Secretary" therefor:

Sections 90.10(a), 90.10(b), 90.20, 90.30, 90.31(a), and 90.32.

6. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 90.20 (heading), 90.20, 90.30, 90.33(b), 90.40 (title), and 90.40(b) (figure 1).

7. In §§ 90.20 and 90.40(b) (figure 1), delete the address "Department of the Interior, Washington, D.C. 20240" and substitute the address "Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

8. In § 90.40(b) (figure 1), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

[FR Doc. 78-7775 Filed 3-23-78; 8:45 am]

[1410-03]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 78-3]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Deposit Requirements; Motion Pictures

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting interim amendments to §§ 202.19 and 202.20 of our regulations. The effect of the amendments is to modify the deposit requirements for published motion pictures, in order to reflect the availability of a special agreement that (i) provides for the return of such works to depositors under certain conditions; and (ii) establishes certain rights and obligations of the Library of Congress with respect to such works. The amendments are issued on an interim basis in order to permit their immediate application while allowing full public comment.

DATES: The interim regulations are effective on March 24, 1978. Comments should be received on or before May 12, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202. Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m. Monday through Friday, in the Public Information Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION, CONTACT:

Jon Baumgarten, General Counsel,

U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Under 17 U.S.C. 407 the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit two copies of the work in the Copyright Office for the use or disposition of the Library of Congress. 17 U.S.C. 408 also requires deposit of two copies in connection with applications for copyright registration. After establishing general rules governing the nature of the deposit, these sections authorize the Register of Copyrights to prescribe regulations to "permit the deposit of only one copy" where two would normally be required.

On January 4, 1978, we published in the FEDERAL REGISTER (43 FR 763, effective January 1, 1978) final regulations implementing the deposit requirements of sections 407 and 408. Those regulations did reduce the deposit requirements to one copy in the case of published motion pictures. Those regulations also eliminated the availability of the so-called "motion picture agreement" which, under the copyright law in effect before January 1, 1978, allowed return of deposit copies subject to later recall by the Library of Congress. Instead, the proposed and final deposit regulations provided that "unless selected by the Library of Congress for addition to its collections within thirty days from the date (of deposit or registration), all copies of motion pictures deposited * * * will be returned to the depositor by the Copyright Office, without right of recall."

A number of objections were raised by representatives of motion picture copyright owners to the elimination of the motion picture agreement. The Motion Picture Association of America, Inc. argued, for example, that the motion picture agreement had "minimized the financial burden on copyright owners[1] by giving them the use of valuable prints early in the life of a motion picture at a time when the demands of theatrical release are greatest * * *. Further, the 'motion picture agreement' has provided important safeguards to the film industry against unauthorized performance or reproduction by users of the motion picture collection of the Library of Congress." Representatives of the Library of Congress, however, expressed concern over assuring the return of copies recalled under the agreement and the adequate archival quality of such copies.

In our Notice of Rulemaking (Docket RM 77-11, 43 FR 763, January 4, 1978) we noted the arguments made by motion picture copyright owners for retention of the motion picture agreement, and we stated:

> This is, of course not basically a matter of copyright deposit but a matter of a negotiated contract between copyright owners and the Library of Congress. At the same time, however, the existence of the agreement affects the operation of the deposit system, and for this reason the Copyright Office agrees that the question of retaining the agreement should remain the subject of active consideration. Because of the urgent need to publish these deposit regulations, we are issuing them without providing for the possibility of a motion picture agreement. However, we emphasize that this is not intended to foreclose the possibility of negotiation of new agreements in the immediate future.

After further discussions among representatives of motion picture interests and the Library of Congress, the Library has agreed to make a new motion picture agreement available to depositors. The purpose of this proceeding is to amend the relevant Copyright Office regulations in order to reflect the availability of the new agreement and eliminate the requirement for selection by the Library within 30 days. The amendments are issued on an interim basis in order to permit immediate use of the agreement by interested members of the public. The agreement itself is set forth in an Appendix at the end of this Notice. Comments will be accepted until May 12, 1978 on both the amendments and the terms of the agreement.

INTERIM REGULATIONS

Part 202 of 37 CFR, Chapter II (as amended on January 1, 1978) is amended as follows: 1. In § 202.19, paragraph (d)(2)(ii) is revised to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

* * * * *

(d) * * *

(2) * * *

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit for a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library with respect to such copies. In the event of termination of such an agreement by the Library it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement.

* * * * *

2. In § 202.20, paragraph (c)(2)(ii) is revised to read as follows:

§ 202.20 Deposit of copies and phono- records for copyright registration.

* * * * *

(c) * * *

(2) * * *

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of two copies. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library of Congress with respect to such copies. In the event of termination of such an agreement by the Library, it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public but have not been published), the deposit of identifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy.

* * * * *

(17 U.S.C. 407, 702.)

Dated: March 16, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[1] The MPAA specifically stated: "The cost of a print of a full-length feature film ranges between $800-$1,000. MPAA data shows that in 1976, a minimum of 250 new feature films were published in the U.S. Thus, if every copyright owner were required to deposit one print of each new film, without the right to use the print in distribution, the potential annual financial impact on the industry would, at a minimum, range from $200,000 to $250,000."

APPENDIX

MOTION PICTURE AGREEMENT

Agreement made on _____
(Month) (Day) (Year)
between the United States of America, acting through the Librarian of Congress (herein called the Librarian), and
Name _____
Address _____
(herein called the Depositor).

Whereas: (a) The undersigned Depositor expects to deposit in the Copyright Office, from time to time, copies of various published motion pictures in satisfaction of the mandatory deposit requirements of section 407 of title 17 of the United States Code (herein called "section 407") or the registration provisions of section 408 of said title (herein referred to as "section 408"), or both; and

(b) Under the provisions of section 704 of said title, such copies become the property of the United States Government upon their deposit under either section 407 or 408, and the Librarian is authorized, under said section 704, to select any such copies of published motion pictures for the collections of the Library of Congress (herein called "the Library") or for exchange or transfer to any other library; and

(c) Although for purposes of mandatory deposit or registration sections 407 and 408 generally require the deposit of two copies of a published work, both sections authorize the Register of Copyrights to issue regulations allowing the deposit of only one copy where two would normally be required, and the Register has issued such regulations with respect to published motion pictures (Title 37 of the Code of Federal Regulations); and

(d) Because of the special nature of motion pictures, their varying forms and modes of reproduction, distribution and exhibition, it is to the advantage of both the Depositor and the Library to establish a flexible system for the deposit and retention, or return and recall of deposit copies of motion pictures. The aims of the system are to facilitate the satisfaction of copyright deposit and registration requirements without imposing unnecessary procedural or financial burdens on the Depositor, or the Library, while assuring to the Library copies of those works it wishes to acquire for its collections in the form and physical condition most suitable for preservation.

Now therefore, in consideration of the mutual promises set forth below, the parties agree as follows:

1. The Depositor shall henceforth, as required by section 407 and in accordance with the provisions of section 408 (if applicable) and with all relevant Copyright Office regulations including those concerning the "best edition" of motion pictures, deposit in the Copyright Office one complete copy of the "best edition" of every motion picture published with a copyright notice in the United States of which it is either (a) the owner of copyright or (b) the owner of the exclusive right of publication (including the exclusive right of distribution in the United States). Nothing herein shall requre the deposit of more than one copy of a motion picture of archival quality as defined in paragraph 4.

2. The Librarian shall, if requested to do so in writing at the time of deposit, by the Depositor (or by an agent designated by the Depositor) promptly return the copy to the Depositor (or to an agent designated by the Depositor in writing, in the application for copyright registration or otherwise), subject to demand by the Librarian as specified in paragraph 5.

3. In every case where the Librarian has returned a copy under paragraph 2, the Depositor shall, during the period of two years after the date of deposit for a particular motion picture, or until one copy is delivered to the Library in compliance with the written demand of the Librarian under paragraph 5, maintain in its custody or control one copy of archival quality, as defined in paragraph 4, of such motion picture, or a negative or master print from which such a copy of archival quality can be reproduced. Failure to maintain one copy of archival quality or said negative or master print shall constitute grounds for action by the Librarian under paragraphs 6, 7, and 10.

4. The "copy of archival quality" referred to in paragraphs 1 and 3 shall in all cases be:

(a) A complete copy identical in content and sequence with the copy of the "best edition" deposited in accordance with paragraph 1; and

(b) Either: (i) A copy that has never been used for performance and that fully meets all of the technical guidelines set out in Appendix A (which is hereby incorporated into this Agreement and made a part hereof); or (ii) a copy that has been used for performance with sufficient care that it fully meets all of such technical guidelines.

While as a general rule, the "copy of archival quality" shall be the same in size, format, and process of reproduction as the copy previously deposited in accordance with paragraph 1, the Librarian shall have discretion to accept as the "copy of archival quality" a copy different in size, format, or process of reproduction from that deposited.

5. Upon written demand made by the Librarian, or one to whom he or she has delegated this authority, the Depositor shall deliver to the Library, at the Depositor's expense, one (1) copy of archival quality of the motion picture, as defined in paragraph 4. Delivery by the Depositor shall be completed within six (6) months after the date the demand is made by the Librarian, or within such additional period of time as the Librarian may stipulate in writing. Said demand shall be made by the Librarian:

(a) When the Depositor, at any time within the two-year period provided by paragraph 3, submits a written request to the Librarian asking that the Library promptly exercise its right to demand delivery of one copy of archival quality of the motion picture; in such case, the Librarian shall make said demand not later than ninety (90) days after the receipt of said request; or

(b) Within the two-year period provided by paragraph 3, when no request by the Depositor has been received by the Library.

6. It shall be within the sole discretion of the Librarian of Congress to determine whether or not a particular copy is a "copy of archival quality" within the meaning of paragraph 4. If, upon delivery of a copy in response to a demand under paragraph 5, the Librarian determines that it is not a "copy of archival quality" as defined by paragraph 4, he or she shall, within ninety (90) days of said delivery, make an additional written demand for the delivery of one copy of archival quality in substitution for the delivered copy, and the Depositor shall have ninety (90) days, or such additional period of time as the Librarian may stipulate in writing, in which to deliver said substituted copy. If a substituted copy is received and accepted, the copy delivered earlier will be returned to the Depositor.

7. If the Depositor fails to deliver the copy of archival quality of a motion picture within the periods provided by or stipulated under paragraphs 5 and 6, the Depositor shall be considered to have breached this Agreement, and the Librarian shall have the right to acquire one copy of archival quality, or the right to reproduce one copy of archival quality, and the Depositor shall be liable to pay into a special fund for use of the Library of Congress an amount representing the full and complete costs to, or incurred on behalf of, the Library for such acquisition or reproduction. Such breach shall constitute good cause, under paragraph 10, for the immediate cancellation of this Agreement by the Librarian.

8. In cases where the Librarian has made no demand within the periods of time provided by paragraphs 5 or 6, the Depositor shall cease to have any obligation under this Agreement with respect to the particular motion picture at the end of such periods.

9. As part of his or her obligations under this Agreement, and notwithstanding any provisions of title 17 of the United States Code that would otherwise authorize such use, the Librarian shall not cause, authorize, or permit, without the prior written consent of the copyright owner:

(a) Any public performance of any copyrighted motion picture covered by this Agreement, or any private performance of such motion pictures other than for research or study purposes, or any use or performance outside the premises of the Library, with the use of prints or fixations of any such motion picture; or

(b) Any exchange, transfer, sale, loan, or gift of a print or fixation of all or any part of a copyrighted motion picture covered by this Agreement, to another library or any other receipient; or

(c) Reproduction of all or any substantial part of a copyrighted motion picture covered by this Agreement, except that (i) to avoid the danger of damaging the copy of archival quality in its collections, the Librarian may make a single reproduction solely for purposes of research or study within the premises of the Library; and (ii) in any case the Librarian may make a copy of such a motion picture if any copy in the collections of the Library, including any copy made under paragraph 9(c)(i), or earlier made under this paragraph 9(c)(ii), or deposited under paragraph 1, is, in the judgment of the Librarian, damaged or deteriorating.

10. Either party may terminate this Agreement for good cause upon thirty (30) days written notice to the other party. Such good cause shall include, but shall not be limited to single or repeated instances of breach of this Agreement. Such termination shall apply only to motion pictures of which copies are thereafter deposited by the Depositor, and shall not affect the rights of the Librarian or the obligations of either party with respect to any motion pictures of which copies have been returned under paragraph 2, or have been deposited or reproduced pursuant to paragraphs 5, 6, or 7. In the event this Agreement has been terminated by the Librarian it shall not be subject to reinstatement, nor shall Depositor or any successor in interest of the Depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole

discretion of the Librarian it would be in the best interests of the Library to reinstate the Agreement or to enter into a new Agreement. Reinstatement may be on such additional conditions as the Librarian may determine, including but not limited to reasonable provisions for return of the previously requested copy. In no case shall the failure of the Librarian to exercise or enforce his or her rights, including the right of termination, under this Agreement with respect to any particular breach or breaches or any particular motion picture or motion pictures be deemed a waiver of such rights with respect to other breaches or motion pictures.

11. The Depositor may assign this Agreement insofar as it applies to copies of motion pictures deposited under sections 407 and 408 after written notice of the assignment to the Librarian. Such notice shall be accompanied by a copy or duplicate original of the assignment.

12. No assignment of this Agreement shall, without the written consent of the other party, relieve either party of the rights and obligations previously assumed and subsisting with respect to copies of motion pictures deposited before receipt by the Librarian of the written notice specified by paragraph 11. However, all rights and obligations under this Agreement whether previously assumed and subsisting or arising in the future, shall bind and inure to the benefit of the executors, administrators, legal representatives, heirs, or distributees of the Depositor in cases where title to such rights and obligations has been transferred by operation of law.

13. All notices required hereunder shall be written and shall be directed to the respective parties at the addresses set forth above except as the same may from time to time be changed in writing. In the event that the undersigned Depositor changes the address of its place of business, or the address to which notices under this Agreement are to be delivered, it shall promptly notify the Head, Acquisitions and Deposit Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, of such change in address.

14. This agreement applies only to motion pictures published in the United States of America, and nothing contained herein is intended to, or shall be interpreted to, alter or supersede any legal requirements affecting the deposit or registration of unpublished motion pictures under sections 407 or 408, or any regulations issued under said sections.

15. Regardless of the place of its physical execution, this Agreement shall be interpreted according to the laws and statutes of the United States of America, and of the District of Columbia.

16. In the case of any motion picture having two or more copyright owners and/or owners of the exclusive right of publication (including the exclusive right of distribution in the United States), this Agreement shall be binding if any one of such owners is a signatory to this or another copy of the present Agreement, and such signatory and/or signatories shall be responsible, jointly or severally, with respect to the delivery of a copy of archival quality of that motion picture.

17. This Agreement constitutes the complete understanding of the parties. No modification or waiver of any provision hereof shall be valid unless in writing and signed by both parties.

In witness whereof the parties have duly executed this agreement.

The United States of America

by _____

Librarian of Congress

_____

Depositor

by _____

Officer of Corporation and Date

_____

(Specify Office Held)

or

by [1] _____

Attorney-in-fact for Depositor and Date

_____

Address

_____

Depositor

by _____

Officer of Corporation and Date

_____

(Specify Office Held)

by [1] _____

Attorney-in-fact for Depositor and Date

_____

Address

Executed———— 19 ——.

MOTION PICTURE AGREEMENT: APPENDIX A, "COPY OF ARCHIVAL QUALITY": TECHNICAL GUIDELINES

To be considered a "copy of archival quality" within the meaning of paragraph 4 of this Agreement, a copy shall conform to all of the technical guidelines set out in this Appendix. Without in any way prejudicing or limiting his or her sole discretion under paragraph 6 of this Agreement to determine whether or not a particular copy is a "copy of archival quality," the Librarian agrees that, in making such determination, the guidelines set out in this Appendix will be taken into account to the extent applicable.

A. *Physical Condition.* All portions of the copy that reproduce the motion picture (as distinguished from portions, such as "leaders" and their equivalents, which are physically attached to the beginning or end of the motion picture but do not reproduce any part of its contents) must be:

1. *Clean:* Free from dirt, marks, spots, fungus, or other smudges, blotches, blemishes, or distortions;

2. *Undamaged:* Free from burns, blisters, tears, cuts, scratches, breaks, erasures, or other physical damage.

a. In the case of motion picture film, the copy must be free from:

(i) Any heavy scratch, including any scratch penetrating through the emulsion into the base or through the emulsion layer of color film. Some very light surface ("rain") scratches may be accepted if they do not persist for more than 50 frames and appear no more than once in a single reel;

(ii) Any physical damage that would interfere with the performance of the film, including embossing or cinch marks and any fractured perforations (torn sprockets); however, minor wear to perforations may be accepted;

(iii) Any damage causing audible defects or distortions in the sound track.

b. In the case of video tape and other form of reproductions of motion pictures, the copies must be free from:

(i) Any damage that interferes with performance from the tape or other reproduction, including physical damage resulting from earlier mechanical difficulties such as cassette jamming, breaks, tangles, or tape overflow; and

(ii) Any erasures, damage causing visual or audible defects or distortions or any material remaining from incomplete erasures of previously recorded works.

3. *Unspliced:* Free from splices in any part of the copy reproducing the motion picture, regardless of whether the splice involves the addition or deletion of material or is intended to repair a break or cut.

4. *Undeteriorated:* Free from any visual or aural deterioration resulting from aging or exposure to climatic, atmospheric, or other chemical or physical conditions, including heat, cold, humidity, electromagnetic fields, or radiation.

a. In the case of motion picture film, the copy shall be free from curl, buckle, edge wave, twist and excessive brittleness.

b. In the case of video tape and other forms of reproductions of motion pictures, the copy shall be free from excessive brittleness or stretching, from any visible flaking of oxide from the tape base or other medium, and from other visible signs of physical deterioration or excessive wear.

B. *Physical Appurtenances of Deposit Copy.*

1. *Physical Housing of Copy*

a. *Motion Picture Film*

(i) In the case of film reproduced for reel-to-reel projection, the deposit copy shall preferably consist of rolls of uniform size mounted on cores (the last roll may be shorter). Alternatively, the deposit copies shall consist of reels of uniform size (the last reel may be shorter). The length of the roll or reel will depend on the size of the film except that 35 mm feature films must be on 2,000 foot rolls or reels.

(ii) In the case of film reproduced for cassette, cartridge, or similar projection, the film drive mechanism shall be fully operable and free from any mechanical defects.

b. *Video Tape*

(i) In the case of video tape reproduced for reel-to-reel performance, the deposit copy shall consist of reels of uniform size and length. The length of the reels will depend on both the size of the tape and its running time (the last reel may be shorter).

(ii) In the case of video tape reproduced for cassette, cartridge, or similar performance, the tape drive mechanism shall be fully operable and free from any mechanical defects.

2. *"Leader" or Equivalent*

a. *Motion Picture Film:* The copy shall have an "Academy leader" or its equivalent at both the head and the tail of the film.

[1] Any person signing this Agreement as Attorney-in-Fact for the Depositor must execute the attached Bond, and, unless such bond is validly executed, such person's signature of this Agreement shall be invalid and this Agreement shall not be binding upon the Librarian of Congress.

b. *Video Tape:* The copy, whether housed in reels, cassettes, or cartridges, shall have a leader segment both preceding the beginning and following the end of the motion picture recording.

3. *Physical Preparation:* In the case of motion picture film, the copy shall have been waxed or otherwise treated for projection throughout the length of each reel.

C. *Visual and Aural Quality of Copy.*

1. *Visual Quality*

a. In the case of motion picture film, the copy must meet industry standards of clarity, density, contrast, and (where applicable) color balance that are fully acceptable for theatrical screening (or, where the film was made for broadcast, that are fully acceptable for television screening).

b. In the case of video tape and other forms of reproduction of motion pictures, the copy should be equivalent to an evaluated first generation copy from an edited master tape and must reproduce a flawless and consistent electronic signal that meets industry standards for television screening.

2. *Aural Quality*

a. In the case of motion picture film, the soundtrack must be perfectly synchronized and free from any audible defects.

b. In the case of video tape and other forms of reproduction of motion pictures the sound channels or other portions must reproduce a flawless and consistent electronic signal without any audible defects.

BOND TO BE SIGNED BY ATTORNEY-IN-FACT

Know All Men by these Presents that I, ——— of ———, address, having signed, as attorney-in-fact for Depositor, the Motion Picture Agreement between the United States of America, acting through the Librarian of Congress, and ———, depositor, executed on ———, date, am held and firmly bound unto the United States of America as follows:

The condition of this obligation is such that, if the Depositor named above, or its executors, administrators, legal representatives, heirs or assigns shall in all things well and truly perform and observe all the covenants, agreements, and conditions on its or their part to be performed and observed with respect to a given motion picture which are contained in the Agreement made and bearing even date herewith, then this obligation shall be void with respect to that motion picture. Otherwise this obligation shall remain in full force.

I agree to be fully bound by any and all liability imposed upon the Depositor under paragraph 7 of the Agreement. In addition, I am bound in a penal sum representing the full cost to the Copyright Office of acquiring or of reproducing one copy of archival quality of any motion picture under the terms of the above Agreement, but in no case shall this sum be less than five hundred dollars ($500.00) per motion picture.

By ———
Attorney-in-fact
Date ———

SUPPLEMENTAL PROPERTY AGREEMENT FOR USE WITH MOTION PICTURE AGREEMENT

Whereas the undersigned Depositor has entered into a Motion Picture Agreement with the United States of America, acting through the Librarian of Congress, executed on month ———, day —, year —; and whereas the Depositor has deposited for copyright registration one copy of the motion picture described as follows:

Title: ———
Description of copies deposited: ———

and whereas said copy, although otherwise satisfying the deposit requirements of the law, does not represent the form of the copy of the work that the Library of Congress ultimately wishes to retain for its collections;

Now therefore, in consideration of the approval by the Librarian of Congress of acceptance for copyright registration of the copies deposited, the Depositor agrees that the "copy of archival quality" it is obligated to deliver on demand under said Motion Picture Agreement shall comply with the following description:

Depositor ———
By ———
Officer of Corporation and Date
(Specify Office Held) ———
Approved: Librarian of Congress
By ———
Date ———
Head, Acquisitions and Deposit Section, Copyright Office, Acquisitions and Processing Division

[FR Doc. 78-7865 Filed 3-23-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 866-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This revision to the Massachusetts State Implementation Plan (SIP) changes Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," to allow fuel burning sources in the Berkshire Air Pollution Control District to burn 2.2 percent sulfur content residual fuel oil with the exception of two sources; Crane and Company, Inc., Dalton, and Schweitzer Division, Kimberly-Clark Corp., Columbia Mill, Lee. Regulation 5.1 of the present SIP allows the use of fuel oil having a sulfur content not greater than 1.0 percent. Under existing regulations, changes in SIP's must be approved by the EPA Administrator after determination that they are consistent with the provisions of the Clean Air Act.

EFFECTIVE DATE: April 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David Stonefield, Air Branch, EPA, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On April 14, 1977, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a revision to the State Implementation Plan (SIP) which would increase the allowable sulfur content of fossil fuel burned in the Berkshire Air Pollution Control District (BAPCD). Regulation 5.1 of the present SIP, "Sulfur Content of Fuels and Control Thereof," permits fossil fuel utilization facilities in the BAPCD to burn fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight). The proposed SIP revision would change Regulation 5.1 to allow the burning of fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil by weight). Approval of the revision to Regulation 5.1 would eliminate the conflict between the SIP and a State law, Chapter 353 of the Acts of 1974, which permits the burning of 2.2 percent sulfur content residual fuel oil in the BAPCD. The revision also would require that the use of the higher sulfur fuel by each source be approved, and a permit be granted by the Massachusetts Department prior to such use. The Massachusetts Department may incorporate certain conditions in the permits such as monitoring and emission testing to insure that the NAAQS will not be violated.

On August 3, 1977, EPA published a notice in the FEDERAL REGISTER which proposed approval of the use of the higher sulfur content fuel for all residual fuel users in the BAPCD except the following sources:

1. Sprague Electric Co., North Adams.
2. Crane and Company, Inc., Dalton.
3. Schweitzer Division, Kimberly-Clark Corporation, Columbia Mill, Lee.

During the comment period, comments were received from these three companies, as well as the director of the BAPCD.

All three companies commented on the air quality modeling upon which the proposed rulemaking was based. In particular, the sources questioned the use of the Valley Model which had not been validated or officially released by EPA. Since the date of the original modeling study of the BAPCD in August, 1976, the Valley Model has undergone limited validation. In addition, EPA has published a user's manual for the model ("Valley Model User's Guide" by Edward W. Burt, OAQPS, EPA-450/2-77-018, September, 1977), and has referenced the model in interim modeling guidelines for use throughout the country. Use of the Valley Model for the evaluation

of this SIP revision was consistent with this guidance. Kimberly-Clark submitted alternative modeling performed by a private contractor which criticized some of the assumptions upon which the Valley Model is based. Although EPA concedes that controversy exists in the scientific community over some of these assumptions, EPA does not believe that any conclusive evidence indicates that the Valley Model is inappropriate for application to this revision, or that any other complex terrain model is more appropriate.

Further comments were received on EPA's choice of input data to the Valley Model. Specifically, one source questioned why EPA failed to use actual meteorological data which the source had collected in 1973, and another source questioned the applicability to the Berkshire area of the Albany meteorological data which was used in the model. Maximum 24-hour concentrations predictions in the Valley Model are derived from assumed worst case conditions, rather than observed meteorology. For the annual case, the Valley Model requires the input of a statistical distribution of observed meteorology which gives the frequency of occurrence of 576 combinations of stability, wind speed, and wind direction. The data collected by one of the sources contained no stability information and was not reduced to the proper statistical format. EPA has no knowledge of any complete meteorological data collected specifically in the BAPCD, and thus still believes the use of the Albany data is the best available alternative meteorology.

All of the sources commented that inaccurate stack and/or emission data was used in the modeling. Some sources questioned the assumption of maximum emission rates when boilers did not operate continuously or did not operate at maximum firing rate. EPA used average emission rates and stack parameters measured under average operating conditions to calculate annual concentrations, and maximum emission rates and stack parameters measured under average operating conditions to calculate 24-hour concentrations. If a boiler has the potential to operate at maximum firing rate for 24 hours per day, then EPA is obligated to use the corresponding maximum emission rate as the modeling input in order to assure that short-term standards will not be violated. The stack and emission data which EPA used in the original modeling were supplied by the State through its source registration forms. The State, however, verified the individual source registration data with each source, and remodeled the 24-hour concentrations predictions using maximum and average emissions with stack parameters measured under maximum and average operating conditions respectively. The resulting concentrations, though generally less than the original modeling, still showed predicted violations of the primary 24-hour standard caused by Kimberly-Clark's Columbia Mill and Crane Paper Co. The predicted violations caused by Sprague Electric Co. were eliminated when the emissions were reduced after the company removed one of their three boilers from service, and made fuel valve adjustments to their remaining two boilers. These modifications were verified by State inspections. EPA accepts the results of the additional State modeling as sufficient evidence for reversing EPA's proposed action for this source. Thus, Sprague Electric Co. will be allowed to burn the higher sulfur fuel.

The proprietary modeling submitted by Kimberly-Clark did not predict any violations of the primary 24-hour SO_2 standard. However, EPA does not accept the results of this study, and instead is relying on the results of the additional State modeling as a basis for this rulemaking action. Although Kimberly-Clark indicated a willingness to locate ambient monitors at the points of maximum impact as predicted by the modeling (and in fact has already initiated a monitoring program) while simultaneously burning higher sulfur fuel, EPA cannot allow the use of the higher sulfur fuel until *after* it has been shown that ambient air quality standards will be maintained. Thus, EPA would require monitoring data from the source while burning 1.0 percent sulfur content fuel which conclusively refutes the Valley Model predictions *before* the source would be allowed to burn the higher sulfur content fuel. In addition, the Massachusetts Department would have to submit another SIP revision approving the higher sulfur fuel for such sources based on new monitoring data.

All three sources commented on the absence of any violations of ambient air quality standards for SO_2 as measured by State or privately operated monitors during periods when all the residual fuel sources in the BAPCD were burning 2.2 percent sulfur content fuel. The State monitors referred to are not located at the maximum points of impact as predicted by EPA modeling, and therefore do not constitute sufficient evidence for disproving the modeling results. The private monitors referred to, though located at the predicted maximum points of impact in some instances, were operated without proper quality control. Therefore, the data from these monitors cannot be used as accurate indicators of air quality. Similarly, the comments made by the sources pertaining to the lack of evidence of any vegetative damage in areas of predicted maximum impact do not provide sufficient proof that ambient air quality standards for SO_2 could not be violated in these areas.

EPA concludes that the revision to the Massachusetts SIP is approvable with the exception of two sources, Crane Paper Co. and Kimberly-Clark's Columbia Mill, which are disapproved. After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 7410).)

Dated: March 17, 1978.

BARBARA BLUM,
Acting Administrator.

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

Subpart W—Massachusetts

1. Section 52.1120(c) is amended by adding a new paragraph (13) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(13) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Berkshire Air Pollution Control District, submitted on April 14, 1977 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

§ 52.1126 [Amended]

2. Section 52.1126 is amended by adding a new paragraph (g) as follows:

* * * * *

(g) Massachusetts Regulation 5.1 for the Berkshire Air Pollution Control District is approved except as to the following sources which remain subject to the previously approved requirements of Regulation 5.1 which stipulates that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight):

Crane and Company, Inc., Dalton.
Schweitzer Division, Kimberly-Clark Corporation, Columbia Mill, Lee.

[FR Doc. 78-7856 Filed 3-23-78; 8:45 am]

[6560-01]

[FRL 871-2]

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Miscellaneous Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action makes certain administrative and clarifying changes in the transportation equipment noise emission controls regulations. The administrative changes are made to reflect a reorganization within the Environmental Protection Agency.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard G. Kozlowski, Director, Noise Enforcement Division, U.S. Environmental Protection Agency (EN-387), Washington, D.C. 20460, 703-557-7470.

SUPPLEMENTARY INFORMATION: All submittals that are required pursuant to these regulations are presently to be submitted to the Director, Mobile Source Enforcement Division. These submittals will now be sent to the Director, Noise Enforcement Division (EN-387). Also, in § 205.57-5, a new paragraph (b) is added to specify where the information required to be submitted to the Administrator pursuant to this section must be sent.

In § 205.4, paragraph (b) is amended to specify that the written authorization for inspection of a manufacturer's facility will be signed by the Director, Noise Enforcement Division or his designee.

Additionally, in § 205.57-1, paragraph (c) is amended to clarify that the test request will specify the batch from which sampling is to begin rather than the batch selected for testing.

The Administrator finds that good cause exists for omitting prior notice and public comments in these amendments and for making them immediately effective because they simply make administrative and clarifying changes to the existing regulations and impose no additional substantive requirements.

Dated: March 17, 1978.

MARVIN B. DURNING,
Assistant Administrator for Enforcement.

40 CFR Part 205 is revised as set forth below (asterisks indicate wording unchanged from promulgated regulation).

§ 205.4 [Amended]

1. Section 205.4, paragraph (b) is revised by deleting the words "Mobile Source Enforcement Division" and substituting the words "Noise Enforcement Division".

(Sec. 6, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4912).)

§ 205.5-7 [Amended]

2. Section 205.5-7 is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Sec. 6, 10, Pub. L. 92-574 (42 U.S.C. 4905, 4909).)

§ 205.55-2 [Amended]

3. In § 205.55-2, paragraph (f) is amended by deleting the words "Mobile Source Enforcement Division" and substituting the words "Noise Enforcement Division".

§ 205.55-4 [Amended]

4. In § 205.55-4, paragraph (a) is amended by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

§ 205.57-1 [Amended]

5. In § 205.57-1, paragraph (c) is revised by deleting the words "the batch selected for testing" and substituting the words "the batch from which sampling is to begin".

6. In § 205.57-5, a new paragraph (b) is added as follows:

§ 205.57-5 Reporting of test results.

* * * * *

(b) All information required to be forwarded to the Administrator pursuant to this section shall be addressed to Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 205.58-1 [Amended]

7. In § 205.58-1, paragraph (d) is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Sec. 6, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4912).)

§ 205.58-2 [Amended]

8. In § 205.58-2, paragraph (g) is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Sec. 6, 10, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4909, 4912).)

§ 205.58-3 [Amended]

9. In § 205.58-3, paragraph (e) is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Secs. 6, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4912).)

[FR Doc. 78-7828 Filed 3-23-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1301]

PART 1033—CAR SERVICE

Distribution of Grain Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Revised Service Order No. 1301).

SUMMARY: Burlington Northern Inc. and Chicago and North Western Transportation Co., are encountering severe shortages of boxcars and covered hopper cars suitable for grain loading. Revised Service Order No. 1301 requires other railroads to return to BN and CNW their 40-ft. narrow-door plain boxcars and their covered hopper cars having a capacity of 4,000 cu. ft. or more. This revision adds CNW to the order.

DATES: Effective 12:01 a.m., March 20, 1978. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of March, 1978. There is an acute shortage of plain, 40-ft., narrow-door boxcars and of large capacity covered hopper cars on the railroads named in this order. These shortages are preventing the orderly flow of grains to markets, both domestic and export, and are causing severe economic loss to producers and shippers of grains dependent upon these railroads for transporting these products to market. A portion of these railroads' fleets of these cars are loaded to

points on the lines of other railroads. Such cars must be returned promptly to these railroads for subsequent loading by shippers dependent upon these railroads for transporting their shipments. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1301 Car Service Order No. 1301.

(a) *Distribution of grain cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty except as otherwise provided in paragraphs (4, 5, and 6) of this section, all 40-ft., narrow-door plain boxcars and all jumbo covered hopper cars described in paragraphs (2) and (3) of this section owned by the following railroads:

Burlington Northern Inc., reporting marks: BN-CBQ-GN-NP-SPS.
Chicago and North Western Transportation Company, reporting marks: CGW-CNW-FDDM-MSL.

(2) The term "40-ft., narrow-door plain boxcars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" with inside length 40-ft., 6-in. or less and equipped with doors less than 9-ft. wide.

(3) The term "Jumbo covered hopper cars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO" and having capacity of 4,000 or more cubic feet.

(4) *Exemption.* Empty 40-ft., narrow-door plain boxcars owned by these railroads may be loaded to any station on the lines of the car owner.

(5) *Exception.* Jumbo covered hoppers assigned by the owner for loading at stations on other railroads are exempt from the order.

(6) *Exception.* For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships modifications may be authorized by the Chief Transportation Officer of the car owners, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(7) Carriers named in paragraph (1) above are prohibited from loading all 40-ft., narrow-door, plain boxcars foreign to their lines and must return such cars to the owner, unless use is authorized by the car owner or by an exemption to Car Service Rules 1 and 2 issued by the Commission.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded car, described in this order, contrary to the provisions of the order.

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 20, 1978.

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

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

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

[FR Doc. 78-7881 Filed 3-23-78; 8:45 am]

[1505-01]

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

Correction

In FR Doc. 78-5577 appearing on page 8531 in the issue of Thursday, March 2, 1978, the FR Doc. number was incorrectly printed as 78-5277. The corrected file line should read, [FR Doc. 78-5577 Filed 3-1-78; 8:45 am].

In addition, on page 8532, the 1st column, the 5th line should read, "[ser-]ies of the adopted carrier. If the * * *.".

On page 8532, the 3rd column, the 2nd full paragraph (iii), the 6th line should read, "duplicate any other. This code shall be * * *.".

On page 8543, the 3rd column, 2nd paragraph (4), the 17th line should read, "may be no letter suffix or as an alterna-[tive] * * *.".

On page 8552, the 1st column, near the bottom of the page, the section heading should read:

§ 1310.25 Transfer of operations—Change in name and control (rule 25).

In the 3rd column, in § 1310.1 [Amended], the 2nd sentence should read, "Section 1310.1(d)(1) is amended by changing MF-I.C.C. or ICC series to read ICC designations.".

In the same column, under the heading § 1310.6 [Amended], the following headings should be included as follows:

§ 1310.6 [Amended]

§ 1310.18 [Amended]

§ 1310.20 [Amended]

Also, in the same column, under § 1310.7 [Amended], the following headings should be included as follows:

§ 1310.7 [Amended]

§ 1310.8 [Amended]

§ 1310.9 [Amended]

§ 1310.11 [Amended]

§ 1310.14 [Amended]

§ 1310.15 [Amended]

§ 1310.19 [Amended]

§ 1310.21 [Amended]

§ 1310.24 [Amended]

§ 1310.25 [Amended]

§ 1310.27 [Amended]

§ 1310.30 [Amended]

On page 8553, in the 1st column, under § 1310.26 [Amended], the 1st sentence should read, "Section 1310.26(f) is amended by changing ICC (or MF-ICC)

(ICC or MF-ICC No.)

to read [here show ICC designation].".

Also, on page 8553 in the middle column in, (§ 1306.100 and § 1307.100), (9c)(2)(ii), in line 7 the 3rd entry should read: "ME-ICC W (here show number)".

On page 8554 in the 1st column, (§§ 1306.101 and 1307.101), (c)(ii), the 2nd part of that paragraph, the 2nd sentence should read, "Passenger carriers should show either the MP-ICC W or ME-ICC W designation, or both, whichever is appropriate as to a schedule.".

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Amdt. 3]

CELERY GROWN IN FLORIDA

Subpart—Rules and Regulations

NOTICE OF PROPOSED PROCEDURES FOR APPLYING FOR AND MAINTAINING NEW OR INCREASED ALLOTMENTS

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: A recent amendment of the Florida Celery Marketing Order provides a method for prospective producers to enter the celery industry and for existing producers to increase the size of their celery operations. The proposed rule would specify the procedures to implement such provisions.

DATE: Comments due April 6, 1978.

ADDRESSES: Comments may be addressed to the Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted. Comments will be made available for inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 149 and Order 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed rules were unanimously recommended by the Florida Celery Committee, which has been established under the order as being responsible for its local administration. The amended order (42 FR 32762) provides that the Secretary will issue rules or regulations which set forth the procedures to be followed in implementing the amended provisions.

The proposals are as follows:

Amend Subpart—Rules and Regulations (7 CFR 967.100-967.166) by amending §967.130 by adding a new subparagraph (4) to paragraph (a), and revising §967.150, and §967.151 to read as follows:

§967.130 Producer.

(a) * * *

; or (4) who or which has celery produced on his or its behalf which results in his or its ownership of the celery so produced.

§967.150 Marketable Allotment.

(a) Producers holding Base Quantities shall register with the committee no later than May 1 of each year, on committee forms, to indicate their intentions and commitments to produce and market celery during the forthcoming season.

(b) As provided in §967.38(f), Marketable Allotments shall be issued only to producers who have registered by May 1.

(c) Pursuant to §967.36(b) no handler may handle any harvested celery when a Marketable Quantity is in effect, unless it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to §967.37 and such producer authorized the first handler thereof to purchase or otherwise handle it. By October 1 of each season, each producer shall notify the committee, by certification to it on committee forms, the number of crates of harvested celery to be handled by each such handler; and if there are subsequent changes in arrangements, the committee shall similarly be notified.

§967.151 Base Quantities.

(a) Pursuant to §967.37(d)(1) a reserve of Base Quantities shall be established annually beginning with the 1978-79 season. Each annual reserve shall amount to six percent of the total of Base Quantities in effect for the previous season.

(1) Applicants for Base Quantities must apply to the committee for a portion of the reserve not later than April 15 each year on such forms as may be prescribed by the committee. Such forms may include, but not necessarily be limited to, details on:

(i) Individual or firm name and address.

(ii) Location and size of farming operation.

(iii) Evidence of any firm and substantial arrangements or commitments, such as contractual arrangements with credit agencies, handlers, fertilizer dealers, management agencies and others for the production and marketing of celery, including references to land, equipment, occupation, crops produced, and past experience in farming. Applicants for increases in Base Quantity also should provide substantial evidence of a capability to produce and market additional celery including specific references to celery sales relative to Marketable Allotments, production facilities and marketing facilities.

(b) Upon receipt of the completed application forms the committee shall consider and make determinations of the allocation of annual reserve Base Quantities among eligible applicants. Up to 50 percent of the total reserve shall be allocated among new producers. Such producers shall be those applicants who have no Base Quantity under the order, and any reserve Base Quantity distributed to such applicants shall be for the purpose of establishing new production and marketing of celery. Up to 50 percent of the total reserve shall be allocated among producer applicants with existing bases. In the event total applications in either category (new producers or producers with existing bases) exceed the amount of reserve Base Quantity authorized, the reserve in each category shall be apportioned among eligible applicants on a uniform basis. Any balance of the reserve which has not been allocated during a season shall not carry forward into the following season.

(c) As provided in §967.37, the committee may provide for informal review in open meeting of the committee, or subcommittee thereof, of applicants' request for increases in Base Quantities or for Base Quantities. Such meeting shall be so conducted that an accurate record shall be made of relevant evidence presented. The record of such informal review, with references to relevant data and information presented, shall be retained by the committee and shall be subject to review by the Secretary.

(d) Each completed application form submitted to the committee shall be considered and determinations shall be made thereon. The committee shall notify each individual in writing of the action taken on the applications submitted. If the committee has not advised an individual of its decision by July 15, the individual may appeal to

the Secretary for appropriate consideration thereof.

(e) To administer this part in accordance with its terms and provisions, a record of each Base Quantity and each Marketable Allotment shall be maintained by the committee.

(1) Whenever any Base Quantity or any Marketable Allotment is established for a producer, the committee shall so record and advise such producer on forms designated by it.

(2) No producer may transfer any Base Quantity or Marketable Allotment or obtain the same without first submitting a report containing all the details of the proposed transfer to the committee for record keeping and verification. Such reports shall be on forms prescribed by the committee and shall include, but not necessarily be limited to, and as applicable, Base Quantity or Marketable Allotment held, number of crates to be transferred and the specific period of time the transfer will be in effect, name and address of the producer to whom such Base Quantity or Marketable Allotment is being transferred, number of crates marketed in the representative period, qualifications as a producer and particulars on the sale and handling of the celery referable to the transferred Base Quantity or Marketable Allotment. The committee will only give consideration to requests for transfers of Base Quantity prior to the time the Marketable Quantity is recommended to the Secretary for a particular season, after which time requests for transfers of Marketable Allotments may be made to, and considered by the committee: *Provided*, That, (i) Pursuant to § 967.36(b), transfers of Marketable Allotment may only be made to holders of Base Quantity; and (ii) Requests for transfers of Base Quantities for any future season may be made at any time, except, pursuant to § 967.37, no Base Quantity or portion thereof issued to a new producer may be transferred within three years of the date of issuance.

(3) No handler may purchase harvested celery from, or handle harvested celery on behalf of, any producer, under a Base Quantity or Marketable Allotment transferred from one producer to another producer, unless such transfer was approved by the committee and recorded by it, or appropriate subcommittee, and the transferee has been so notified by the committee.

(4) No transfer of all or a portion of a Base Quantity that was originally issued by the committee to a producer in an amount greater than 37,500 crates shall (i) cause the elimination of such Base Quantity from the Marketable Quantity or from the total Base Quantities when the Uniform Percentage is calculated pursuant to § 967.38(a), nor (ii) change the applicability of such Uniform Percentage in establishing the Marketable Allotment with respect to the portion of his Base Quantity that was not transferred, regardless of whether or not such remainder exceeds 37,500 crates. The same Uniform Percentage shall also be applicable to the transferee-producer with respect to all or the portion of the transferred Base Quantity, regardless of whether or not the transferred Base Quantity or portion thereof is 37,500 crates or less or, when added to the Base Quantity originally issued to such transferee-producer, does not aggregate more than 37,500 crates.

(f) Base Quantities not used for two consecutive seasons shall be declared invalid and cancelled if no bona fide effort is made to produce and sell celery thereunder. In determining what constitutes a "bona fide effort," the committee should require evidence of:

(1) Commitment of all resources necessary for the production and marketing of a celery crop.

(2) Registration with the committee annually, pursuant to § 967.37(f), to indicate intentions and commitments to produce and market celery.

(3) Production and sale of at least 50 percent of the producer's seasonal allotment of celery in which he has a proprietary interest, unless prevented from doing so by acts of God or other circumstances beyond his control.

Dated: March 21, 1978.

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

[FR Doc. 78-7823 Filed 3-23-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 205]

NATURAL GAS AND ELECTRICITY IMPORT AND EXPORT PROCEEDINGS

Proposed Rule for Ex Parte Communications

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") hereby gives notice of a proposal to establish rules for ex parte communications. The proposed rule applies to formal, on-the-record adjudications held by ERA to decide applications to import and export natural gas and electricity. A notice with an effective date of October 1, 1977, (42 FR 61856, December 7, 1977), explained that the ERA would follow the former Federal Power Commission procedures contained in Title 18, Code of Federal Regulations, Part I et seq. until it had sufficient time to promulgate its own procedural regulations.

DATES: Comments by April 24, 1978.

Requests to make an oral presentation by April 6, 1978.

ADDRESS: Comments or requests to make an oral presentation to Office of Public Hearing Management, Economic Regulatory Administration, Room 2313, Box RW, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), Department of Energy, Room 3104, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9833.

Lynne H. Church (Office of Natural Gas Regulations), Economic Regulatory Administration, Room 3308, 2000 M Street NW., Washington, D.C. 20461, 202-632-4721.

Gina Despres (Office of General Counsel), Department of Energy, Room 5117, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9380.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Rule
III. Proposed Effective Date
IV. Procedures for Written Comments

I. BACKGROUND

This proposed rule applies to natural gas and electricity import and export adjudications conducted in formal proceedings similar to those specified in sections 556 and 557 of the Administrative Procedure Act (APA) that were: (1) first submitted to the ERA on or after October 1, 1977; (2) transferred to the ERA following completion of certain procedures by the Federal Energy Regulatory Commission (FERC) pursuant to § 1000.1(c)(2) of the October 1, 1977 DOE Final Rule (42 FR 55534, October 17, 1977) entitled "Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission" (Final Rule); or (3) transferred to the Secretary of Energy pursuant to § 1000.1(b)(16)(i) of the Final Rule. The ERA will promulgate complete new procedural regulations at some future time. In the interim, the FPC regulations contained in Title 18 of the Code of Federal Regulations will continue to apply to the ERA proceedings except for matters covered in this proposed rule, when and if such rule is adopted.

II. PROPOSED RULE

The proposed rule prohibits communications, relevant to the merits of

formal proceedings to determine whether to grant an application to import or export natural gas or electricity, between DOE employees who are involved in the decision-making process and interested persons outside the agency when there is not adequate prior notice of the communication to all the participants. In addition, it provides that if a prohibited communication is made, it must be placed in the public record and copies sent to all participants. The proposed rule also gives the Administrator the discretion to dismiss, deny or disregard the claim of a participant who violates the regulation. Its purpose is to protect the integrity of the record upon which the determination whether to grant an application will be made by preventing the inclusion of opinions, arguments or evidence to which the participants in a proceeding do not have an opportunity to respond.

The proposed rule applies only to formal, on-the-record adjudications similar to those outlined in sections 556 and 557 of the APA. There is no explicit statutory requirement that proceedings under section 3 of the Natural Gas Act or section 202(e) of the Federal Power Act to determine import or export applications be conducted on the record in accordance with sections 554 through 559 of the APA. However, the Federal Power Commission followed that practice, as has the FERC. By the same reasoning, the ERA has determined that the APA is not applicable to its import and export proceedings under the Natural Gas and Federal Power Acts, but nevertheless has tentatively decided to adhere to it for the present.

Accordingly, the proposed rule incorporates the procedural requirements of section 557(d) of the APA, which is the section governing ex parte communications in formal adjudication. Many of the provisions of the proposed rule, in fact, reflect comments contained in the legislative history of APA section 557(d), which flesh out the skeletal definitions in the statute itself. For example, the proposed definition of "interested person" excludes federal agencies, based on a statement in the legislative history that for purposes of section 557(d) "person" has the same meaning as elsewhere in the Act. Section 551(2) of the APA defines "person" as excluding federal agencies. However, if a federal agency is an actual participant in a proceeding, such as an intervenor, it does not come within the federal agency exclusion and is subject to the proposed rule.

The proposed definition of "decisional employee" is also based on the APA legislative history. It includes all employees who will participate or should reasonably be expected to participate in the decision-making process, which involves all facets of the deliberative process, from the preliminary identification of issues to their final resolution. Any employee of the Department, including a paid consultant, who is consulted by the Administrator or his staff on matters relevant to the merits of the proceeding is a participant in the decision-making process.

"Relevant to the merits," as defined, also tracks the language of the APA and incorporates the legislative history's view that the term is broader than the "facts in issue," within the meaning of APA section 554. However, the definition does not extend to general background discussions about an entire industry or communications of a general nature made in the context of developing policy for future general application.

Finally, the proposed rule provides that the prohibition will apply at the time notice of a hearing in the proceeding is published or, as to a person making or receiving the communication, at the time he or she knows that it will be noticed. This is consistent with section 557(d)(1)(E) of the APA.

III. Proposed Effective Date

Because there are several pending applications that will be resolved by formal on-the-record adjudication, ERA proposes to make the rule effective upon adoption.

IV. Procedures for Written Comments

You are invited to participate in this rulemaking by submitting views, data or arguments with respect to the proposal set forth in this Notice. Comments should be submitted to the address indicated above in this Notice and should be identified on the outside envelope with the designation "Proposed Rule for Ex Parte Communications in Proceedings to Import and Export Natural Gas and Electricity." Fifteen copies should be submitted. All comments received by April 24, 1978, will be considered in evaluating our proposed rule. All comments received will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 1200 Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in a single written copy. We reserve the right to determine the confidentiality of the information or data and to treat it according to our determination.

Since this proposal is procedural only and complies with existing statutory requirements, we have determined that no substantial issue of fact or law exists and that the proposed rule is unlikely to have a substantial impact on the nation's economy or on large numbers of individuals or businesses. Therefore, there is no necessity for an oral presentation of views, data and arguments. However, any person who believes that he or she would be adversely affected by the implementation of the proposed rule and desires an opportunity to make an oral presentation may request such an opportunity.

The request should be made in writing, sent to the address indicated above in this Notice by April 6, 1978, and identified on the outside envelope with the designation "Proposed Rule for Ex Parte Communications in Proceedings to Import and Export Natural Gas and Electricity." Fifteen copies should be submitted. The request should also contain material supporting the existence of a substantial issue of fact or law or the existence of a substantial impact on the nation's economy or on large numbers of individuals or businesses, with respect to the proposed rule. The Administrator will determine whether the request and the supporting material warrant the opportunity for an oral presentation.

This proposal is procedural only, and the requirement in section 7(a)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, that proposals "affecting the quality of the environment" be reviewed by the Environmental Protection Agency prior to issuance is deemed not to apply.

Pursuant to the requirements of section 404 of the Department of Energy Organization Act (Pub. L. 95-91), upon issuance this proposed rule will be referred to the Federal Energy Regulatory Commission for a determination whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to section 402(a)(1), (b), and (c)(1) of the Act. The Commission will have until April 24, 1978, the date the public comment period closes, to make this determination.

Natural Gas Act of 1938, Pub. L. 75-688, as amended; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., March 20, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

Subpart U—Procedures for Natural Gas and Electricity Import and Export Cases

Sec.
205.260 Purpose and scope.
205.261 through 205.269 [Reserved]
205.270 Ex parte communications.

AUTHORITY: Natural gas Act of 1938, Pub. L. 75-688, as amended; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act. Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.

Subpart U—Procedures for Natural Gas and Electricity Import and Export cases

§ 205.260 Purpose and scope.

(a) The purpose of this section is to state the procedures that will be followed by the Economic Regulatory Administration of the Department of Energy in natural gas and electricity import and export proceedings.

(b) Definitions.

As used in this subpart—

"Administrator" means the Administrator of the Economic Regulatory Administration.

"Decisional employee" means the Administrator, hearing officers, and other employees of the Department, including consultants and contractors, who are, or may reasonably be expected to be, involved in the Department's process of identifying, analyzing, examining and resolving the issues in a proceeding.

"Department" means the Department of Energy.

"Ex parte communication" means an oral or written communication relevant to the merits of a proceeding and not on the record and with respect to which reasonable prior notice to all participants and opportunity to be present at, or respond to, the communication is not given, but does not include communications relating solely to procedures which are not relevant to the merits of the proceeding.

"Interested person" means a person outside the Department whose interest in the proceeding goes beyond the general interest of the public as a whole and includes applicants, intervenors, competitors of applicants, nonprofit and public interest organizations, and other individuals and organizations, including public officials, with a proprietary, financial or other special interest in the outcome of the proceeding. The term does not include other federal agencies, except to the extent that an agency is a participant in the proceeding.

"Participant" means any applicant, intervenor, and Departmental counsel participating in the hearing stage of the proceeding.

"Proceeding" means a formal adjudication, employing procedures identical or similar to those required by sections 556 and 557 of the Administrative Procedure Act to consider an application to import or export natural gas or electricity.

"Reasonable prior notice" means 7 days written notice stating the nature and purpose of the communication.

"Relevant to the merits" means a communication directly related to the merits of a specific proceeding but does not include general background discussions about an entire industry or communications of a general nature made in the course of developing agency policy for future general application.

§ 205.261 through 205.269 [Reserved]

§ 205.270 Ex Parte Communications.

(a) In any proceeding which is subject to this subpart—

(1) No interested person shall make an ex parte communication or knowingly cause an ex parte communication to be made to any decisional employee.

(2) No decisional employee shall make an ex parte communication or knowingly cause an ex parte communication to be made to any interested person.

(3) A decisional employee who receives, makes, or knowingly causes to be made an oral communication prohibited by this section shall prepare a memorandum stating the substance of the communication and any responses made to it.

(4) Within 48 hours of receiving, making, or knowingly causing to be made a communication prohibited by this section, a decisional employee shall deliver all written ex parte communications and all memoranda prepared in compliance with subparagraph (3) of this paragraph to the Chief of the Document Control Section, Office of Fuels Regulation, ERA, for immediate placement in the public record associated with the proceeding.

(5) At the time the Chief of the Document Control Section places the materials described in subparagraph (4) in the public record, he or she shall also serve copies of these materials on all participants in the proceeding.

(6) Upon receipt of a communication knowingly made or knowingly caused to be made by a participant in violation of this section, the Administrator or hearing officer may, to the extent consistent with the interests of justice and the applicable statutory policy, require the participant to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the violation.

(7) The prohibitions of this section shall apply at the time a proceeding is noticed for hearing, unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions will apply beginning at the time of his or her acquisition of such knowledge.

[FR Doc. 78-7977 Filed 3-23-78; 8:45]

[3128-01]

[10 CFR Parts 211 and 212]

EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS

Hearing Postponement, Cancellation of Certain Regional Hearings, and Extension of Comment Period

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of postponement of the Washington, D.C., and Dallas, Tex., public hearings; cancellation of the San Francisco, Calif., and Chicago, Ill., public hearings; extension of time for submission of written comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice of the postponement of the date for the Washington, D.C., and Dallas, Tex., public hearings on the Emergency Standby Mandatory Crude Oil and Refinery Yield Control Programs previously set forth in a notice of proposed rulemaking and public hearing issued on February 10, 1978 (43 FR 6611, February 15, 1978), in order to permit more detailed evaluation of the proposed rulemaking, particularly in light of the pilot test of this program scheduled for April and May, 1978. The public hearing in Washington, D.C., originally scheduled for March 28, 1978, is now scheduled for June 6, 1978, and the regional public hearing scheduled for Dallas, Tex., originally scheduled for March 22, 1978 is rescheduled for June 1, 1978. Regional public hearings in San Francisco, Calif., and Chicago, Ill., originally scheduled in the February 10, 1978 notice and rescheduled in a notice of change of hearing dates issued February 22, 1978 (43 FR 8158, February 28, 1978), are cancelled due to lack of interest. The date for receipt of written comments, originally March 21, 1978, has been changed to June 5, 1978.

DATES: Comments by June 5, 1978, 4:30 p.m.; requests to speak by May 22, 1978, 9:30 a.m.

HEARING DATES: Washington hearing: June 6, 1978, 9:30 a.m.; Dallas hearing: June 1, 1978, 9:30 a.m.

ADDRESSES: All comments to: Department of Energy, Public Hearing

Management, Room 2313, 2000 M Street NW., Box RU, Washington, D.C. 20461.

REQUESTS TO SPEAK: Washington hearing: Department of Energy, Attn: Public Hearing Management, Room 2313, Box RU, 2000 M Street NW., Washington, D.C. 20461. Dallas hearing: Department of Energy, Attn: Arlene Millard, 2626 West Mockingbird Lane, Dallas, Tex. 75235.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Public Hearing Management), Economic Regulatory Administration, 2000 M Street NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

Sabina Cooper (Office of General Counsel), 12th and Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, 202-566-2454.

Issued in Washington, D.C., March 20, 1978.

DOUGLAS G. ROBINSON,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 78-7825 Filed 3-23-78; 8:45 am]

[3128-01]

[10 CFR Part 218]

INTERNATIONAL OIL ALLOCATION

Hearing Postponement and Extension of Comment Period

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of postponement of public hearing; extension of time for submission of written comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice of the postponement of the Public Hearing and extension of the comment period for the International Oil Allocation program previously set out in a Notice of Proposed Rulemaking and Public Hearing issued on February 10, 1978 (43 FR 6794, February 16, 1978), in order to permit more detailed evaluation of the proposed rulemaking in light of experience acquired during the International Energy Agency's test of its emergency allocation program to be held during April and May of 1978. The hearing originally scheduled for March 30, 1978, is hereby rescheduled for June 13, 1978 and the comment period originally ending March 21, 1978 is extended to June 12, 1978.

DATES: Comments by June 12, 1978, 4:30 p.m.; requests to speak by May 22, 1978, 9:30 a.m.

HEARING DATE: June 13, 1978.

HEARING LOCATION: Room 2105, 2000 M Street, NW., Washington, D.C.

ADDRESSES: All comments to: Department of Energy, Public Hearing Management, Room 2313, 2000 M Street, NW., Box RV, Washington, D.C. 20461.

REQUESTS TO SPEAK. Attn: Public Hearing Management, Room 2313, Department of Energy, Box RV, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Public Hearing Management), Economic Regulatory Administration, 2000 M Street NW. Room 2222A, Washington, D.C. 20461, 202-254-5201

Gerald P. Emmer (Office of Regulations & Emergency Planning), Economic Regulatory Administration, 2000 M Street NW. Room 2304, Washington, D.C. 20461, 202-254-7200

Martin Kaufman or Robert G. Goodwin, Jr., (Office of General Counsel), 12th and Pennsylvania Avenue, NW. Room 7134, Washington, D.C. 20461, 202-566-9380

Issued in Washingtn, D.C., March 20, 1978.

DOUGLAS G. ROBINSON,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 78-7817 Filed 3-23-78; 8:45 am]

[3128-01]

[10 CFR Parts 209, 711, 1021]

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Proposed Rulemaking; Cancellation of Public Hearing

AGENCY: Department of Energy.

ACTION: Proposed rulemaking; cancellation of public hearing.

SUMMARY: On February 21, 1978, the Department of Energy (DOE) proposed regulations for compliance with the National Environmental Policy Act (NEPA) (43 FR 7232). In the same notice, DOE announced that a public hearing would be held on March 30, 1978, for the purpose of accepting oral comments on the proposed regulations. Because only one request to speak was made, DOE has determined, after consultation with the requesting party, that the public hearing will not be necessary. Accordingly, the hearing previously scheduled for March 30, 1978, is cancelled.

DOE will continue to accept written comments on the proposed regulations for compliance with NEPA until April 10, 1978. Details regarding the proposed regulations and written comment procedures appear in the original FEDERAL REGISTER Notice, 43 FR 7232 (February 21, 1978).

FOR FURTHER INFORMATION CONTACT:

Robert J. Stern, Office of the Assistant Secretary for Environment, 12th and Pennsylvania Avenue, NW., Room 7121, Washington, D.C. 20461, 202-566-9760.

Stephen H. Greenleigh, Acting Assistant General Counsel for Environment, 20 Massachusetts Avenue, NW., Room 8217, Washington, D.C. 20545, 202-376-4266.

Issued in Washington, D.C., March 21, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-7847 Filed 3-23-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Chapter II]

[EDR-347, PDR-49; Docket 32219; Dated March 9, 1978]

U.S. CORPORATIONS WHICH DO NOT QUALIFY AS A "CITIZEN OF THE UNITED STATES"

Advance Notice of Proposed Rulemaking

Correction

In FR Doc. 78-6890, appearing at page 10938 in the issue of Thursday, March 16, 1978, everything in the "DATES" paragraph except the first sentence should be deleted.

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5916, 34-14576, 35-20453, Files S7-724 and S7-715]

MINERAL RESOURCE ASSETS—REPLACEMENT COST DISCLOSURES—OIL AND GAS PRODUCING OPERATIONS

Proposed Rules

AGENCY: Securities and Exchange Commission.

ACTION: Revision of proposed rules and extension of comment period.

SUMMARY: In Release No. 33-5878, the Commission propose rules (1) to rescind the existing requirements for certain registrants to disclose replacement cost information about their mineral resource assets employed in oil and gas producing activities and (2) to require registrants with mineral resource assets employed in oil and gas producing activities to disclose in filings covering fiscal years ending on or after December 25, 1978, information based on the present value of future net revenues from estimated production of proved oil and gas reserves. This release reflects certain revisions to the proposed rules relating to the presentation of the present value data. The Commission has extended the period for submitting written comments in response to these proposals to May 19, 1978. Commentators are directed to File S7-715 as well as File S7-724 for information relevant to this proceeding.

DATE: Comments should be submitted on or before May 19, 1978.

ADDRESS: Comments should refer to File S7-724 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1671.

SUPPLEMENTARY INFORMATION: In Release No. 33-5878, 42 FR 57651 (November 3, 1977), the Commission published for comment proposed amendments to Regulation S-X (17 CFR Part 210), which governs the form and content of financial statements filed with the Commission, as summarized below:

(a) Mineral resource assets employed in oil and gas producing operations[1] would be exempt from the replacement cost disclosure requirements of § 210.3-17 (c) and (d), which relate to productive capacity and related depreciation, depletion, and amortization.

(b) A new rule, § 210.3-18(j), was proposed to provide disclosure of:

(1) The future net revenues from production of proved oil and gas reserves (based on estimates of future production using current prices of oil and gas and current costs of developing and operating the properties);

(2) The present value of estimated future net revenues from production of proved oil and gas reserves using an estimated production loan rate as a discount factor; and

(3) Certain other analytical data relating to the computation of the information described above.

The staff of the Commission has recently received from persons in the process of developing comments on these proposals questions concerning the provisions of proposed § 210.3-18(j)(2) which would require the disclosure of specified present value data "[f]or each category for which changes in the net quantities of estimated proved reserves of oil and gas are disclosed * * *"

In response to these questions, the Commission has revised the proposed disclosure requirements of § 210.3-18(j)(2). As revised, the proposed rules provide for the disclosure of the present value of Estimated Future Net Revenues from Proved Reserves as of the end of each year for which changes in the net quantities of proved reserves are presented, with separate presentations of the present value data for estimated proved reserves as of year-end which were

(1) Proved in previous years,

(2) Added during the current year as a result of improved recovery programs,

(3) Purchased in-place during the year, and

(4) Added during the year through extensions, discoveries and other additions.

In addition, the Commission has revised proposed § 210.3-18(j)(1) to require separate disclosure of the present value data for year-end estimates of (1) proved developed reserves, (2) proved reserves of oil and gas applicable to long-term supply agreements with foreign governments in which the registrant acts as producer, and (3) the registrant's proportional interest in reserves of investees accounted for by the equity method. The Financial Accounting Standards Board provided for the disclosure of estimated quantities of reserves for these categories in its Statement No. 19[2] issued in December 1977.

The rules proposed in Release No. 33-5878 have been revised and are presented at the conclusion of this release to reflect the matters discussed above. The following tables illustrate the disclosure which the revised rules would require for each geographic area for which disclosures of net quantities of reserves of oil and of gas are provided, i.e., the reporting entity's home country (if significant reserves are located there) and each foreign geographic area (individual countries or group of countries as appropriate for meaningful disclosure in the circumstances) in which significant reserves are located.

[1] The staff of the Commission provided an interpretation in Staff Accounting Bulletin No. 10, 41 FR 35163 (July, 1976), which indicated that "mineral resource assets are defined as those costs shown on the balance sheet representing assets which are directly associated with and which derive value from mineral reserves." A list of examples of mineral resource assets for oil and gas producing activities was also provided.

[2] The Commission is now engaged in rulemaking proceedings involving accounting practices for oil and gas producers, as described in Release Nos. 33-5861 (42 FR 44927), 33-5877 (42 FR 57661), 33-5892 (43 FR 887) and 33-5905 (43 FR 6810).

ESTIMATED FUTURE NET REVENUES FROM PROVED RESERVES OF OIL AND GAS AS OF DEC. 31, 1978

	Proved developed and undeveloped	Proved developed	Long-term supply agreements with foreign governments (company operated)	Equity investees (proportional share)
1979	$X	$X	$X	$X
1980	X	X	X	X
1981	X	X	X	X
1982	X	X	X	X
1983	X	X	X	X
1984–88	X	X	X	X
1989–93	X	X	X	X
1994–98	X	X	X	X
Remainder	X	X	X	X
Total	X	X	X	X

Present value of estimated future net revenues from proved reserves of oil and gas

	December 31	
	1978	1977
Proved developed and undeveloped reserves:		
Added in previous years	$X	$X
Added during year:		
Improved recovery	X	X
Purchases in-place	X	X
Extensions, discoveries and other additions	X	X
	X	X
Total end of year	X	X
Proved developed reserves	X	X
Long-term supply agreements with foreign governments (company operated)	X	X
Equity investees (proportional share)	X	X
Discount factor (in percent)	X	X
Weighted-average prices used in computations:		
Oil—per barrel	$X	$X
Gas—per Mcf	X	X

If the discount factor was changed by one per cent, the present value amounts would change as follows: proved reserves—$X; proved developed reserves—$X; long-term supply aggreements with foreign governments—$X; and investees—$X.

In response to another question, the Commission wishes to clarify its intent concerning the computation of the Estimated Future Net Revenues from Proved Reserves described in proposed § 210.3-18(j)(1). The development expenditures required to develop proved reserves (estimated at the current cost to perform the development activities) should reduce the estimated cash flow from production (based on current prices of products) in the future periods in which the development activity is expected to occur.

The Commission again calls attention to the quantity of data which the proposed disclosures would require. The Commission expressed concern in this regard in Release No. 33-5878 and specifically solicited comments on different approaches which might be considered in achieving its objectives in proposing the disclosures as well as on the need for disclosure of the analytical data proposed for disclosure. The primary purpose for proposing disclosure of the analytical data (the undiscounted estimated future net revenues amounts, the sensitivity of the present value amounts to a one per cent change in the discount factor, and the weighted-average prices of oil and gas used in the computations) is to provide investors sufficient data to adjust, in order of magnitude, the present value data to reflect different assumptions in valuing the reserves from those provided in the proposed rules. The Commission, if it determines to adopt rules as a result of this proceeding, is hopeful that the comments in response to the proposed rules will aid in identifying approaches to reduce the quantity of data to be disclosed from that reflected in the proposed rules.

COMMENT PERIOD EXTENDED

The rules proposed in Release No. 33-5878 would be effective, if adopted, *for financial statements* for fiscal years beginning after December 15, 1978 (rather than June 15, 1978, as originally proposed). However, as indicated in that release, the Commission expects to propose the presentation of the information on proved reserve quantities and present value data discussed in this release in filings with the Commission covering fiscal years ending on or after December 25, 1978, but not as part of the financial statements.

In connection with the Commission's development of accounting practices for oil and gas producers as described in footnote 2 above, a number of comments and other relevant information have been supplied which are pertinent to the Commission's consideration of proposed § 210.3-18(j). For this reason, File No. S7-715, the public file for the proceedings on oil and gas accounting practices, has been made part of the public file for this rule-making proceeding (Public File S7-724).

Because of the relationship between the two rule-making proceedings and to provide time for interested persons to respond to the matters discussed in this release, the Commission has extended the date for which comments may be submitted on the rules proposed in Release No. 33-5878 and revised in this release to May 18, 1978, the final day for the submission of comments relating to the proceedings on oil and gas accounting practices.

COMMISSION ACTION

The Commission hereby proposes revised rules, originally proposed in Release No. 33-5878 (42 FR 57651), to amend 17 CFR Part 210 by revising the "Exemption" paragraph of § 210.3-17 and adding a new paragraph (j) to proposed § 210.3-18, as presented below:

§ 210.3-17 Current replacement cost information.

* * * * *

Exemption. This section shall not apply to any person where the total of inventories and gross property, plant and equipment (i.e., before deducting accumulated depreciation, depletion and amortization) as shown in the consolidated balance sheet at the beginning of the most recently completed fiscal year is less than $100 million or where the total of inventories and gross property, plant and equipment is less than 10 percent of the total assets of the person as shown in the consolidated balance sheet at the beginning of the most recently completed fiscal year. The replacement cost information specified below in paragraphs (c) and (d) is not required to be shown for mineral resource assets employed in the production of crude oil or natural gas.

* * * * *

§ 210.3-18 Financial accounting and reporting for oil and gas producing activities.

* * * * *

(j) *Disclosure of future net revenues from estimated production of proved oil and gas reserves.* In conjunction with the disclosure of changes in net quantities of estimated proved reserves of oil (including condensate and natural gas liquids) and of gas as required by paragraph (i)(1),[3] the following supplementary information shall be disclosed in financial statements for each geographic classification for which quantities of oil and gas are disclosed:

[3] See Release No. 33-5877 (42 FR 57661). Paragraph (i)(1) of proposed § 210.3-18 contains the proposed requirements for the disclosure of quantities of proved hydrocarbon reserves.

(1) For each of the following categories: (i) proved oil and gas reserves, (ii) proved developed oil and gas reserves, (iii) proved oil and gas reserves applicable to long-term supply agreements with foreign governments in which the entity acts as producer, and (iv) the entity's proportional interest in proved oil and gas reserves of investees accounted for by the equity method, an amount (the "Estimated Future Net Revenues from Proved Reserves"), in the aggregate, computed by applying current prices of oil and gas to estimated future production of proved oil and gas reserves as of the date of the latest balance sheet presented, less estimated future expenditures (based on current costs) to be incurred in developing and producing the proved reserves, for (i) each of the five succeeding fiscal years, (ii) each of the next three five-year periods, and (iii) the remainder in a single amount.

(2) The present value of the Estimated Future Net Revenues from Proved Reserves (the "Present Value of Estimated Future Net Revenues from Proved Reserves"), as of the date of the ending balance sheet of each period for which the changes in the net quantities of proved reserves of oil and gas are provided, computed using the Estimated Future Net Revenues from Proved Reserves and a discount factor based on the interest rate at which the reporting entity estimates it could obtain financing secured solely by its proved oil and gas reserves at such balance sheet date; and the Present Value of Estimated Future Net Revenues from Proved Reserves, at such balance sheet date, attributable to each of the following components of proved oil and gas reserves: (i) Proved reserves added in years prior to the current year, (ii) proved reserves added during the current year resulting from improved recovery programs, (iii) proved reserves purchased in-place during the current year, and (iv) proved reserves added during the current year through extensions, discoveries and other additions.

(3) The present value of the estimated future net revenues, computed as set forth at subparagraph (1) of this paragraph, from production of each of the following, stated separately: (i) Proved developed reserves of oil and gas, (ii) proved reserves of oil and gas applicable to long-term supply agreements with foreign governments in which the company acts as producer, and (iii) the entity's proportional interest in proved reserves of oil and gas of investees accounted for by the equity method.

(4) The interest rate(s) used as the discount factor(s) together with the approximate amount of the change in the aggregate amount of the Present Value of Estimated Future Net Revenues from Proved Reserves as of the balance sheet date which would result from a one per cent change in the discount factor used in the computations.

(5) The weighted-average prices of oil and of gas used in the computations.

(6) Any additional information of which management is aware and which it believes is necessary to prevent the above information from being misleading.

* * * * *

These amendments are proposed to be effective for financial statements for fiscal years beginning after December 15, 1978, and for interim periods within those fiscal years, although earlier application is encouraged.

The Commission, however, plans to propose amendments to its existing requirements for the disclosure of quantities of oil and gas reserves. The Commission's existing requirements, adopted in Release No. 33-5706 (41 FR 21764), provide for the disclosure of quantities of proved reserves but not as part of financial statements. In these anticipated amendments, which would become effective for filings covering fiscal years ending on or after December 25, 1978, the Commission expects to propose the disclosure of proved reserve quantities in the format provided in FASB Statement No. 19 together with the present value data proposed in this release; however, the Commission does not plan to require such disclosure in financial statements prior to fiscal years beginning after December 15, 1978.

These amendments are proposed to be adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) (15 U.S.C. 78*l*, 78m, 78*o*(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14, and 20(a) (15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935; and Section 503(b)(2) (42 U.S.C. 6383) of the Energy Policy and Conservation Act of 1975. Pursuant to Section 23(a)(2) of the Exchange Act the Commission has considered the impact of these proposals on competition and is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 17, 1978.

[FR Doc. 78-7810 Filed 3-23-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 20]

[LR-1-77]

GROUP-TERM LIFE INSURANCE

Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to group-term life insurance.

DATES: The public hearing will be held on April 26, 1978, beginning at 10 a.m., and, if necessary, will continue on April 27, 1978. Outlines of oral comments must be delivered or mailed by April 12, 1978, to the Commissioner of Internal Revenue.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (LR-1-77).

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, telephone 202-566-3935, not a toll free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 79, etc., of the Internal Revenue Code of 1954, relating to group-term life insurance. The proposed regulations appeared in the FEDERAL REGISTER for Thursday, January 5, 1978 (43 FR 976).

A notice of proposed rulemaking published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5371) also contained proposed amendments to the regulations under section 79. That notice would have provided rules for the tax treatment of insurance that includes a permanent benefit and changed the uniform premium rate table of § 1.79-3(d)(2). However, it was withdrawn on March 21, 1977 (42 FR 15340) for further study. The proposed regulations that were published on January 5, 1978 (43 FR 976), and

which are the subject of the hearing, are the result of the study.

Outlines of oral comments will be acknowledged by telephone upon receipt. Those who submit outlines but receive no acknowledgment within a reasonable amount of time after mailing should contact Mr. Bradley or Mr. Hayden.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 12, 1978. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

Dated: March 21, 1978.

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

[FR Doc. 78-7918 Filed 3-23-78; 8:45 am]

[4510-27]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50-202]

MINIMUM WAGE DETERMINATIONS

Adjustment to Wage Increases Provided Under the Fair Labor Standards Act Amendments of 1977

AGENCY: Employment Standards Administration, Labor.

ACTION: Proposed wage determination.

SUMMARY: The Walsh-Healey Public Contracts Act requires payment of minimum wages on Federal and District of Columbia contracts for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000. The department has historically issued wage determinations under the Walsh-Healey Act which required the payment of a wage not less than the Fair Labor Standards Act minimum wage, whether or not the contractor was covered by the Fair Labor Standards Act. The Fair Labor Standards Amendments of 1977 increased the minimum wage required to be paid under the Fair Labor Standards Act. Therefore, it is proposed to amend the existing Walsh-Healey Act wage determinations which are below the Fair Labor Standards Act minimum wage by increasing the wage to the current Fair Labor Standards Act minimum wage.

DATE: Any request for a hearing must be received by the Administrator on or before April 24, 1978.

ADDRESS: Requests for hearings shall be addressed to Xavier M. Vela, Administrator, Wage and Hour Division, Employment Standards Administration, Department of Labor, New Department of Labor Building, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

George E. Rivers, Counsel for Contract Labor Standards, General Legal Services, Office of the Solicitor, Room N2458, New Department of Labor Building, Washington, D.C. 20210, telephone 202-523-8303.

SUPPLEMENTARY INFORMATION: Some of the prevailing minimum wage determinations for the bituminous coal industry currently in effect under section 1(b) of the Walsh-Healey Public Contracts Act as amended (41 U.S.C. 35, et seq.) provide minimum wages higher than $2.65 per hour. Other such determinations for that industry, and for all industries generally, based on evidence now believed to be outdated, provide minimum wages of less than $2.65 per hour.

Effective January 1, 1978, the Fair Labor Standards Amendments of 1977 (Pub. L. 95-151) required the payment of a minimum wage of not less than $2.65 per hour, except as otherwise specifically provided, by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce (as those terms are broadly defined in that Act), or is employed in certain enterprises so engaged, who does not come within one of the Act's specific exemptions. Further increases in the minimum wage have been legislated which will go into effect on January 1 of 1979, 1980, and 1981.

Based upon data obtained in over 39 years of investigation and litigation, including administration and enforcement of nine previous statutory minimum wage increases under the Fair Labor Standards Act of 1938, economic studies and statutory reports to the Congress, I propose to find under section 7(d) of the Administrative Procedure Act (5 U.S.C. 556(d)), that the application of and compliance with this requirement is such as to raise to $2.65 per hour (the current section 6(a)(1) FLSA minimum wage effective on January 1, 1978) any level of lower minumum wages in any of the groups of industries currently operating in any locality in which materials, supplies, articles, or equipment are to be manufactured or furnished under any contracts subject to the Walsh-Healey Public Contracts Act, and further to raise the minimum rate to $2.90 per hour effective January 1, 1979, to $3.10 per hour effective January 1, 1980, and to $3.35 per hour effective January 1, 1981.

Accordingly, I propose to make a final prevailing minimum wage determination under section 1(b) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(b)) which will be effective as to all contracts subject to the Act, bids which are invited, offers which are solicited, or negotiations otherwise commenced on or after the effective date of the wage determination issued pursuant to this proposal. I propose to find that the prevailing minimum wage is $2.65 per hour in all those groups of industries currently operating in each locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under such contracts, except those particular or similar industries for which minimum wage determinations higher than $2.65 per hour have been made. Under § 50.202.3, provision has been made for the employment of learners, student learners, apprentices, and handicapped workers at lesser rates to the same extent that such employment is permitted under the Fair Labor Standards Act. I further propose to increase said Walsh-Healey Act minimum wage determinations to keep pace with the FLSA minimum wage increases in 1979, 1980 and 1981.

Section 50-202.16(c) permits an averaging of wages paid to bituminous coal miners who are paid on an incentive basis. That is, if the average incentive wage earned by a group of bituminous coal miners is equal to or greater than the Walsh-Healey Act minimum wage, the contractor is in compliance with the Walsh-Healey Act even though some bituminous coal miners earn less than the Walsh-Healey Act minimum wage.

When this section was issued, there was no reasonable prospect that any bituminous coal miner would ever make less than the FLSA minimum wage in that the spread between the FLSA minimum wage and the Walsh-Healey Act minimum wage was substantial. With recurring increases of the FLSA minimum wage and no new wage determinations issued under the Walsh-Healey Act this is no longer true. As this averaging provision is not an authorization to violate the Fair

Labor Standards Act, it can apply only when, and only to the extent that, the Walsh-Healey Act minimum wage exceeds the FLSA minimum wage. Only a few wage minimums now exceed $2.65 and none exceed $2.90. The provision is, accordingly, of no practical value and, therefore, I propose to delete paragraph (c) of § 50-202.16.

Any person adversely affected or aggrieved by this proposal (who shall be deemed to include any manufacturer of, or regular dealer in, materials, supplies, articles, or equipment purchased or to be purchased by the Government from any source, who is in any industry to which this proposal is applicable, and any employee or representative of employees of any such person) shall have a hearing, as provided in section 10(b) of the Act (41 U.S.C. 43a(b)), and an opportunity to make a showing contrary to the facts herein officially noticed, as provided in section 7(d) of the Administrative Procedure Act (5 U.S.C. 556(d)) upon timely application as herein provided.

Such application must be in writing and filed in quadruplicate with the Administrator, Wage and Hour Division, Employment Standards Administration, Department of Labor, New Department of Labor Building, Washington, D.C. 20210, no later than April 24, 1978. It shall define precisely each industry and each locality in such industry as to which the applicant will make such a showing and state the minimum wages the applicant will show to be prevailing there. Each copy of such application shall have attached a copy of each document the applicant intends to introduce in evidence at the hearing, an identification of each witness the applicant intends to call, a summary of the testimony the applicant expects to develop from each such witness, the name and address of the person selected to present such evidence, and the applicant's estimate of the time such presentation will require. The issues at any such hearing shall not exceed those presented in any such application or applications. A hearing will be scheduled only in response to an application that is timely filed and that contains all of the information specified above. In addition to notification of the parties requesting the hearing, the time and place of hearing will be published in the FEDERAL REGISTER, if, and after, any applications are received. The procedure will be governed by sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 556 and 557), 41 CFR Part 50-203, Subpart C, and the applicable provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35, et seq.).

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

In the absence of requests for hearings, I propose to amend the wage determination in §§ 50-202.2 and 50-202.16 of Title 41 as follows:

1. Section 50-202.2 is amended as follows:

§ 50-202.2 Minimum wages in all industries except to the extent to which a higher minimum rate is provided in Subpart C.

In all industries, except to the extent to which a higher minimum wage is provided in Subpart C, the minumum wage applicable to employees described in § 50.201.102 of this chapter shall be not less than $2.65 per hour commencing January 1, 1978, $2.90 per hour commencing January 1, 1979, $3.10 per hour commencing January 1, 1980 and $3.35 per hour commencing January 1, 1981. As all minimum wages in Subpart C are less than $2.90 per hour, Subpart C is rescinded as of January 1, 1979.

2. Section 50-202.3 is amended to read as follows:

§ 50-202.3 Learners, student learners, apprentices, and handicapped workers.

Learners, student learners, apprentices, and handicapped workers may be employed at less than the minimum wage prescribed in § 50-202.2 to the same extent such employment is permitted under section 14 of the Fair Labor Standards Act.

3. Section 50-202.16 is amended by revising paragraph (b) and deleting paragraph (c) as follows:

§ 50-202.16 Bituminous coal industry.

* * * * *

(b) *Minimum wages.* The minimum wage for employees (other than auxiliary workers) engaged in the production or furnishing of bituminous coal (including lignite) shall be not less than the amount indicated for each area as follows:

* * * * *

District 9. Kentucky: Not less than that minimum wage prescribed in § 50-202.2.

* * * * *

District 13. Southeastern (Alabama, Georgia, and Tennessee): Not less than that minimum wage proscribed in § 50-202.2.

District 14. Arkansas-Oklahoma: Not less than that minimum wage prescribed in § 50-202.2.

District 15. Southwestern (Kansas, Texas, Missouri and Oklahoma): Not less than that minimum wage prescribed in § 50-202.2.

* * * * *

District 21. North Dakota-South Dakota: Not less than that minimum rate prescribed in § 50-202.2.

* * * * *

(c) [Reserved.]

* * * * *

Signed at Washington, D.C., on this 17th day of March 1978.

XAVIER M. VELA,
Administrator.

[FR Doc. 78-7910 Filed 3-23-78; 8:45 am]

[4110-86]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[42 CFR Part 71]

IMPORTATION OF LATHER BRUSHES

AGENCY: Center for Disease Control, PHS, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The existing regulation will be revised to eliminate the requirement that samples from all commercial shipments of lather brushes made from animal hair or bristles being imported into the United States be rourtinely tested for the presence of *Bacillus anthracis.* The revision will amend 42 CFR Part 71, section 71.151, to authorize selective sampling as necessary to prevent the introduction of communicable diseases. The revision will require certification by the manufacturer that the procedures and methods used in manufacturing the brushes prevent the contamination or recontamination with viable vegatative forms and spores of *Bacillus anthracis.*

FOR FURTHER INFORMATION CONTACT:

Mrs. Sara S. Owens, Regulations Officer, Center for Disease Control, PHS, HEW, Atlanta, Ga. 30333, telephone 404-633-3311, extension 6723, of FTS: 236-7723.

Dated: March 1, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

[FR Doc. 78-7749 File 3-23-78; 8:45 am]

[1505-01]

Public Health Service

[42 CFR Part 110]

HEALTH MAINTENANCE ORGANIZATIONS

Proposed Rulemaking

Correction

In FR Doc. 78-6757, published at page 11472, in the FEDERAL REGISTER of Friday, March 17, 1978, at page 11472 a cross-reference page number was inadvertently omitted. In line 41 of the second column, the page reference should be 43 FR 11229.

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 14]

DEPARTMENTAL PROCEEDINGS

Publication of Rulemaking Petition

AGENCY: Department of the Interior.

ACTION: Publication of rulemaking petition.

SUMMARY: The Department of the Interior has received a petition asking that it adopt regulations providing for the payment of the expenses of participants in Departmental proceedings who represent a point of view not otherwise adequately represented and are financially unable to sustain the costs of participation. This notice solicits public comment on the advisability of adopting such regulations and on the possible scope and content of such regulations.

DATES: Comments by April 15, 1978.

ADDRESS: Comments should be addressed to the Acting Assistant Solicitor—General Legal Services, Office of the Solicitor, Room 6525, U.S. Department of the Interior, Washington, D.C. 20240. Comments may be inspected at the same address.

FOR FURTHER INFORMATION CONTACT:

John D. Trezise, Acting Assistant Solicitor—General Legal Services, Office of the Solicitor, Room 6525, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (202) 343-5216.

SUPPLEMENTARY INFORMATION: The Council of the Southern Mountains, Inc. has filed a petition with the Secretary of the Interior pursuant to 5 U.S.C. 553(e) seeking adoption of regulations providing for the payment of the expenses of participants in Departmental proceedings who represent a point of view not otherwise adequately represented and who are financially unable to sustain the costs of participation.

After careful study of the petition, we are inclined to the view that the legal, financial and practical obstacles to administrative adoption of such regulations by this Department may be insuperable. Before making a final decision on the petition, however, we feel that there should be an opportunity for public comment on the advisability and practicality of paying the expenses of participants in administrative proceedings, as well as on the criteria and procedures for payment of expenses proposed by the Council.

The petition filed by the Council of the Southern Mountains is published below as Exhibit 1. An amendment to the petition is published as Exhibit 2. The amendment was filed in response to a request from the Department that the Council elaborate on the standard of need to be applied in determining whether payment of expenses should be made.

In addition to soliciting general comments on the Council's petition and on the subject of payment of expenses of participants in administrative proceedings, the Department asks that persons submitting comments who have participated or considered participating in Departmental proceedings discuss their experience with the cost of participation. If possible this discussion should include specific cost figures and examples of cases in which financial constraints have or have not hindered or prevented participation. The Department will find such information exceedingly helpful in determining whether to adopt a program of payment of expenses and, if it decides to do so, in determining the scope, nature and contours of the program.

It would also be helpful to the Department in deciding whether to proceed to rulemaking if interested parties commented on issues such as the authority of the Department to pay expenses, the types of proceedings to be considered, methods and priorities for payment, types of expenses to be paid, limits, procedures and standards for payment and alternatives to payment of expenses. Comments, of course, need not be limited to the above issues.

MARCH 20, 1978.

LEO M. KRULITZ,
Solicitor.

EXHIBIT 1—CITIZEN PETITION

Dear Mr. Secretary: The Council of the Southern Mountains, Inc., (*1*) pursuant to Section 4(d) of the Administrative Procedure Act, 5 U.S.C. § 553(e), and 43 CFR § 14.1, petitions the Secretary of the Interior to amend the Department's rules of procedure (*2*) to provide for compensation of certain participants in certain Departmental proceedings, including rulemaking and administrative adjudication. (*3*)

A. *The Proposed Regulation.* Petitioner's proposed regulation is an adaptation of the proposed Public Participation in Government Proceedings Act (*4*) and the compensation provision of the proposed Consumer Food Act of 1976, as reported by the Senate Labor and Public Welfare Committee and the Senate Commerce Committee. (*5*) Petitioner selected these models as the basis for the proposed regulation because they include improvements which experience under the FTC Improvement Act, 15 U.S.C. § 557 (a)(h), and the regulations pursuant thereto, (*6*) have shown to be warranted.

The proposed regulation would encourage and support the involvement of citizens who do not have direct or substantial economic interests in the outcome of Interior Department proceedings but who seek to raise significant issues of public concern which must be fully considered by the Department. To accomplish this, the regulation authorizes the Interior Department to make awards of reasonable attorneys' and expert witness fees, and other reasonable costs of participation, to persons the agencies deem capable of making substantial contributions to a fair resolution of the issues involved in agency proceedings, but who are financially unable to sustain the costs of such participation.

To become eligible for compensation under the proposed regulation, persons would have to meet both "interest" and "economic" criteria. Under the "interest" criterion, compensation would be awarded only to applicants who represented interests which could reasonably be expected to contribute to the fairness and balance of a proceeding, and then only if the applicant had the ability to represent adequately that interest, given appropriate finacnial assistance. (*7*)

The "economic" criterion would permit compensation to persons who could not afford the costs of participation or to persons who represented interests which would contribute to the fairness and balance of the proceeding but who lacked the economic stake in its outcome necessary to justify the substantial costs of participation.

Under the proposed regulation, in assessing the interest of an applicant which is a group or organization, the Secretary would consider the size of the economic stake of the organization's members, taken individually. When assessing the resources of an applicant, the Secretary would give consideration to the resources which are available for purposes of advocacy.

Various "public" interests often are best represented by organizations which, although not "indigent" in any technical sense, have very limited funds available for advocacy activities. Such organizations, including petitioner, differ from industry organizations in this respect and also in that the interests of their members are diffused among hundreds of proceedings in a multitude of agencies, while regulated groups generally need to monitor only one or two agencies and select the few proceedings that directly affect their own or their members' profits. For example, petitioner is deeply involved in all issues that affect low income persons in Appalachia. Thus, it is concerned

with food stamp problems, welfare issues generally, black lung, effects of strip mining, community organizing, and health care for the poor, to name just a few. (8)

TIME OF AWARD OF COMPENSATION

As a rule, applicants would be notified before the proceeding in question begins as to whether or not they would be compensated for their costs of participation, although payment would be made within 90 days after final disposition of the matter involved in the proceeding. However, interim advance payments would be authorized where the participant could demonstrate that his participation otherwise will be impaired.

Under the proposed regulation, a participant who has not applied for funds initially but finds during or after the proceeding that unanticipated and burdensome expenses have been incurred, may apply for compensation. At this point, of course, the Secretary could judge the actual contribution of the applicant to the fair balance of the proceeding. Similarly, the proposed regulation permits persons to apply after commencement of a proceeding for funding to participate at one of the later stages of the proceeding. (9)

TEXT OF PROPOSED REGULATION

Petitioner proposes that the regulation read as follows:

"FINANCIAL ASSISTANCE TO PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

"(1) The Secretary may provide compensation for reasonable attorneys' fees, witness fees, and other reasonable costs of participation incurred by eligible participants in any rulemaking, adjudication, or other proceeding conducted by the Department, whenever public participation in such a proceeding promotes or can reasonably be expected to promote a full and fair determination of the issues involved in the proceeding.

"(2) Any person is eligible to receive an award under this section for participation in a proceeding if—

"(i) the person represents an interest the representation of which contributes or can reasonably be expected to contribute substantially to a fair determination of the proceeding, taking into account the number and complexity of the issues presented, the importance of public participation, and the need for representation of a fair balance of interests; and

"(ii)(a) the economic interest of the person in the outcome of the proceeding is small in comparison with the costs of effective participation in the proceeding by that person or, in the case of a group or organization, the economic interest of the individual members of such group or organization is small in comparison with the costs of effective participation in the proceeding; or

"(b) the person demonstrates to the satisfaction of the Secretary or his delegate that such person does not have sufficient resources available to participate adequately in the proceeding in the absence of an award under this section.

"(3)(i) In order to facilitate public participation, the Secretary or his delegate shall make a determination of the eligibility of a person for an award under this section, and the amount of such award, prior to the commencement of any proceeding, except upon an express written finding that such a determination cannot practically be made at that time.

"(ii) Payment of fees and costs under this section shall be made within 90 days of the date on which a final decision or order disposing of the matters involved in the proceeding is made. If an eligible person establishes, in a manner to be prescribed by the Secretary or his delegate, that its ability to participate in the proceeding will be impaired by the failure to receive funds prior to the conclusion of the proceeding, then the Department shall make advance payments to permit the person to participate or to continue to participate in the proceeding.

"(iii) Reasonable attorneys' fees, expert witness fees, and other reasonable costs of participation awarded under this section shall be based upon prevailing market rates for the kind and quality of service provided, but in no event shall exceed the rate of compensation (including fringe benefits and overhead) paid to the Department's attorneys, witnesses, and other personnel with comparable experience and expertise."

B. *Statement of the Grounds.* Public participation in governmental decisionmaking is a fundamental right. Democracy requires that decisions which affect the lives of citizens should be made only with the consent of the governed. According to the recent report of a Presidential Commission:

"All interests, regardless of their perspective, have an equal right to meaningful access to processes of government decisionmaking. Americans are represented in the legislative process through the participation of Congressmen and women and Senators elected for this purpose. But many important government decisions are made, not in Congress, but through administrative proceedings in the Executive branch and in independent regulatory agencies. Some groups simply cannot afford to participate in these proceedings, and their members thus have no voice in the often crucial decisions made by non-elected administrators." (10)

Government decisions derive not only their legitmacy but also their political viability from public participation.

1. FINANCIAL ASSISTANCE IS NECESSARY FOR EFFECTIVE PUBLIC PARTICIPATION AND ADVOCACY OF DIVERSE POINTS OF VIEW AT INTERIOR PROCEEDINGS

The public has a right to participate in administrative decisionmaking which affects the public interest; this participation is an essential element of a sound and balanced administrative decisionmaking process. (11) An imbalance in the advocacy of diverse points of view before regulatory agencies is likely to produce an imbalance in the decisions which are ultimately reached by agency officials. As Roger Cramton, a former chairman of the Administrative Conference of the United States, has written, "[t]he cardinal fact that underlies the demand for broadened public participation is that governmental agencies rarely respond to interests that are not represented in their proceedings." (12)

The courts and the Congress have rejected the idea that an agency can, by itself, act as the advocate for the "public interest" as distinct from the interest of the regulated industries. Judge Warren Burger, now Chief Justice of the Supreme Court, cast aside such thoughts with respect to the Federal Communications Commission nearly a decade ago in *Office of United Church of Christ* v. *F.C.C.* when he wrote:

"The Commission of course represents and indeed is the prime arbiter of the public interest, but its duties and jurisdiction are vast, and it acknowledges that it cannot begin to monitor or oversee the performance of every one of thousands of licensees * * *

"The theory that the Commission can always effectively represent the listener interests in a renewal proceeding without the aid and participation of legitimate listener representatives fulfilling the role of private attorneys general is one of those assumptions we collectively try to work with so long as they are reasonably adequate. When it becomes clear, as it does to us now, that it is no longer a valid assumption which stands up under the realities of actual experience, neither we nor the Commission can continue to rely on it." 359 F. 2d 994, 1003 (D.C. Cir. 1966)

His remarks apply with equal logic to representation of diverse interests at Interior Department proceedings. At present, advocacy at the Interior Department follows the usual pattern:

"[Governmental agencies] are exposed, with rare and somewhat insignificant exceptions, only to the view of those who have a sufficient economic stake in a proceeding or succession of proceedings to warrant the substantial expense of hiring lawyers and expert witnesses to make a case for them." Id.

There are diverse interests in the regulation of any industry. Nonetheless, at Interior, the regulated industries themselves maintain the only continuous and well-financed advocacy. The representation of other interests is rare, sporadic, and virtually always underfinanced.

In the overwhelming majority of cases that have arisen under the Coal Mine Health and Safety Act, for example, the only parties have been the government and coal operators. The UMWA has appeared on behalf of its members on certain occasions. However, no one except the Council for Southern Mountains has ever spoken for the unorganized miners, who have the least health and safety protection. In the six years in which the Coal Mine Health and safety Act has been in effect, during which many of the miners have been killed, maimed, or have contracted black lung disease, no one has spoken for them. The reason is simple. They are not organized, their interests are diffused, and the economic interest of a particular miner in a particular proceeding is small. This, of course, is precisely the situation that other agencies have sought to remedy by providing compensation to groups who can speak for such interests.

This lack of participation is in sharp contrast with the intention of Congress. Congress clearly intended that, in exercising Interior's extensive regulatory powers under the Coal Mine Health and Safety Act, the Secretary fully consider the whole spectrum of interests in each regulated activity. Section 2 of the Federal Coal Mine Health and Safety Act of 1969 states:

"Congress declares that—

"(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner; * * * and

"(g) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of the Interior to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal miners. * * *"

30 U.S.C.A. § 801 (1976).

To fulfill these statutory obligations, the Secretary must provide meaningful opportunity for input, from the interested persons themselves, into the decisionmaking process. (13) However, measures taken thus far are insufficient. Although the extent of participation has varied from proceeding to proceeding, effective participation in any proceeding normally will require substantial resources. Rulemaking usually will involve extensive investigative work and preparation of comments and testimony. Participation in adjudicatory proceedings, as intervenor or amicus curiae, is apt to be even more time-consuming. It may involve extensive investigation, discovery, and courtroom work as well as the preparation of pleadings and briefs.

Public interest representatives "cannot merely rely on legal arguments that certain interests be taken into account but must develop an affirmative case of their own." (14) This is expensive, and generally well beyond their means. As Simon Lazarus and Joseph Onek have stated:

"Assuring the legal rights of public interest representatives to participate in regulatory proceedings is a vital first step. It is, however, only a first step. Without further affirmative action to assure that public representatives actually appear, the legal right to participate will be largely symbolic—perhaps merely a cosmetic—advance." (15)

Ernest Gellhorn put it more strongly: "If public participation is in fact a 'right' which agencies have a mandate to foster, failure to render some assistance amounts to a practical subversion of that mandate." (16)

The Advisory Committee on National Growth Policy Processes just recently recommended to the National Commission on Supplies and Shortages that:

"First, the government should reduce the costs of public participation by alerting interest groups to activities of relevance to them, arranging for contact between such groups and involved officials, and making background and research materials easily available.

"Second, the government should provide direct financial assistance to those groups which cannot afford to participate fully on their own * * *. The sums involved are relatively modest; the potential benefits are sizable". (17)

So-called "public interest" organizations generally operate under strict financial constraints, (18) and have little or no funding available for participation in administrative proceedings. Many such groups operate with volunteer labor and little or no legal assistance. Others possess some legal capability but little or no in-house scientific expertise. Even larger organizations are unable to afford participation in most of the agency proceedings which affect the interests of their memberships or constituencies. Despite their limited monetary and manpower resources, however, many of these groups represent memberships or constituencies of substantial size.

Where public interest groups have possessed sufficient resources to participate in administrative proceedings, they generally have made a valuable contribution. As Judge Harold Leventhal recently observed:

"Administrative law and regulation have been profoundly influenced by the participation, in both agencies and courts, of public interest representatives who have identified issues and caused agencies and courts to look squarely at the problems that otherwise would have been swept aside and passed unnoticed. They have made complaints, adduced and marshalled evidence, offered different insights and viewpoints, and presented scientific, historical, and legal research. They have been of significant service to the entire decisional process." (19)

As a practical matter, however, systematic advocacy of diverse points of view in Interior decisionmaking is likely to occur only if by reducing financial barriers the Secretary actively encourages participation by those who are likely to contribute to a fuller, fairer, and more balanced recorded. (20)

Such has been the case with the Council's participation in various proceedings under the Coal Mine Health and Safety Act. The Council has participated in a number of both rulemaking and adjudicatory proceedings under the Act. It has seen its ideas accepted in some instances and rejected in others. But in each case the Council has represented an interest and presented a viewpoint that was not otherwise before the Department. The Council believes that the Department will agree that even when the Council's position was not accepted, the Council's presentation contributed to a full and fair evaluation of the issues involved.

However, the Council's participation in Department proceedings has been severely restricted because of the lack of financial resources. The Council therefore respectfully submits that the limitations placed on its participation in coal mine safety proceedings is a classic example of the need for the proposed regulation for compensation for participation in Department proceedings.

2. Authority To Compensate Public Participants Is Inherent in the Secretary's Statutory Mandate

The courts have long recognized that an agency has inherent authority to take actions which it deems necessary and appropriate to discharging its explicit statutory responsibilities. (21)

In February 1976, the Comptroller General removed any vestige of doubt that an agency may use funds which Congress appropriates for "necessary expenses" to compensate certain participants in agency proceedings, even in the absence of explicit statutory authority for compensation. (22) Responding to an inquiry from the General Counsel of the Nuclear Regulatory Commission (NRC as to the General Counsel of the NRC's authority to reimburse for attorneys' fees, expert witness fees, and related expenses of participants in nuclear licensing and rulemaking proceedings, the Comptroller General concluded that NRC has the legal authority to compensate indigent intervenors with funds generally appropriated for "necessary expenses" if the agency determines, as a matter of discretion, that compensation is "necessary" to meet its statutory obligation to conduct public hearings. (23)

"The Comptroller General's opinion states:

"While 31 U.S.C. §628 (1970) prohibits agencies from using appropriated funds except for the purposes for which the appropriation was made, we have long held that where an appropriation is made for a particular object, purpose or program, it is available for expenses which are reasonably necessary and proper or incidental to the execution of the object, purpose or program for which the appropriation was made, except as to expenditures in contravention of the law or for some purpose for which other appropriations are made specifically available. [Citations omitted.]

"The question, of course, *is whether it is necessary to pay the expenses of indigent intervenors in order to carry out [the agency's] statutory functions* * * * We believe only the administering agency can make that determination. * * * (24)

In December 1976, the Comptroller General clarified his earlier opinion, stating that participants in agency proceedings may be reimbursed where the agency determines: (1) That their participation, while not essential, can reasonably be expected to contribute substantially to a full and fair determination of the proceeding, and (2) that the participant is unable to finance its own participation in the proceeding.

A growing number of regulatory and executive agencies have recognized their authority to compensate public participants in their proceedings. (25) The only questions which remain to be answered relate to the fair and responsible implementation of financial assistance programs. To that end, petitioner respectfully requests the Secretary to set rulemaking proceedings.

Conclusion

It is clear that the Secretary has ample power to compensate legitimate and prudent expenses of interested parties whose participation is likely to result in fairer, more balance decisionmaking by Interior. Compensation would further the important regulatory goals of facilitating responsible and productive public participation and providing a broader base upon which to rest crucial decisions affecting otherwise unrepresented interests.

Therefore, the Council petitions the Secretary to institute a rulemaking proceeding to provide for compensation of certain participants in Department proceedings.

Respectfully submitted,

L. Thomas Galloway,
J. Davitt McAteer,
Center for Law and Social Policy, 1751 N Street NW., Washington, D.C. 20036, 202-872-0670, Attorneys for Petitioner, Council of the Southern Mountains, Inc.

Footnotes

1. The Council of the Southern Mountains, Inc., is an Appalachian-based, community-oriented, non-profit charitable corporation which has been involved for over half a century in issues affecting the people of Appalachia. It has its main offices in Clintwood, Va. Individual membership includes both union and non-union miners, and the Council's Mine Health and Safety Committee acts on complaints from miners dealing with health and safety conditions in the largely unorganized central Appalachian mines. The Council is funded primarily by restrictive grants from church groups. It also derives some income from the publication of its journal, Mountain Life & Work, and from modest membership fees.

2. 45 CFR Subtitle A (1975).

3. The Secretary has authority under various statutes to conduct rulemaking and adjudicatory proceedings which affect interests often unrepresented at such proceedings. Petitioner's primary concern is with proceedings under the Federal Coal Mine Health and Safety Act of 1969: regulations authorized under section 508, promulgated

under section 101, modified under section 301(c), and violations adjudicated under section 110(b) of the Coal Mine Health and Safety Act of 1969.

4. S. 2715, 94th Cong., 1st Sess.

5. S. 641 and S. Rep. 94-684. The fact that Congress is considering statutory language to authorize agencies to compensate intervenors does not imply that agencies lack authority to so provide by regulation. As the Comptroller General has stated with respect to enactment of the FTC Improvement Act, "[w]e do not feel that enactment of this provision was intended to overrule or modify the basis of our 1972 decision so as to reflect on its precedent value in dealing with agencies for which Congress has not enacted a similar statutory provision." Comptroller General's Opinion B-92288, at 5.

6. 16 CFR § 1.117 (1975).

7. The Comptroller General has held that the interest test urged by petitioner, whether the participation can reasonably be expected to contribute substantially to a full and fair determination of the issues in a proceeding, is sufficient. Comptroller General's Opinion B-139703 (December 3, 1976). The "necessity" test of the FTC (40 FR 33963, August 13, 1975) and the "essentiality" test of the N.R.C. (41 FR 50829, November 18, 1976) predate this Opinion.

Where several groups purporting to represent the same interest seek compensation for participation in the same proceeding, the agency should consider the following factors:

The group's experience and expertise in the substantive area;

The group's experience with the procedures and approach of the agency;

The extent to which the group has a constituency and the degree to which the group is accountable for its activities to its constituency;

The general competence of the group as evidenced by its prior activities; and

The specificity of its proposed involvement in the agency's work.

Frank, Onek and Steinberg, "Public Participation in the Policy Formulation Process: A Study Prepared for the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages," (1977), at 113. See also § 6(e) of the U.S. Department of Transportation's final rule regarding "Financial Assistance to Participants in Administrative Proceedings," 42 FR 2864, 2867 (January 13, 1977).

8. The Comptroller General has held that to be reimbursed from generally appropriated funds the participant must be "indigent or otherwise unable to finance its participation" and that an agency "may not extend financial assistance to a party requesting to participate which has the financial resources to participate, but does not, for whatever reason, wish to use its resources for this purpose." Comptroller General's Opinion B-139703 (December 3, 1976). Thus the small-economic-stake criterion was rejected. As the CAB has noted, this raises certain questions about law to determine whether a participant is unable to finance its own participation:

"Considering a typical public-interest group that receives a limited amount of money that it expends on a variety of projects, does the unable-to-finance test mean that the group would be ineligible for reimbursement if it could "finance" participation before the Board by ceasing work on all its other activities? Or would the unavailability of unprogrammed funds for Board representations be sufficient?"

42 FR 8663, 8665 (February 11, 1977). Petitioner submits that, if the Secretary adopts the view of the Comptroller General that a participant must be "indigent or otherwise unable," then the Secretary must regard the "unavailability or unprogrammed funds" as sufficient. Otherwise, any individual or group with any funds sufficient to meet the cost of participation in any one proceeding would be denied funds to participate in all proceedings affecting their interests.

9. Petitioner recommends that whoever is responsible for making determinations on applications for financial assistance be as independent of other agency functions as possible:

"Direct government financing could lead to improper government control over participation, e.g., by the financing of those who will provide the government with the responses it wants, not those who are the best advocates of various interests. To avoid such an abuse, the financing system should be carefully and publicly developed and implemented. Those in the agency deciding issues related to financial assistance must not be those directly involved with the substantive decision. Such precautions will not eliminate totally the risk of improper government control, but that risk must be borne simply because alternatives to government financing apparently do not now exist.

Frank, et al., supra, at 115-116. The agency, moreover, should establish a mechanism by which an initial refusal to award compensation, or disputes about the proper amount of compensation, may be reviewed.

10. Forging America's Future, Report of the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages, at 56-57 (1977).

11. The importance of public participation in administrative proceedings has been acknowledged by the President, by Congress, by the Courts, by the Administrative Conference of the United States, and by various commentators. See, e.g., Letter from President Ford to Senator Ribicoff, Representative Brooks, and Representative Staggers, April 17, 1975 (released to press by White House); Federal Trade Commission Improvements Act, 15 U.S.C. § 57(a)(h) (compensation for attorneys' fees in rulemaking proceedings); Hearings on S. 2715 before the Senate Subcommittee on Administrative Practice, 94th Cong., 2d Sess. (January 30, 1976 and February 6, 1976) (Kennedy bill providing for reimbursement of costs of participation); *National Welfare Rights Organization* v. *Finch*, 429 F. 2d 725 (D.C. Cir. 1970); *Office of Communications of United Church of Christ* v. *F.C.C.*, 123 U.S. App. D.C. 328, 359 F. 2d 994 (1966); Recommendation 28, 2 Recommendations and Reports of the Administrative Conference of the United States 35 (1970-1972), reprinted in 30 Ad. L. 2d 121 (1972); Cramton, "The Why, Where and How of Broadened Public Participation in the Administrative Process," 60 Geo. L.J. 525 (1972); Gellhorn, "Public Participation in Administrative Proceedings," 81 Yale L.J. 359 (1972); Lazarus and Onek, "The Regulators and the People," 57 Va. L. Rev. 1069 (1972); Note, "Federal Agency Assistance of Impecunious Intervenors," 88 Harv. L. Rev. 1815 (1975); Frank, Onek, and Steinberg, "Public Participation in the Policy Formulation Process: A Study Prepared for the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages" (1977).

12. Cramton, "Where, Why & How of Broadened Public Participation," supra, at 529, n. 4.

13. For example, under the Federal Coal Mine Health and Safety Act of 1969, the development and revision of mandatory health and safety standards must be carried out in consultation with "appropriate representatives of the coal * * * miners" and "other interested persons and organizations" as well as the usual Federal, State, and industrial entities. Proposed rules must then be published in the FEDERAL REGISTER, and "any interested person" may request and receive a public hearing on their objections. 30 U.S.C.A. section 811 (1976). The Coal Act further provides that a "representative of the Miners" (a term of art as defined at 30 CFR part 81) has a right to participate in various adjudicatory proceedings. 30 U.S.C.A. sections 815, 820, and 861(c) (1976). The Secretary's own procedural regulations, in recognition of the diversity of interests in coal mine health and safety, have expanded the right of participation to include "[a]ny other person claiming a right of participation as an interested party or otherwise seeking to intervene in a proceeding," at the discretion of the Administrative Law Judge or the Board. 43 CFR section 4.507(b); see also, 43 CFR sections 4.3(c) and 4.513.

14. Cramton, "Where, Why and How of Broadened Public Participation," supra, at 539.

15. Lazarus and Onek, "The Regulators and The People," supra, at 1096.

16. Gellhorn, "Public Participation," supra, at 389.

17. Forging American's Future, supra, at 57.

18. The phrase "public interest" is a term of art, suggesting a group that represents diffuse, noncommercial interests which traditionally have not received direct representation in the courts, agencies, or legislature.

19. "Attorneys' Fees for Public Interest Representation," 62 ABA Journal 1134 (September 1976).

20. The Supreme Court has recognized approvingly the ability of agencies to encourage or discourage certain activities by adjusting the costs attendant to these activities. In *National Cable Television Association* v. *U.S.*, 415 U.S. 336 (1974), the Court stated:

"The lawmaker may, in light of the 'public policy or interest served' make the assessment heavy if the lawmaker wants to discourage the activity; or it may make the levy light if a bounty is to be bestowed * * *." 415 U.S. at 1149.

Although these comments were made in relation to direct assessment of fees by an agency against a regulated industry, they apply with equal logic to the unavoidable "assessment" of costs against those who wish to take part in agency proceedings.

21. As the Court of Appeals for the Seventh Circuit observed in *Northern States Power Co.* v. *F.P.C.*,

"[if the agency] is intelligently to exercise its extensive regulatory and supervisory power, it must have been intended that it shall have power to do everything essential to the execution of its clearly granted powers and the achievement of the purposes of the legislation."

118 F. 2d 141, 143 (1941). The Second Circuit Court of Appeals also has noted, "[i]t has been the law at least since *McCulloch* v. *Maryland*, 4 Wheat. 316, 4 L.Ed. 570 (1918), that the lawful delegation of a power carries with it the authority to do whatever is reasonable and appropriate properly to effectuate the power." *Gallagher's Steak House* v. *Bowles*, 142 F. 2d 530, 534 (1944).

While *McCulloch* v. *Maryland* dealt with delegation of authority by the States to the Federal Government, the general reasoning of that decision nonetheless applies to delegation of authority by Congress to the agencies and to the "implied powers" which petitioner urges the Secretary to recognize. Chief Justice Marshall reasoned as follows:

"[I]t may, with great reason be contended that a government entrusted with such ample powers * * * must also be entrusted with ample means for their execution. The power being given, it is in the interest of the nation to facilitate its execution. It can never be their interest, and cannot be presumed to have been their intention, to clog and embarass its execution by withholding the most appropriate means * * * 4 Wheat. 316, 407, 4 L.Ed. 579 (1810).

22. Comptroller General's Opinion B-92288 (Feb. 19, 1976). See *Greene County Planning Board* v. *F.P.C.*, —— F. 2d —— (2d Cir. December 3, 1976), concerning the authority of the Comptroller General in this area.

23. The Comptroller General's opinion was sought by the General Counsel of NRC, following a determination by members of the Commission that they are "tentatively inclined to the conclusion" that the agency does have authority to assist intervenors financially and a published notice seeking comment on the issue. See In the Matter of Consumer Power Co. (big Rock Point Nuclear Plant), Docket No. 50-155, Memorandum and Order (Nov. 21, 1974) at 5; 40 FR 37056 (Aug. 25, 1975).

By letter dated May 10, 1976, in response to a question from Congressman John E. Moss, Chairman of the Oversight and Investigations Subcommittee of the House Committee on Interstate and Foreign Commerce, the Comptroller General stated that the February 19 opinion was equally applicable to nine other agencies under study by that subcommittee, since their relevant statutory authority was similar. One of these agencies was the National Highway Traffic Safety Administration of the U.S. Department of Transportation, whose appropriation statute provides for "necessary expenses." Pub. L. No. 94-387, 90 Stat. 1171 (1976). Since the current appropriation for the U.S. Department of the Interior and its component agencies likewise provides for "necessary expenses," Pub. L. No. 94-373, 90 Stat. 1043 (1976), it is clear that Interior may, under appropriate circumstances, reimburse the cost of participation in the administrative proceedings of any of its operating components. Mining Enforcement and Safety Administration (MESA) appropriations specifically provide for "expenses necessary to promote health and safety in mines and in the minerals industry through development, promulgation, and enforcement of regulations." 90 Stat. 1043, 1049 (1976).

24. Comptroller General's Opinion, *supra*, at 3 (emphasis supplied). In a previous opinion, the Comptroller General made similar statements with respect to the FTC's authority to spend its generally appropriated funds to compensate intervenors:

"The appropriations for the Commission are normally available for 'necessary expenses'. While the Commission submits budgets to the Congress prior to the passage of the appropriation acts, the appropriations are enacted in the form of lump sums with no specific limitations as to use. Thus, the determination of what constitutes 'necessary expenses' is left to the reasonable discretion of the Commission."

Comptroller General's Opinion B-139703, July 24, 1972, reprinted at Pike & Fisher, Ad. L. 2d at 424 and as addendum to 60 Geo. L.J. 525. The Comptroller General was asked to assess the authority of the FTC to reimburse for transcript costs, attendance fees, mileage and subsistence expenses of witnesses or respondents, travel and other connected expenses of the intervenor's attorney and traveling and subsistence expenses incident to his own appearance.

Neither *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1975), *Turner* v. *F.C.C.*, 514 F. 2d 1354 (D.C. 1975), nor *Greene County Planning Board* v. *F.P.C.*, 455 F. 2d 412 (2nd Cir. 1972) are applicable to this petition. As the Comptroller stated in his N.R.C. opinion:

"In both the *Alyeska* and *Turner* cases, plaintiffs, the prevailing parties, sought to force their adversaries to pay their costs, including reasonable attorneys' fees. All the court did, in our view, is to uphold the 'American rule,' that in the absence of a statutory provision to the contrary, neither a court nor a regulatory commission may shift the costs from one litigant to the other. In the *Greene County* case, the court said it had no power to *order* either the opposing litigants or the agency to pay the costs of the intervenors. In the matter before us, we are not considering whether [the agency] has the authority to determine whether one participant in its proceedings should pay the expenses of the other, nor are we concerned with whether the persons to whom financial assistance is extended prevail. There is also no question of compelling [the agency] to pay the expenses of any of the parties." Comptroller General's opinion, *supra*, at 7. (Emphasis in original.)

Accord, *Greene County Planning Board* v. *F.P.C.*, —— F. 2d —— (2d Cir. December 3, 1976).

25. The Consumer Product Safety Commission, for example, agreed to reimburse a public interest witness for the costs of travel to a hearing on fireworks when consumer representatives petitioned the agency claiming that such travel expenses were beyond the means of representatives of their point of view. More recently, CPSC ruled that it had authority to pay for the counsel of an indigent respondent and to reimburse those expenses of respondents "reasonably necessary to make meaningful the representations by counsel." In the Matter of Esquire Carpet Mills, Inc., FTC Docket No. 8013 (CPSC June 2, 1975), Slip Op. at 3. The CPSC granted the Consumers Union petition, AP 76-1, on November 18, 1976. See 42 FR 8664, n. 3.

Consumers Union also filed a petition similar to this document last year with the Food and Drug Administration ("FDA"). On August 24, 1976, the FDA published the petition in the FEDERAL REGISTER, indicating a strong interest in its promulgation, and soliciting public comments, 41 FR 35855. The FDA has already made other modest strides toward assisting intervenors in mandated public hearings by reducing costs, apparently on the assumption that such actions are within the agency's inherent authority. See letter from Peter Hutt, then General Counsel of FDA, to Tersh Boasberg, Esquire, May 12, 1975.

Recently, other agencies have begun to consider proposals for compensation of attorneys' fees and other costs of participation in their proceedings. The Federal Communications Commission has adopted limited rules on the subject with respect to licensing proceedings. 41 FR 53019 (December 3, 1976). On December 3, 1976, the U.S. Court of Appeals for the Second Circuit remanded a case to the Federal Power Commission ordering reconsideration of a denial of compensation. *Greene County Planning Board* v. *F.P.C.*,——F. 2d——(2d Cir. 1976).

EXHIBIT 2—AMENDMENT TO CITIZEN PETITION

DEAR MR. SECRETARY: Thank you for responding to the Council of the Southern Mountains, Inc.'s Petition of April 15, 1977, to amend the Department's rules of procedure to provide for compensation of certain participants in Departmental proceedings. We have amended the petition in light of your response. On page seven of our petition please delete paragraphs 2(ii)(a) and 2(ii)(b). In their place please insert:

"(ii) The person demonstrates to the satisfaction of the Secretary or to his delegate that due to limitations on that person's resources the person will not participate adequately in the proceeding in the absence of an award under this section."

The Department can use this amended version of the "need" test without contravening any opinion of the Comptroller General, including opinion B-139703 of December 3, 1976, issued upon the request of the Food and Drug Administration (FDA).

Your response quoted the last sentence in the last full paragraph on page 6 of the FDA opinion—the sentence that begins: "Accordingly * * *." A full understanding of the Comptroller General's opinion cannot be obtained without a close reading of the statements that precede that sentence. The Comptoller General's answer to the FDA question about reimbursements begins by referring to the September 22, 1976, comptroller General opinion given to the Federal Communications Commission (FCC). The FDA opinion quotes the earlier FCC opinion as follows:

"* * * Our decisions are limited to situations in which the payment, as well as the participation, is necessary; that is, lack of financial resources on the part of the person involved would preclude participation without reimbursement. Accordingly, the * * * [agency] must determine that both the participation itself and payment therefor are necessary.* * *"

According to this statement, in order to fund a public participant in one of its proceedings, an agency must make two determinations: First, the participation is necessary to the proceeding; and second, the funding is necessary for the participation. In his FCC opinion, the Comptroller General thereby set forth a "but for" standard for funding of public participants in agency proceedings. Agency funding is appropriate where it is necessary to secure important public participation; in other words, whenever but for agency funding the important would-be public participants would not participate because of limitations on their financial resources. The FCC quotation concludes by noting that it is the agency, not the Comptroller General, that must deter-

mine whether or not the reimbursement is "necessary" because of the potential participants' lack of financial resources. It is important to stress that nowhere in this quotation, or for that matter at any point in the FCC opinion, is there any indication that in order to be reimbursed a public participant must be indigent, or totally without funds which could pay for its participation.

In his FDA opinion, the Comptroller explicitly states that he intends to adhere to the standard which he set forth in the FCC opinion:

"We are still of the view set forth in our prior opinions that a regulatory agency may not pay costs of a party requesting to participate in a regulatory agency proceeding unless the agency first determines that the party is *indigent or otherwise unable to finance its participation.* (Emphasis added.)

This embellishment of the FCC opinion makes even more clear that the Comptroller General intends that agencies apply a "but for reimbursement no participation" rather than an "indigent" standard to requests for agency reimbursement. The emphasized portion of the above-quoted sentence reflects the Comptroller's understanding that agency funding may be a necessary means to overcome financial obstacles other than indigency to important public participation.

Your response quoted the following sentence in the Comptroller's FDA opinion, which states that an agency may not give financial assistance to a party.

"* * * which has the financial resources to participate, but does not, for whatever reason, wish to use its resources for this purpose."

This sentence, if read out of context, could be cited in support of an indigent standard which would bar reimbursement of anyone who could participate in the proceeding if he gave it sufficiently high priority, even if the person clearly would not participate absent agency reimbursement. However, such a reading of that sentence would contradict not only the preceding sentence in the FDA opinion but also the quoted portion of the FCC opinion to which the Comptroller professed continued adherence. The only reasonable and internally consistent interpretation of the FDA opinion is that the Comptroller General contemplates that parties can be both nonindigent and without the necessary "financial resources to participate."

Parties may be nonindigent and yet not possess the financial resources necessary to participate in a proceeding for either of two reasons. First, some parties may not have available resources because of prior use of a not insignificant though limited budget. Some parties who could contribute to the proceeding may have already spent thousands of dollars on past proceedings and might therefore have no resources left for the proceeding in question. Second, other parties may not have available resources because they had already planned to use their limited budget other ways. These parties might have thousands of dollars which they had planned in good faith to spend either on recurring expenditures, such as rent or salaries, or on nonrecurring expenditures, such as other upcoming proceedings or lawsuits. Agency reimbursement of parties in either of these two situations would be as necessary for their participation in the proceeding under consideration as would reimbursement of indigent parties.

If parties with planned uses for their as yet unspent funds were not viewed as "otherwise unable" to finance their own participation, most parties would have to wait until the last minute of their fiscal year before they became "otherwise unable." This would preclude reimbursement of most public interest participants in most agency proceedings. It would also preclude effective public interest participation in the overwhelming majority of proceedings. This is so because public participants would be denied reimbursement even though there was "but for" connection between their reimbursement and their participation, and there would be such a connection whenever these parties determined in good faith that a particular proceeding is not one for which they wish to use their limited resources. Since the Comptroller General is only concerned that there be a necessary "but for" connection between reimbursement and participation, such an interpretation of the "or otherwise unable" language is as unnecessary as it is destructive of effective public participation.

Petitioner's amended paragraph 2(ii) is therefore framed to permit reimbursement of nonindigent parties who would not otherwise participate in the proceeding. And amended paragraph 2(ii) is also therefore framed to not condition reimbursement of a party on that party not being able to participate at all in the proceeding absent reimbursement. The proposal would permit funding if no "adequate" participation would be possible without reimbursement. "Adequate" should be logically read to mean the kind of participation that section 2(i) of our proposal, as well as section 2(i) of the FDA proposal, set forth as one of the prerequisites for funding: participation that would contribute substantially to a fair determination of the proceeding. The entire proposed public funding system would be significantly impaired if it could never be invoked where inadequate, unhelpful participation would occur without the reimbursement.

Petitioner's amended paragraph 2(ii) is consistent with the reasoned analysis of other federal agencies and departments as well as with the Comptroller General's opinions. Amended paragraph 2(ii) receives support from the Environmental Protection Agency's (EPA) discussion of an economic need standard for compensation of public participants in agency proceedings:

"[W]e do not believe that simply because a potential participant in any agency proceeding does have some resources which it might conceivably devote to that proceeding it should be held ineligible for funding. Such a view could lead to a 'Catch-22' situation in which a group [that] might conceivably be eligible for funding in, for example, eight proceedings, and had enough resources of its own to participate adequately in three of them might be denied funding for all eight because each of the eight might conceivably turn out to be one of the three in which it might choose to participate with its own resources. Instead, *we believe that potential participants should be allowed to make a showing of what they would do without agency funding, and that agency funding should then be potentially available for any activity above that baseline.* 42 Fed. Reg. 1492, 1493 (January 7, 1977). (Emphasis supplied.)"

Consistent with the Comptroller General's opinions Petitioner's amended paragraph 2(ii) would permit the Department of the Interior to reimburse a group facing such a "Catch-22" dilemma for full and adequate participation in all of the proceedings to which it could make an important contribution. the group would not have to choose between inadequate participation in all eight proceedings or adequate participation in only three proceedings.

The Department of Transportation (DOT) has suggested an economic standard similar to petitioner's proposed paragraph 2(ii). DOT's proposed regulations for financial assistance to participants in administrative proceedings contains a financial need provision that uses an applicant's "*anticipated* income and expenditures * * * for the current fiscal year" [emphasis added] to determine whether or not an applicant has funds "available." 42 FR 2865, 2867 (January 13, 1977). Neither present indigence nor present exhaustion of funds is required. An applicant without funds "available" will then be reimbursed if the applicant "cannot reasonably obtain in other ways, sufficient resources to participate *effectively* in the proceeding * * *." *Id.* (Emphasis added.)

It must finally be stressed that because paragraph 2(ii) sets forth a "but for reimbursement no participation" economic standard, the paragraph also is as restrictive as any test which the Comptroller General could legitimately impose on the agencies. The Comptroller General has a statutory responsibility to insure that executive agencies and departments do not make wasteful disbursements or expenditures which are not within the limits imposed by Congress in authorization or appropriations statutes.(*1*) The Comptroller fully discharges this responsibility in agency and departmental proceedings by requiring the agencies and departments to only reimburse participation which they judge will contribute substantially to the proceeding and which they determine would not have been contributed but for the reimbursement. the Comptroller General would, however, exceed his statutory authority to protect against waste of public funds by imposing a standard which would prohibit the reimbursement of nonindigent parties who would not participate without reimbursement because of their decision to otherwise allocate their limited budget. Such a standard would prevent certain reimbursements not because they would be wasteful and not necessary, but because the Comptroller General disagreed with the policy of reimbursing nonindigents who could participate if they placed sufficiently high priority on the proceeding. It is not within the Comptroller General's authority or responsibility to set such policy.

For reasons discussed above, petitioner believes it is clear that the Comptroller General has not exceeded his authority in issuing his opinions on reimbursement of public participants in agency and Departmental proceedings. However, if the Comptroller ever does attempt to do so by refusing to disburse funds to nonindigent public participants who would not have participated absent a pledge of reimbursement, the Department of the Interior or any other executive agency, would not be without recourse. The Department may seek the opinion of the Attorney General on the authority of the Comptroller General to impose a more restrictive legal standard. Section 512 of Title 28 of the United States Code provides that:

"The head of an executive department may require the opinion of the Attorney General on questions of law arising in the administration of his department. 28 U.S.C.A. § 512."

Where questions of law are of wide concern to the public and the other executive departments, 26 Op. Att. Gen. 81, 86 (1906), the Attorney General's opinion overrides any prior conflicting opinion of the Comptroller General, 25 Op. Att. Gen. 301, 304 (1904). As one frequently cited opinion of the Attorney General explains:

"While I do not challenge the authority of the Comptroller * * * to determine conclusively the question of the legality of a payment out of the public Treasury, I am nevertheless of the opinion that Congress intended to confine the power of the Comptroller within a relatively narrow range, and did not mean thereby to curtail the occasions for the rendering of opinions by the Attorney-General or to diminish their scope and weight * * *. If a question is presented to the Attorney-General in accordance with law—that is, if it is submitted by the President or the head of a Department—if it is a question of law and actually arises in the administration of a Department, and the Attorney-General is of [the] opinion that the nature of the question is general and important in other directions than disbursement, and therefore conceives that it is proper for him to deliver his opinion, I think it is final and authoritative under the law, and should be so treated by the accounting officers, even if the question involves a payment to be made."

Op. Atty. Gen. 301, 303-304 (1904). See also 25 Op. Atty. Gen. 270 (1904); 33 Op. Atty. Gen. 268 (1922); 34 Op. Atty. Gen. 311 (1924); Op. Atty. Gen. dated January 16, 1969. Langeluttig, Legal Status of the Comptroller General of the United States, 23 Ill. Law Rev. 556 (1929).

Moreover, only the Attorney General may defend, in the Court of Claims or any other court, the Comptroller General's refusal to make a disbursement. And the Attorney General need not and in fact does not make such defenses when he disagrees with the Comptroller General's refusal. Op. Atty. Gen. dated January 16, 1969, supra; Langeluttig, supra; 5 U.S.C. § 3106. (*2*)

In sum, Petitioner believes that amended paragraph 2(ii) is fully consistent with the opinions of the Comptroller General. Moreover, if the Comptroller General attempts to impose an economic standard more restrictive than that embodied in paragraph 2(ii), the Department may obtain an opinion of the Attorney General that the Comptroller General has exceeded his statutory authority.

Respectfully submitted,

MICHAEL C. HARPER.
L. THOMAS GALLOWAY.
J. DAVITT MCATEER.

FOOTNOTES

1. See 31 U.S.C. §§ 65, 65(d), 71, 74. These sections make clear that the Comptroller General and the General Accounting Office were established to protect the public treasury from wasteful disbursements, and, acting as agents of Congress, to insure that agencies and departments themselves make determinations that their expenditures are necessary for the purposes for which they are authorized and appropriated. The Comptroller General was not established to be a super-Cabinet officer, second-guessing the agencies or departments' judgments regarding what expenditures help implement the statutes for which they have authority.

2. "Except as otherwise authorized by law, the head of an Executive department * * * may not employ an attorney or counsel for the conduct of litigation in which the United States, an agency, or employee thereof is a party, or is interested * * * but shall refer the matter to the Department of Justice."

[FR Doc. 78-7795 Filed 3-23-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

[Docket No. 78-5]

CAPITALIZATION OF INTEREST DURING CONSTRUCTION

Notice of Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission proposes to enact a Rule which allows domestic offshore vessel operating common carriers to capitalize interest incurred during a period of construction. The capitalization of interest allows a company to recover from future rate structures the cost of funds employed during capital asset construction. The Commission recognizes that there is a cost associated with funds employed during construction periods and consider the recovery of this cost as proper.

DATES: Comments on or before May 1, 1978.

ADDRESSES: Comments to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTAL INFORMATION: Pursuant to the authority of sections 18, 21 and 43 of the Shopping Act, 1916 (46 U.S.C. 817, 820 and 841), Sections 2, 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845(a) and 847) and section 4 of the Administrative Procedure Act (5 U.S.C. 553); the Federal Maritime Commission, hereinafter referred to as the Commission, is authorized and directed to make rules and regulations affecting Vessel Operating Common Carriers in the Domestic Offshore Commerce of the United States.

Part 512 of the Commission's regulations requires the filing of rate base and income account statements from vessel operating common carriers. These statements aid the Commission in the discharge of its duties by providing data used in evaluating the reasonableness of rates for the carriage of cargo and that the level of rates which produce profits are commensurate with a carriers cost of capital.

In an effort to better represent a carrier's cost of capital, it is proposed that a new paragraph (j) be added to § 512.3 General requirements. This paragraph is proposed for the purpose of allowing in rate base the capitalization of interest incurred during a period of construction.

The Commission recognizes that there is a cost associated with funds employed during construction periods and considers the recovery of this cost as proper. Under the Commission's current reporting requirements, no provision is made for recovery of this cost which means the company's owners absorb in full the cost of funds employed during a construction period. The capitalization of interest provides a reasonable method of permitting a company to recover from future rate structures the cost of funds employed during capital asset construction.

Under the proposal, a new paragraph would be added and designated § 512.3(j), reading as follows:

§ 512.3 General requirements.

* * * * *

(j) Interest During Construction—Interest may be capitalized on all funds actually employed, including the company's own funds, during a period of construction, reconstruction or reconditioning of a capital asset owned in a company's own name when all the following conditions and requirements are met:

(1) The construction period must be 12 months or greater. For the purpose of this part, the construction period begins when work commences on the asset to be constructed and ends upon completion of same. Strike periods, for eight consecutive days or more, must be eliminated when determining whether or not the 12-month requirement is met.

(2) Periodic payments must be made during the period of construction.

(3) Interest shall be calculated starting with the first payment and on each payment thereafter. The rate employed shall be the average prime rate for the month in which the payment is made as set forth in the Federal Reserve Bulletin.

(4) The details of the calculation of capitalizable interest (showing the interest calculation on each payment) must be set forth in the prescribed format on a separate schedule for each asset included in rate base where such condition exists. The name of the construction company performing the work shall also be set forth.

(5) The effects of the interest during

construction provisions shall be calculated on work completed after December 31, 1977. Following is a simplified illustrative example

ABC COMPANY, INC., DEC. 31, 1979

Description of asset: *SS Steamship.*
Dates of Construction: May 1, 1977 to Apr. 30, 1979.
Constructed by: *XYZ Construction Co.*

Payment date	Construction payments	Prime rate	Months from payment to delivery	Interest
May 1, 1977		Construction commenced		
		Percent		
Oct. 31, 1977	$25,000,000	7.0	18	$2,625,000
Apr. 30, 1978	25,000,000	7.5	12	$1,875,000
Oct. 31, 1978	25,000,000	8.0	6	1,000,000
Apr. 30, 1979	25,000,000	7.0		
Total	100,000,000			$5,500,000

Comments in response to this proposed rule shall be submitted to the Secretary with an original and fifteen copies.

Because of the complexity and technical nature of the proposed rule, we deem Hearing Counsel's participation desirable. Accordingly, the Bureau of Hearing Counsel shall file Reply to Comments on or before May 22, 1978, by serving an original and fifteen copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's reply shall be submitted to the Federal Maritime Commission on or before June 2, 1978.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-7808 Filed 3-23-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-98; RM-2889]

FM BROADCAST STATIONS IN BURLINGTON AND NEWPORT, VT.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes to reassign FM Channel 300 from Newport, Vt., to Burlington, Vt., with a reservation for noncommercial use or, in the alternative, to retain the assignment at Newport. Petitioner requests the reassignment to facilitate establishment of a statewide educational FM service.

DATES: Comments must be received on or before May 12, 1978, and reply comments on or before June 1, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 13, 1978. Released: March 20, 1978.

In the matter of amendment of §73.202(b), table of assignments, FM Broadcast Stations. (Burlington and Newport, Vt.).

1. *Petitioner, Proposal and Comments:*

(a) Petition for rulemaking[1] submitted by Vermont Public Radio ("petitioner"), requesting the reassignment of FM Channel 300 from Newport, Vt., to Burlington, Vt., and its reservation for noncommercial educational use.

(b) Oppositions have been received from Newport Broadcasting Corp., ("Newport Broadcasting"), Radio Corp., of Vermont ("RCV"), and the City of Newport, Vt., and a letter opposing the petition was submitted by the Greater Newport Area Chamber of Commerce. Reply comments were filed by petitioner,[2] Newport Broadcasting and RCV.

(c) The proposal complies with the Commission's technical requirements.[3]

2. *Demographic Data:*

(a) *Location:* Newport, the seat of Orleans County, is located in northern Vt., approximately 8 kilometers (5 miles) from the Canadian border. Burlington, the seat of Chittenden County and the largest city in the state, is located in northwestern Vermont, approximately 8 kilometers (5 miles) from the New York state border.

(b) *Population:* Newport—4,664; Orleans County—20,153; Burlington—38,633; Chittenden County—99,131.[4]

(c) *Present Aural Services:* Newport is served by one AM station (WIKE); its only FM channel (Channel 300) is unoccupied with an application pending (BPH-10415). Burlington has 3 AM stations—WDOT, WJOY and WVMT, and 3 FM stations—WEZF (Channel 225), WQCR (Channel 255) (both commercial) and WRUV (Channel 211A) (noncommercial educational).

3. *Preclusion:* No new preclusion results from the proposal.

4. *Additional Considerations:* Since Channel 300 is requested for use at Newport and Burlington and only one of the communities can utilize the channel due to mileage separation requirements, we shall summarize the arguments which relate to this assignment choice. Petitioner requests the reassignment of Channel 300 to Burlington with a reservation for noncommercial educational use to facilitate establishment of a statewide educational FM service. It states that it received a construction permit on September 7, 1976, for a noncommercial educational FM station (WUPA-FM) on Channel 208B to be located on Mt. Ascutney, near Windsor, Vt. (BPED-2169). It is expected that, when the Mt. Ascutney station and the station requested in this petition are operational, 60 dBu coverage will be provided to approximately 81 percent of the population and 76 percent of the State's area (the Burlington station alone would provide service to 67 percent of the population and 59 percent of the State's area).[5] Petitioner notes that Vermont's population is sparsely settled and, due to the mountainous terrain, a high powered educational facility is needed to reach residents unable to receive other noncommercial educational stations. Petitioner proposes to offer selected instructional materials for adults and special interest programming for groups such as the blind on its SCA channel. Although Vermont has 12 noncommercial educational stations in operation, petitioner contends that their pro-

[1] Public Notice of the filing of the petition was given on May 24, 1977, Report No. 1048.

[2] Petitioner has attached numerous letters from public and private organizations in support of its proposal. A late-filed supplement to the petition for rulemaking will be rejected as procedurally deficient.

[3] The proposal would have been short-spaced to a Canadian assignment at Cornwall, Ontario. However, the Canadian government has agreed to a reassignment at Cornwall if the proposal is adopted.

[4] All population data are taken from the 1970 U.S. Census.

[5] The Burlington station's transmitter is to be located at Mt. Mansfield, and it will share the antenna tower of Station WETK (TV), licensed to the University of Vermont.

gramming is designed to appeal to students rather than the broad range and varied interests it intends to serve. Petitioner further states that no other FM frequency is available for the noncommercial educational service it proposes and that commercial frequencies have been reserved for noncommercial educational use in similar situations.[6]

5. In opposition, Newport Broadcasting states that Channel 300 should remain at Newport since that community has no local FM stations and the local AM station serves approximately 60 percent of the county during the day and only 4 percent at night. Newport Broadcasting notes that no other frequencies are available for assignment to Newport but contends that other frequencies may be used by petitioner for service to Burlington. It also argues that its proposed commerial use is better suited than a noncommercial educational service to the needs of the residents of northern Vermont, where unemployment is high and no other area wide stations address community needs. It states that it filed an application for Channel 300 on February 5, 1977.

6. RCV also urges retention of Channel 300 at Newport, and states that it intends to apply for a station there.[7] It contends that the requested reassignment to Burlington is unncessary because petitioner does not intend to serve that community with its proposed station and, further, that petitioner could have applied for Channel 300 at a community within 15 miles of Newport and still have utilized the Mt. Mansfield site.[8] It is RCV's contention that petitioner chose not to do this so it would not have to compete with any applicants interested in a new FM station for Newport. Further, RCV suggests that, given the circumstances here, there is no direct precedent for petitioner's request for a commercial frequency. In this regard it asserts that the critical consideration in all of the Commission's cases[9] which have resulted in the reservation of commercial FM frequencies for noncommercial educational use has been interference to Channel 6 TV operations,[10] a consideration not present here. In addition, RCV argues that this case would represent the first time a commercial assignment, with an application pending, would be deleted in favor of noncommercial use elsewhere. In an attempt to demonstrate that certain underserved areas would be deprived if Channel 300 were deleted from Newport, RCV asserts that 17,542 persons in an area of approximately 2,373 square kilometers (937 square miles) would be denied a second full-time service and 25,000 persons in an area of approximately 4,087 square kilometers (1,578 square miles) would be denied a third full-time service. RCV further contends that petitioner has not adequately investigated alternative means of offering its proposed service, such as locating its transmitter at several other high-elevation sites; setting up a network of existing educational FM stations; using a combination of the AM band and acquisition of SCA facilities on other FM stations; or integrating its service into the extensive CATV penetration now found in Vermont.

7. In reply, petitioner states that it has investigated alternatives to the use of Channel 300 as proposed and found none for its purposes. In response to the argument that Burlington was chosen in order to avoid legitimate competition, petitioner states that Section 73.315 of the Commission's rules requires that a city grade signal strength be provided over the community of license and that a site be chosen as close to the city of license as possible. However, it contends that, due to terrain configuration, no community within a 15-mile distance of Newport could be reached with the specified field strengths. It also states that Burlington was the logical choice for licensing purposes since it is the largest city in and the center of cultural, educational and economic activity for Vermont. As for alternatives to the proposed Newport service, petitioner suggests that Channel 212, a noncommercial educational frequency, could be assigned to Newport for commercial usage on a low power Class A basis to serve that community. Furthermore, in response to RCV's ideas of alternative services for Burlington, it notes that an AM frequency would not fulfill its plans for SCA service and that CATV penetration is insufficient as an alternative.

8. In assessing the possibilities for service offered by the Burlington and Newport proposals at this stage, certain allegations can be disposed of on the basis of information already provided, while others require that parties provide additional information. First, petitioner is correct in noting that Canadian allocations would preclude the use of any noncommercial educational FM frequencies for its purposes. Also, any necessary upgrading of existing noncommercial educational FM stations would be foreclosed by the Canadian assignments. Secondly, we cannot substantiate the contention of opponents that AM frequencies would be available to attain petitioner's desired coverage. If that possibility is to be considered, the manner in which an AM frequency could be allocated and provide petitioner's desired coverage should be addressed in comments. Thirdly, it appears that petitioner is also correct in asserting that it would not provide a 3.16 mV/m signal to communities within 15 miles of Newport from its Mt. Mansfield site due to the effects of shadowing.[11] Therefore, the need to reassign Channel 300 appears to be the only way to accomplish petitioner's goal.

9. In order to support the need for a Class C channel under either of the two proposals, it will be necessary for interested parties to submit a showing of the extent of first or second aural services from the proposed transmitter locations.[12] See *Anamosa and Iowa City, Iowa*, 46 FCC 2d 221 (1974). In the case of the Burlington proposal, that showing should also indicate the areas which would receive a first or second noncommercial educational FM service. While this information will be helpful in determining the need at each location for a wide coverage area station, the comments should also respond to the possibilities for a Class A assignment at Newport, including the use of the noncommercial educational band for such purposes. The cases cited by petitioner concerning the use of commercial FM frequencies for noncommercial educational FM use are of limited value since none of those cases involved the deletion of an assigned channel without substitution; as a result the deletion in those cases was made solely in light of the standard comparison of the communities in-

[6] Citing *Muncie, Indiana*, 59 FCC 2d 778 (1976).

[7] Subsequently, RCV submitted an application for Channel 300 at Orleans, Vt., under the Commission's 15-mile rule, Section 73.203(b), which permits applicants to request usage of channels at unlisted communities within 15 miles of a community listed in the Table of Assignments. However the application was returned for failure to meet the cut-off date requirement. A petition for reconsideration of that dismissal was filed on October 25, 1977, and is still pending.

[8] RCV notes that a city grade signal could be provided to several communities within the required 15-mile distance of Newport from a Mt. Mansfield transmitter location.

[9] These cases include *Muncie, Indiana*, 59 FCC 2d 778 (1976); *Presque Isle, Maine*, 36 R.R. 2d 840 (1976); *Bloomington, Indiana*, 17 R.R. 2d 1665 (1969); and *Waco, Texas*, 10 FCC 2d 865 (1967).

[10] The channels on the lower portion of the noncommercial band may cause adjacent channel interference to Channel 6 TV service. In such cases, it is sometimes necessary to look to the commercial band for available frequencies.

[11] It is accepted that shadowing causes a decrease in signal level. Any significant decrease in this case would result in an inadequate signal strength to any community that could be chosen under the 15-mile rule.

[12] The showing of RCV as it pertains to Orleans is acceptable to demonstrate areas lacking in FM service under *Roanoke Rapids* criteria. However, the showing we now request should take into account existing AM stations.

volved and did not reach an evaluation of the comparative need for noncommercial educational and commercial usage. Interested parties may wish to further explore alternative means of service already suggested or present new ways to provide needed service to this portion of Vermont.

10. Accordingly, it is proposed, to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows for the cities listed below:

City	Channel No. Present	Proposed
Burlington, Vt	225, 255	225, 255, *300
Newport, Vt	300	
Or, in the alternative:		
Burlington, Vt	225, 255	225, 255
Newport, Vt	300	300

11. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

12. It is ordered, that the Secretary shall send a copy of this notice by certified mail, return receipt requested to Newport Broadcasting Corporation, c/o John Garabedian, Box 5, Cabot, Vt. 05647.

13. Comments are to be filed on or before May 12, 1978, and reply comments on or before June 1, 1978

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

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-7794 Filed 3-23-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
[50 CFR Part 23]
ENDANGERED SPECIES CONVENTION
Addition of the Guanaco to Appendix II

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Fish and Wildlife Service received a notification, dated February 1, 1978, from the Secretariat for the Convention to the effect that the Republic of Peru had proposed the inclusion of the guanaco, *Lama guanicoe*, in Appendix II. This proposal is to be considered according to the postal procedure established by the Convention. The Service invites public comment and information on this species in order to develop a reply to the proposal and to submit any relevant scientific data and information to the Secretariat.

DATES: The Service will consider all comments received by April 24, 1978.

ADDRESS: Please send comments to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard L. Jachowski, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, phone 202-254-8100.

SUPPLEMENTARY INFORMATION: Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is a list of species that, although not necessarily now threatened with extinction, may become so unless trade in wildlife and plants of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and other species which must be subject to regulation in order that trade in such species may be brought under effective control. Trade in this context means any import, export or re-export.

Amendments to Appendix II by the postal procedure require the following steps.

(1) A proposal must be communicated by a party to the secretariat of the Convention which must communicate the proposal and, as soon as possible, its own recommendation to the parties.

(2) Any party may reply to a proposal within 60 days of the communication of the Secretariat's recommendation. Replies shall be communicated to the parties by the Secretariat together with its recommendations.

(3) Provided the Secretariat does not receive an objection within 30 days of its communication of the replies and recommendations, the amendment becomes effective 90 days later.

(4) If the Secretariat receives an objection, it shall so notify the parties which may then mail their votes to the Secretariat. An amendment is adopted by a two-thirds majority of the affirmative and negative votes,

provided one-half of the parties vote affirmatively, negatively or in abstention.

(5) An amendment becomes effective 90 days after its adoption.

(6) If the Secretariat does not receive the votes of one-half of the parties, the proposal shall be referred to the next meeting of the Conference of the parties for further consideration.

The Service invites public comment and information on this species in order to develop a timely reply to the proposal and to determine the position of the United States with respect to including the guanaco in Appendix II. All comments received will be available for public inspection during normal business hours at the Federal Wildlife Permit Office, Room 536, 1717 H Street NW., Washington, D.C.

This document was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

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

Dated: March 14, 1978.

KEITH M. SCHREINER,
Associate Director.

[FR Doc. 78-7864 Filed 3-23-78; 8:45 am]

[4310-55]

[50 CFR Part 23]

ENDANGERED SPECIES CONVENTION

Procedure for Changing the Appendices to the Convention

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service issued a final rule on February 22, 1977, implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Provisions for changing the list of species in the appendices, including a way for the public to participate, were not established by that rule. Such a procedure for amending the appendices is outlined in this proposal. The Service requests public comments on this procedure, with regard to incorporating it into the rule.

DATES: All relevant comments on this proposed rule received by May 23, 1978, will be considered in developing the final rule.

ADDRESSES: Comments on this proposed rule should be sent to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202-254-8100.

SUPPLEMENTARY INFORMATION: The Convention on International Trade in Endangered Species of Wild Fauna and Flora was negotiated in 1973 at a conference attended by delegates from eighty countries. The original appendices to the Convention, which listed the species of wildlife and plants that it covered, were also negotiated at that conference. These appendices were published in the proposed rule to implement the Convention on June 16, 1976 (41 FR 24367). They should not be confused with the lists of Endangered and Threatened species that are published under the Endangered Species Act of 1973.

Although the Convention came into force on July 1, 1975, the rule implementing it in this country did not take full effect until May 23, 1977. This final rule was issued on February 22, 1977 (42 FR 10462), soon after the nations that are parties to the Convention held their first meeting to review its implementation. The parties adopted several changes in the appendices, which appeared in the final rule.

The United States is one of 44 countries that are currently parties, and it cannot unilaterally change Appendix I or II. However, this country can propose such changes. Within a time limit of 90 days set by the Convention, it can also enter reservations with respect to species in the appendices, which means that this country would be treated as a state not party to the Convention where those species are concerned, and would not require permits for international trade in those species. This proposed rule describes a procedure for the Service to follow in considering changes in the appendices. It is intended to provide maximum public participation.

The criteria for listing species in Appendices I, II and III that are given in the text of the Convention are included in this proposed rule. More detailed criteria for the addition or deletion of species in Appendices I and II, elaborating on those in the Convention, were adopted by the party countries at their first meeting in November 1976. These also have been incorporated in the present proposal.

The format that party countries are to follow in submitting proposals to add or delete species in Appendices I and II was developed at a subsequent international meeting in October 1977. The format specifies the types of information that are needed. These have been included in the requirements for petitions submitted by persons to the Director to facilitate the review of information and preparation of proposals.

The Service will attempt to acknowledge receipt of all comments on the present proposal, but substantive responses to individual comments may not be provided. All comments received will be available for public inspection during normal business hours at the Federal Wildlife Permit Office, Room 536, 1717 H Street NW, Washington, D.C.

This proposed rule is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884), and was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

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

Dated: March 17, 1978.

ROBERT S. COOK,
Acting Director,
U.S. Fish and Wildlife Service.

Accordingly, it is proposed to amend Part 23, Subchapter B of Chapter I, Title 50, Code of Federal Regulations as follows:

The previously reserved § 23.21 and § 23.22 should be added to read as follows:

§ 23.21 Criteria for amending the appendices.

(a) *Additions, general rule.* Species may only be added to Appendix I, II or III if they meet the following internationally agreed criteria. In determining the appropriate appendix in which a species should be included, the biological and trade status of the species should be evaluated together. Trade in this context means any import, export or re-export.

(b) *Additions to Appendix I.* Appendix I shall include species threatened with extinction which are or may be affected by trade.

(1) *Biological status.* To qualify for Appendix I, a species must be currently threatened with extinction. Information of any of the following types is required, in order of preference: (i) Scientific reports on the population size or geographic range of the species over a number of years; (ii) scientific reports on the population size or geographic range of the species based on single surveys; (iii) reports by reliable observers other than scientists on the population size or geographic range of the species over a number of years; or (iv) reports from various sources on habitat destruction, heavy trade or other potential causes of extinction. Genera are included if most of their species are threatened with extinction and if identification of individual species within the genus is difficult. The

same applies to the listing of any smaller taxa within larger ones. If most of the smaller taxa are not threatened, but identification of individual species is difficult, the entire larger taxon should be placed on Appendix II. Species included in Appendix I because of difficulty in distinguishing them from threatened species in the same higher taxon should be annotated as such in the appendix.

(2) *Trade status.* Species meeting the biological criteria should be listed in Appendix I if they are or may be affected by international trade. This includes any species that might be expected to be traded for any purpose, scientific or otherwise. Particular attention should be given to any species for which such trade might, over a period of time, involve numbers of specimens constituting a significant portion of the total population size necessary for the continued survival of the species. The biological status and trade status of a species are obviously related. When biological data show a species to be declining seriously, there need be only a probability of trade. When trade is known to occur, information on the biological status need not be as complete. This principle especially applies to groups of related species, where trade can readily shift from one species that is well-known to another for which there is little biological information.

(c) *Additions to Appendix II.* Appendix II shall include species which although not necessarily now threatened with extinction may become so unless trade in wildlife and plants of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and other species which must be subject to regulation in order that trade in such species of wildlife and plants may be brought under effective control.

(1) *Biological status.* To qualify for Appendix II, a species need not currently be threatened with extinction, but there should be some indication that it might become so. Such an indication might be a decreasing or very limited population size or geographic range of distribution. Information on biological status should be one of the types required for Appendix I species. Genera should be listed if some of their species are threatened and identification of individual species within the genus is difficult. The same should apply to listing any smaller taxa within larger ones.

(2) *Trade status.* Species meeting the biological criteria should be listed if they presently are subject to trade or are likely to become subject to trade. The latter situation can arise where heavy trade in one species is extended to include similar species if the demand grows or if supplies of the one species are depleted. The amount of trade that a species can sustain without threat of extinction generally will be greater for species in Appendix II than for those in Appendix I, so there should be evidence of actual or expected trade in such a volume as to constitute a potential threat to survival of the species. Appendix II serves in part as a monitoring tool to gather trade data. The monitoring of a species in Appendix II can indicate if similar species not listed in Appendix I or II are likely to be subject to trade.

(d) *Additions to Appendix III.* Appendix III shall include species which any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.

(e) *Deletions and transfers from Appendices I and II.* Species may only be deleted from Appendix I or II, or transferred from Appendix I to Appendix II if the following internationally agreed criterion is met. There must be positive scientific evidence that the species can withstand the exploitation resulting from the removal of protection afforded by the present listing. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the species to be placed on an appendix initially. Such evidence should include at least a well-documented population survey, an indication of the population trend of the species, showing recovery sufficient to justify deletion or transfer, and an analysis of the potential for commercial trade in the species.

(f) *Deletions from Appendix III.* Any party that has submitted a species for inclusion in Appendix III may withdraw it at any time.

§ 23.22 Procedures for amending the appendices.

(a) *Proposals to amend Appendices I and II.* (1) In general, an amendment to Appendix I or II shall be proposed by a party and approved by the parties either at a meeting of the Conference of the parties or by postal procedure.

(2) Approval at a meeting of the Conference of the parties requires the following steps:

(i) A proposal must be communicated by a party to the Secretariat of the Convention at least 150 days prior to a meeting of the Conference of the parties.

(ii) An amendment is adopted by two-thirds majority of the parties voting.

(iii) An amendment becomes effective 90 days after the meeting of the Conference of the parties.

(3) Approval by postal procedure requires the following steps:

(i) A proposal must be communicated by a party to the Secretariat of the Convention which must communicate the proposal and, as soon as possible, its own recommendation to the parties.

(ii) Any party may reply to a proposal within 60 days of the communication of the Secretariat's recommendation. Replies shall be communicated to the parties by the Secretariat together with its recommendations.

(iii) Provided the Secretariat does not receive an objection within 30 days of its communication of the replies and recommendations, the amendment becomes effective 90 days later.

(iv) If the Secretariat receives an objection, it shall so notify the parties which may then mail their votes to the Secretariat. An amendment is adopted by a two-thirds majority of the affirmative and negative votes, provided one-half of the parties vote affirmatively, negatively or in abstention.

(v) An amendment becomes effective 90 days after its adoption.

(vi) If the Secretariat does not receive the votes of one-half of the parties, the proposal shall be referred to the next meeting of the Conference of the parties for further consideration.

(b) *Amending Appendix III.* (1) An amendment to Appendix III shall be submitted to the Secretariat by a Party.

(2) An amendment becomes effective:

(i) 90 days after the date the Secretariat communicates the addition of a species to the parties, or

(ii) 30 days after the date the Secretariat communicates to the parties the withdrawal of a species by the party concerned.

(c) *Reservations.* During the 90 day period immediately preceding the effective date of an amendment, a party may, by notification in writing to the Depository Government, make a reservation with respect to the amendment. Until a reservation is withdrawn, the party shall be treated as a non-party with respect to trade in the species concerned (see § 23.14(b)).

(d) *Petition for review.* (1) At any time, an interested person may petition the Director to review the status of any species with a view of taking one of the actions described in paragraphs (a), (b), or (c) of this section. The petition must be in writing and dated and must be submitted to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240.

(2) A petition for review must contain the following information:

(i) Name and address of the person making the request.

(ii) Association, organization or business, if any, represented by the person making the request;

(iii) Taxonomy of the species in question, giving the Order, Family, sci-

entific name (including author and year), and common name(s) when applicable;

(iv) Biological data on the species in question, including current and historical geographic distribution, population estimates and trends, and habitat trends;

(v) Trade data on the species in question, including national utilization, legal and illegal international trade, and potential threats to the species from trade in live specimens or parts and derivatives. Trade in this context means any import, export or re-export;

(vi) Protection status of the species in question, including national and international measures and additional protection needs;

(vii) Information on species that are similar in appearance to the species in question, and that might be mistaken for it;

(viii) Comments on the status and protection needs of the species in question from authorities in other countries, if the species occurs in countries other than the United States;

(ix) References to published data on the species in question; and

(x) Signature of the person making the request.

(3) If it is found that substantial evidence has been presented which warrants a review, a notice to that effect shall be published in the FEDERAL REGISTER, inviting the public to comment and to submit additional information.

(4) The Service shall, subsequent to the comment period, publish a second notice in the FEDERAL REGISTER of its determination regarding the petition. If a petition is accepted, it will be forwarded to the Secretariat of the Convention as an offical United States proposal to amend the appendices.

(5) Following action by the parties on an official proposal, either at a meeting of the Conference of the Parties or through the postal procedure, the Service shall publish a third notice in the FEDERAL REGISTER to advise the public of the result of the action, and the effective date of the amendment if the proposal was approved.

(e) *Proposals by other parties.* (1) The Service shall publish a notice in the FEDERAL REGISTER inviting the public to comment and to submit information on any proposed amendment by another party when such proposal is communicated by the Secretariat of the Convention.

(2) The Service shall subsequently publish a second notice in the FEDERAL REGISTER of its determination regarding the proposed amendment.

(3) Following action by the parties on the proposal, either at a meeting of the Conference of the parties or through the postal procedure, the Service shall publish a third notice in the FEDERAL REGISTER to advise the public of the result of the action, and the effective date of the amendment if the proposal was approved.

[FR Doc. 78-7863 Filed 3-23-78; 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.

[3410-10]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

Second Quarterly Estimate

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by Section 2(a) of the Act.

In accordance with the requirements of the Act, the following second quarterly estimates for 1978 are published.

1. The estimated quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1978 is 1,183.9 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1978 is less than 110 percent of the estimated quantity prescribed by Section 2(a) of the Act.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1978 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Pub. L. 88-482 at this time.

This estimate is based upon information provided by the Department of State that agreement has been reached with major supplying countries to limit meat imports into the United States in 1978. Were it not for these voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Done at Washington, D.C., this 21st day of March 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-7879 Filed 3-23-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

WESTERN AIR LINES, INC. AND CONTINENTAL AIR LINES, INC., ET AL

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of March, 1978.

Application of Western Air Lines, Inc. and Continental Air Lines, Inc., for approval of equipment interchange agreement, Docket 31329; application of Western Air Lines, Inc. and Braniff Airways, Inc. for approval of equipment interchange agreement, Docket 31659; and application of Continental Air Lines, Inc. for an exemption pursuant to section 416(b), Docket 31369.

The Board has pending before it two related applications for approval of equipment interchange agreements pursuant to section 412 of the Act. Western Air Lines and Continental Air Lines seek approval of an agreement which would enable them to provide single-plane service between Houston, Tex., and Calgar, Alberta, Canada, via Denver, Colo. Western and Braniff Airways seek approval of an agreement which would enable them to provide single-plane service between Dallas/Ft. Worth, Tex., and Calgary and Edmonton, Alberta, Canada, via Denver. Motions for expedited consideration of these agreements were filed on September 9 and November 23, 1977.

The applicants generally base their requests on the strong community of interest between the metropolitan Texas petroleum centers of Houston and Dallas/Ft. Worth and the Canadian oil centers of Calgary and Edmonton. Approval of the interchange agreements, it is alleged, would be the quickest and most economical means of authorizing effective single-plane service between these energy centers.

Western and Continental allege in support of their request that the Calgary-Houston interchange will offer direct, one-step service on a routing over which 95 percent of Calgary-Houston traffic moves today, will benefit 21,691 Calgary-Houston passengers with single-plane service, and will offer improved connecting service to numerous other passengers; that passengers will be offered a fare savings of 11 percent from the lowest current coach fare, and that new excursion fares will be made available at fares 25 percent to 29 percent below the current coach fare; that enhanced freight capability will be made available by the use of wide-bodied equipment/ that the carriers will benefit economically from the agreement (Western and Continental forecast an operating profit impact of $1,966,000 and $998,000, respectively, from the interchange proposal and related schedule adjustments); that the impact on other carriers will be minimal, the greatest diversion being from Texas International Airlines (TXI) and amounting to only $307,000; and that there will be no significant impact on service in other markets.

Continental also has filed an application for an exemption from complying with Condition 13 of its certificate. That condition requires that all flights between Houston and Denver also serve either Seattle or Portland. In order that it be able to operate the proposed interchange service, Continental requests that it be permitted to substitute Calgary as the "long-haul point" on one daily Houston-Denver round trip.

Western and Braniff, in support of their request, allege that their interchange service will benefit almost 10,000 passengers with first single-plane service in the Dallas/Ft. Worth-Calgary/Edmonton markets; that it will result in a 9.5 percent coach fare savings in the Dallas/Ft. Worth-Calgary market, a 9.6 percent savings in the Dallas/Ft. Worth-Edmonton market, and a 10.5 percent savings in the San Antonio-Edmonton market; that Western and Braniff participated in 95 and 73 percent, respectively, of the Dallas/Ft. Worth-Calgary/Edmonton traffic in 1975; that the proposed interchange will be profitable for both carriers (Western and Braniff forecast an operating profit impact of $210,000 and $574,000, respectively) that diversion will be negligible; and that the interchange will not disrupt existing traffic flows.

There is no opposition to approval of the Braniff-Western interchange agreement. Frontier Airlines, the only carrier responding to the proposal, re-

quests only that approval be limited to a single round trip in the Dallas/Ft. Worth-Calgary/Edmonton market, as proposed by the carriers. The Calgary Transportation Authority and the Edmonton Area Air Services Commission support the application.

The Continental-Western agreement, on the other hand, is opposed by TXI. Its primary objection is based on its estimate that approval of the agreement would result in diversion of revenues from it of between $3.4 million and $3.8 million. Between $2.3 million and $2.8 million of this amount, it is alleged, would be lost in the Denver-Houston market. Continental and Western filed a reply to Texas International's answer, accompanied by a motion for leave to file which we will grant. They challenge TXI's diversion estimate, attacking the assumptions it made about Continental's future schedules. They assert that diversion from Texas International will be no more than $307,000.

The Calgary Transportation Authority and the Edmonton Area Air Services Commission support the Continental-Western agreement, as do the City of Houston and the Houston Chamber of Commerce. The City of New Orleans and the Chamber of Commerce of the New Orleans Area filed an answer asking that the application be approved only if it would not destroy the existing requirement that Continental provide long-haul service to Portland/Seattle.

We have tentatively decided to approve both interchange agreements, and to order all interested persons to show cause why the agreements should not be approved. We tentatively find and conclude that the Continental-Western and Braniff-Western interchange agreements are not adverse to the public interest, or in violation of the Federal Aviation Act, and that neither agreement will result in a monopoly or tend to restrain competition. In support of this disposition we make the tentative findings below.

The Board has developed general public interest guidelines in passing on equipment interchange agreements required to be approved under sections 408 and 412 of the Federal Aviation Act. In *Eastern-American Agreement*, 34 CAB 828, 830 (1961), the Board stated:

> "In weighing interchange proposals . . . the Board has considered not only the public interest criteria set forth in section 102 of the Act, but also such matters as whether the interchange proposal is economically feasible; whether it will convenience and promote air traffic; whether the proposed service can be provided by existing authorizations of other carriers; and the effect of the interchange on other carriers."

We conclude that the interchange proposals here meet these criteria. First, the interchanges will provide feasible, first single-plane service between major energy centers of Texas and Canada, over reasonably direct routings via Denver. The Houston-Denver-Calgary routing involves a circuity of only 0.9 percent versus a nonstop routing; the Dallas/Ft. Worth-Denver-Calgary/Edmonton routing involves a circuity of only 1.3 percent. Single-plane service in these markets represents a significant service improvement over existing connecting service, and accordingly approval of the agreements will provide the public with substantial benefits. Existing certificate authority will be used in the operation of the interchange services, except to the extent that Continental will have to be exempted from its long-haul restriction in the Houston-Denver market (see discussion below). No single carrier now has authority to operate the service proposed by the applicants.[1]

Approval of the agreements will not significantly alter the historic participation of carriers in the traffic in these markets. In 1975, Western and Continental participated in 83 percent of the Houston-Calgary revenue passenger miles. Similarly, in 1975 Western and Braniff participated in 83 percent of the Dallas/Ft. Worth-Calgary/Edmonton revenue passenger miles. Approval of the agreements will not have a significant impact on existing service in any market.

All of the applicant carriers forecast significant operating profits from the proposed operations. Further, we find that any diversion from other carriers will not be significant enough to outweigh the public benefits of the proposed interchanges. TXI is the only carrier that may be subject to any significant amount of diversion. On the basis of the evidence thus far submitted, however, we conclude that any diversion will be far closer to the estimate submitted by the applicants than the $3.5 million estimated by TXI. While TXI may lose some Houston-Calgary passengers who now travel on its Houston-Denver flights but who will prefer the interchange service, it should lose relatively few other Houston-Denver passengers, especially in view of its unrestricted authority in the market and ability to schedule in a competitive fashion.

We also tentatively find and conclude that Continental's exemption application should be approved. Thus, we propose to allow Continental, on one daily round trip flight, to substitute Calgary for Seattle-Tacoma and Portland as the "long-haul" point to be served on its Houston-Denver flights. This substitution should have little, if any, competitive effect in the Houston-Denver market inasmuch as Calgary is approximately the same distance from Denver as either Seattle or Portland, and since the exemption will be limited to one round trip.[2] We therefore tentatively find and conclude that enforcement of the certificate provisions of the Act so as to require Continental's certificate to be amended would be an undue burden on it because of the limited extent of and unusual circumstances affecting its proposed operations and would not be in the public interest.

Finally, we tentatively find and conclude that approval of the two interchange agreements will not result in major federal actions significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969. The only net change in aircraft movements at U.S. points will be the operation of a 727-200 rather than a DC-10 on one daily landing/takeoff cycle at Seattle.[3]

Interested persons will be given 21 days following adoption of this order to show cause why our tentative findings and conclusions should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an oral evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not

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[1] Numerous carriers have applied to the Board for such authority. However, we have previously determined that, in view of our limited hearing resources, those applications do not warrant consideration at this time. Order 77-9-49, September 15, 1977, affirmed on reconsideration, Order 77-11-107, November 22, 1977.

[2] Continental currently operates three round trip flights daily in the Houston-Denver market.

[3] The Calgary Transportation Authority and The Edmonton Area Air Services Commission have requested that we require the carriers participating in the interchanges to report to the Board the month-by-month traffic carried on the interchange service. This, it is alleged, is the only way the Board can assess the need for nonstop service in the future. We are hesitant to impose additional reporting requirements on these carriers. We believe existing traffic surveys will be sufficient to assess traffic demand in these markets. The benefits of any additional data are outweighed by the burden imposed upon the carriers in reporting such data.

issue an order making final the tentative findings and conclusions stated here, and (a) approving the interchange agreements in Dockets 31329 and 31659, so as to authorize single-plane service by Western Airlines and Continental Air Lines between Houston, Tex., and Calgary, Alberta, Canada, via Denver, and by Western and Braniff Airways between Dallas/Ft. Worth, Tex., and Calgary/Edmonton, Alberta, Canada, via Denver, limited in each case to one daily round trip; and (b) granting the exemption application of Continental Air Lines in Docket 31369, so as to permit Continental, on one daily round trip, to substitute Calgary, Alberta, for Seattle-Tacoma or Portland as the "long-haul" point required to be served on its Houston-Denver flights by condition (13) of its certificate of public convenience and necessity;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings and conclusions set forth here shall, within 21 days of the date of the adoption of this order, file with the Board and serve on all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied on to support the stated objections. Answers to such objections shall be filed no more than 10 days later; *

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before action is taken by the Board;

4. In the event that no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order; and

5. A copy of this order shall be served on Braniff Airways; Continental Air Lines; Western Air Lines; Texas International Airlines; Frontier Airlines; The Calgary Transportation Authority and the Edmonton Area Air Services Commission; The City of Houston, Texas, and the Houston Chamber of Commerce; and the City of New Orleans and the Chamber of Commerce of the New Orleans Area.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-7857 Filed 3-23-78; 8:45 am]

* Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENTS OF DEFENSE; HEALTH, EDUCATION, AND WELFARE; COMMERCE

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 Defense—Deputy Assistant Secretary (Program Development), DASD (Program Development), OASD (Manpower, Reserve Affairs and Logistics), Office of the Secretary of Defense.

Department of Health, Education, and Welfare—Deputy Administrator for Operations, Office of the Deputy Administrator for Operations, Health Care Financial Administration.

Department of Commerce (1) Deputy Chief Economist, Office of the Chief Economist, Office of the Secretary; (2) Director, Office of Civil Rights, Office of the Secretary.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-7677 Filed 3-23-78; 8:45 am]

[6325-01]

DEPARTMENTS OF HEALTH, EDUCATION, AND WELFARE; NATIONAL ENDOWMENT FOR THE HUMANITIES; DEPARTMENT OF COMMERCE

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 Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of Health, Education, and Welfare—Commissioner, Medical Services Administration, Office of the Commissioner, Social and Rehabilitation Sevice.

National Endowment for the Humanities—Director, Division of Public Programs.

Department of Commerce—(1) Chief Counsel, Office of the Administrator, National Fire Prevention and Control Administration; (2) Deputy Director, Bureau of Domestic Commerce, Domestic and International Business Administration.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-7675 Filed 3-23-78; 8:45 am]

[6325-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION DEPARTMENT OF COMMERCE; NATIONAL ENDOWMENT FOR THE HUMANITIES

Notice of 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 Health, Education, and Welfare—Deputy Assistant Secretary for Public Affairs, Immediate Office, Office of Assistant Secretary for Public Affairs, Office of the Secretary.

Equal Employment Opportunity Commission—Director, Office of Program Planning, Office of the Executive Director.

Department of Commerce—Special Program Advisor to the Administrator, National Oceanic and Atmospheric Administration.

National Endowment for the Humanities—Deputy Chairman for Policy, Planning and Public Affairs, Office of the Chairman.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-7676 Filed 3-23-78; 8:45 am]

[3510-17]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 10-5]

ASSISTANT SECRETARY FOR ADMINISTRATION

Statement of Organization, functions and Delegations of Authority

This order effective February 21, 1978 supersedes the materials appearing at 38 FR 34133 of December 11, 1973, 41 FR 19996 of May 14, 1976, 41 FR 36058 of August 26, 1976, 42 FR 44829 of September 7, 1977, and 43 FR 785 of January 4, 1978.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority and the duties and responsibilities of the Assistant Secretary for Administration (the "Assistant Secretary" hereinafter), and provides for the organiza-

tional structure of the Assistant Secretary's office.

.02 The purpose of this revision is to (1) incorporate outstanding amendments to the order, (2) add provisions covering grants management policy and administration (subparagraph 5.011.) and foreign intelligence liaison responsibilities (subparagraph 5.01m.), (3) update the Appendix listing the offices reporting to the Assistant Secretary, and (4) generally update the language of the order.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce established by Section 304 of Pub. L. 83-471 of July 2, 1954 (68 Stat. 430; 15 U.S.C. 1506) shall continue to be designated as the Assistant Secretary for Administration. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority of the Secretary on administrative management matters of the Department. This delegation shall include the conduct of all administrative management functions required in the overall management of the Department as well as the provision of administrative management services directly to the Office of the Secretary and, as may be determined, to all or some organizational units of the Department, or to other governmental organizations for which the Secretary may be assigned responsibility.

.02 The authority delegated to the Assistant Secretary in paragraph .01 above shall include:

a. Serving as "agency head" with respect to the authorities in Chapter 4, Title 41 of the U.S. Code, which deal with purchases and contracts for property or services, and other authorities of the Secretary relating to procurement.

b. Carrying out the Secretary's responsibilities for fulfilling the objectives and effecting compliance throughout the Department with the requirements of Title VI of the Civil Rights Act of 1964, the Equal Employment Opportunity law of 1972, and all other statutes, Executive Orders and regulatory provisions relating to equal opportunity under which the Secretary of the Department may have responsibilities. For purposes of carrying out these responsibilities and as required by the applicable Executive Orders or implementing regulations of the Secretary of Labor or the Civil service Commission, the Assistant Secretary is designated as the Contracts Compliance Officer and the director of Equal Employment Opportunity for the Department and is authorized to (1) upon recommendations of the heads of operating units, and with the approval of the respective Program Secretarial Officers involved, designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the operating units; and (2) designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the Office of the Secretary.

c. Carrying out the Secretary's responsibilities under the Federal Advisory Committee Act (5 U.S.C. Appendix), and implementing directives of the General Services Administration and the Department of Justice.

d. Coordinating Departmentwide the preparation of the national emergency plans and the development of the preparedness programs required by section 901 of Executive Order 11490, as amended.

e. Carrying out the Secretary's responsibilities with respect to gifts and bequests under 15 U.S.C. 1525-1527 (Pub. L. 91-412).

.03 Subject to applicable laws and regulations, the Assistant Secretary for Administration may redelegate the authorities under this section to any officer or employee of the Department subject to such conditions in the exercise of the authority as the Assistant Secretary may prescribe; however, the Assistant Secretary's authority to designate Deputy Contracts Compliance Officers and Equal Employment Opportunity Officers may not be redelegated.

SEC. 4. *Office of Assistant Secretary for Administration.* .01 The Office of the Assistant Secretary shall consist of:

a. The Deputy Assistant Secretary for Administration, who shall be the principal assistant of the Assistant Secretary and shall perform the functions of the Assistant Secretary during the later's absence.

b. Such Departmental Offices as the Assistant Secretary may establish to assist in carrying out the administrative management functions prescribed by this order. A list of these Departmental Offices shall be maintained current by the Assistant Secretary in an appendix to this order.

.02 The Appeals board is assigned to the Office of the Assistant Secretary for administrative purposes only.

SEC. 5. *Duties and responsibilities.* .01 The Assistant Secretary shall serve as the principal adviser to the Secretary and as the chief officer of the Department on administrative management. As such, the Assistant Secretary shall be concerned with:

a. Personnel programming and management, including labor-management relations, employee occupational health, and the direction, administration, and processing of all personnel matters.

b. The improvement of management structures, systems, tools and practices towards achieving the highest practical degree of effectiveness, efficiency and economy in programs of the Department.

c. The planning, budgeting and management of financial resources so as to assure optimum utilization of funds in carrying out programs of the Department.

d. The interpretation of Presidential directives in matters of program planning, management control, and operational evaluation; and the initiation of appropriate actions (including studies) relevant thereto.

e. The policy, planning, procurement, and management of automatic data processing (ADP) and associated telecommunications resources to assure their optimum utilization in carrying out Commerce programs.

f. The efficient provision of common administrative and related support services required for the effective conduct of programs of the Department. These services shall include procurement, property, space, safety, motor vehicle, mail communications, library, and related activities.

g. The audit of existing or contemplated operations and contracts or grants and other agreements of the Department to determine deficiencies that may exist, to recommend corrective action, to uncover opportunities for increased efficiency and economy, and to establish a basis for settling contracts and claims.

h. The achievement by the Department of a high state of planning and readiness for responding to national emergencies and major disasters.

i. The conduct of investigations, security matters and physical protection assignments as permitted by law (and as set forth in Department Organization Order 20-6) in order to carry out or support Department and related programs.

j. The provision of printing (including micropublishing), design, graphics, editorial and related promotional, distribution and publishing control services as will contribute to the effectiveness of the Department's programs, and other printed materials, with due regard for reasonable costs.

k. The conduct of activities to ensure equal employment opportunity in the Department, including affirmative action for employees and job applicants; nondiscrimination in Federally assisted programs, activities and projects; and equal employment opportunity by Federal contractors and contractors involved in Federally assisted construction contracts.

l. Liaison with central agencies on grants management policy, and leadership and coordination of grant administration within the Department.

m. The conduct of activities to provide a focal point in the Department

for foreign intelligence matters to support the requirements of Commerce officials and organizational units.

.02 In carrying out the above responsibilities, the Assistant Secretary shall:

a. Develop and issue policies, standards and procedures for administrative management functions throughout the Department and provide functional appraisal and supervision in the conduct of such functions by organizational units.

b. Directly provide the administrative management services required by the Office of the Secretary and, as determined by the Secretary or by agreement, (e.g., between the Assistant Secretary and the Secretarial Officer concerned) directly provide particular administrative management services to specified organizational units of the Department or to other organizations.

c. Conduct a centralized audit function that shall extend to the activities of all organizational units of the Department, with such special exceptions as the Assistant Secretary may determine, and of other organizations as may be arranged.

d. Conduct a centralized procurement function that shall serve the Office of the Secretary and, as determined by the Assistant Secretary, various organizational units of the Department and other organizations as may be arranged.

e. Provide central publications printing, and related services for organizational units of the Department, and other organizations as may be arranged except as the Secretary may authorize particular organizations to provide some such services, as specified, for themselves.

f. Take appropriate action, in accordance with law and pertinent Department orders, with respect to claims and claim procedures involving the Department.

.03 The Assistant Secretary shall be responsible for coordination and liaison with the Office of Management and Budget, the Civil Service Commission, the General Services Administration, the General Accounting Office, and the Government Printing Office on all applicable matters of administrative management, provide central liaison for the Department with the Appropriations Committees of the Congress, coordinate administrative management matters with other departments and agencies, and otherwise represent the Department on such matters with public or private groups.

Effective date: February 21, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

APPENDIX

DEPARTMENTAL OFFICES AND UNITS WHICH REPORT TO THE ASSISTANT SECRETARY FOR ADMINISTRATION

Office of Administrative Services and Procurement.
Office of ADP Management.
Office of Audits.
Office of Budget and Program Evaluation.
Office of Civil Rights.
Office of the Controller.
Office of Intelligence Liaison.
Office of Investigations and Security.
Office of Organization and Management Systems.
Office of Personnel.
Office of Publications.
Appeals Board (for administrative purposes only).

[FR Doc. 78-7798 Filed 3-23-78; 8:45 am]

[3510-17]

[Dept. Organization Order 35-2B]

BUREAU OF THE CENSUS

Statement of Organization, Functions, and Delegations of Authority

This order effective February 14, 1978 supersedes the materials appearing at 41 FR 24205 of June 15, 1976, 42 FR 60946 of November 30, 1977, 42 FR 64724 of December 28, 1977, and 43 FR 3738 of January 27, 1978.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 This revision effects a major reorganization of the Bureau. The changes made in the Bureau's organization and assignment of functions include: The creation of the Decennial Processing Staff, reporting to the Assistant Director for Field Operations (subparagraph 4.03b.); the creation of the Mid-decade Census Staff, reporting to the Assistant Director for Demographic Censuses (subparagraph 5.02b.); the abolishment of the Assistant Director for Statistical Standards and Methodology; the transfer of the Geography Division from the Associate Director for Administration and Field Operations to the Associate Director for Statistical Standards and Methodology (paragraph 7.a.); the transfer of the Center for Census Use Studies to the statistical Research Division (paragraph 7.c.); and the establishment of the Assistant Director for EDP Operations (paragraph 8.02).

SEC. 2. *Organization structure.* The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The director determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statisticial information. The Director is responsible for the conduct of the activities of the Bureau and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Federal Statistical Policy and Standards of the Department of Commerce and by the Office of Management and Budget.

.02 The Deputy Director assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 *Staff Elements.* a. The Equal Employment Opportunity Officer designated under the provisions of subparagraph 3.02b. of Department Organization Order 10-5, "Assistant Secretary for Administration," shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202-713, "Equal Employment Opportunity" and shall participate in the planning and direction of the Equal Employment Opportunity program.

b. The Program and Policy Development Office shall assist in the overall planning, review, and evaluation of Bureau programs. The Office shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long-range policy and resource planning for the Bureau as a whole. It shall advise on all Congressional matters related to the Bureau's activities and serve as the primary point of coordination for maintaining liaison on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

c. The Public Information Office shall, under the policy guidance of the Director of the Bureau and in liaison with the Departmental Office of Communications (as provided by DOO 15-3), develop public information programs and coordinate and review for clearance and release and distribution of information disseminated by the Bureau.

SEC. 4. *Office of the Associate Director for Administration and Field Operations.* .01 The Associate Director for Administration and Field Operations shall provide administrative management services to all components of the Bureau; direct programs of field data collection and pre-computer process-

ing operations; direct the coordination of the Bureau's user program through both Headquarters and Regional Offices and advise the Director in these fields; and shall have direct responsibility for the following units:

The Data user Services Division, under the direct supervision of the Associate Director for Administration and Field Operations, shall plan, coordinate, and administer a comprehensive data dissemination and user services program to help users identify, acquire, understand, and use Bureau products and services; conduct seminars, workshops, and conferences; prepare user aids and reference materials; promote Bureau products and services; prepare statistical compendia such as the Statistical Abstract of the United States and its supplements; design and develop special tabulations and distributable computer programs; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, and maps; research users' needs for statistical products; coordinate the Bureau's regional user services program; and carry out cooperative data dissemination and user services programs with State and local governments and other organizations.

.02 The Assistant Director for Administration shall assist the Associate Director for Administration and Field Operations and provide direction and coordination for the following administrative units:

a. The Administrative Services Division shall provide administrative services to include physical security, property, space and facilities management, procurement control, library, communications, records disposition, files, mail and forms management and related administrative operations; provides emergency planning support to the Bureau and shall assist and advise the Assistant Director in these matters.

b. The Budget Division shall perform budget functions which shall include preparation of official budget estimates and justification and allocation and control of all funds.

c. The Finance Division shall perform financial analysis, maintain financial accounts, coordinate payroll and leave audits, and prepare financial reports.

d. The Organization and management Systems Division shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; prepare special analytical reports on management matters; develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

e. The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

f. The Publications Services Division shall provide publication, printing, and graphic art services, including publications design and distribution planning and control.

.03 The Assistant Director for Field Operations shall assist the Associate Director for Administration and Field Operations and provide direction and coordination for the following administrative units:

a. The Date Preparation Division located in Jeffersonville, Indiana, shall carry out pre-computer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as it specifically delegated; and administer through its Pittsburg, Kans. branch, a personal census service to furnish information about individuals as reflected by census records, as provided by law.

b. The Decennial Processing Staff shall plan, organize, coordinate, and direct the decentralized processing of the 1980 Decennial Census of Population and Housing; plan, develop, implement, and coordinate, with the Decennial Census Division, manual and precomputer processing procedures, schedules and control systems; and coordinate with administrative divisions in the development and implementation of procedures/systems to meet administrative requirements.

c. The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the Regional Offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

SEC. 5. *Office of the Associate Director for Demographic Fields.* .01 The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields and shall have and direct the following units:

a. The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over the development of statistical data collection in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform nonmechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

b. The Foreign Demographic Analysis Division shall conduct specialized studies of population, manpower, economics, and social systems of foreign countries, involving the compilation and evaluation of relevant data; prepare estimates and projections; and prepare special analytical and interpretative reports and monographs.

c. The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; and conduct research for and prepare special analytical reports, monographs, and special studies.

d. The International Statistical Programs Center shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activites; conduct research on international statistical programs of methodology and content and coordinate other research of similar nature in the Bureau; and assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations.

e. The Demographic Analysis Staff shall provide support in developing law enforcement statistics; conduct research on the need for additional statistics; develop data sources; conduct research into possible data gaps, develop recommendations to fill these needs; and develop reports and publications.

f. The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; conduct special studies and publish analytical reports and monographs; and prepare analytical studies of information available

for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

g. The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.02 The Assistant Director for Demographic Censuses shall assist the Associate Director for Demographic Fields; shall diret and provide planning and coordination for the demographic censuses and shall have and direct the following units:

a. The Decennial Census Division shall provide overall direction for program planning of the 1980 decennial census; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing specifications, instructions and controls, and computer programming; and organize and conduct pretest research programs.

b. The Mid-decade Census Staff shall provide for research on population and housing data needs of the Federal, State, and local governments and other public and private agencies; develop and review methodological alternatives; and develop overall plans required for an effective and efficient mid-decade census including the impact the mid-decade census shall have on demographic data collection activities otherwise planned for the 1980's, and how the demographic census data needs for the decade should be distributed between the decennial and mid-decade censuses.

SEC. 6. *Office of the Associate Director for Economic Fields.* .01 The *Associate Director for Economic Fields* shall plan and direct the economic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Business Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current division programs; and conduct research and prepare analytical reports, monographs, and special studies.

b. The *Construction Statistics Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

c. The *Foreign Trade Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform nonmechanical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare special reports, monographs, and studies.

d. The *Governments Division* shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

e. The *Industry Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

.02 The *Assistant Director for Economic and Agriculture Censuses* shall assist the Associate Director for Economic Fields; and shall direct and provide planning and coordination for the following units:

a. The *Agriculture Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

b. The *Economic Census Staff* shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

c. The *Economic Surveys Division* shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to the transportation industry.

SEC. 7. *Office of the Associate Director for Statistical Standards and Methodology.* The *Associate Director for Statistical Standards and Methodology* shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, programs for the enhancement of the availability and utility of data to meet State and local government needs; conduct programs of geographical services, shall advise the Director in these fields, and shall have and direct the following units:

a. The *Geography Division* shall plan, coordinate, and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods, and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base filed; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical

areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

b. The *Research Center for Measurement Methods* shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

c. The *Statistical Research Division* shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; provide guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems; plan, coordinate, and develop systems that will allow efficient interrelating of Bureau data with other local and State data to meet specific needs.

SEC. 8. *The Office of the Associate Director for Electronic Data Processing.* .01 The *Associate Director for Electronic Data Processing* shall plan and direct programs for electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units:

a. The *Engineering Division* shall plan and perform engineering services, including research, development, equipment requirements and maintenance activities, to provide and support electromechanical and electronic equipment required for data processing. These activities will be performed consistent with DAO 212-1, "Management of Automatic Data Processing Resources," (paragraph 3.18.).

b. The *EDP Planning and Management Division* shall provide EDP support and coordination to divisions utilizing EDP services; conduct long-range planning, research and development concerned with new equipment needs; and cordinate data keying and computer processing operations between program divisions and the EDP area.

.02 The *Assistant Director for EDP Operations* shall assist the Associate Director for Electronic Data Processing; shall direct and provide planning and coordination for the computer operations area and shall have and direct the following units:

a. The *Computer Services Division* shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; and plan and perform associated coordination, scheduling of computer processing, staging, and tape library services.

b. The *Systems Software Division* shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programming languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

SEC. 9. *The Regional Offices.* .01 The principal field structure of the Bureau shall consist of twelve Regional Offices, each headed by a Regional director who shall report to the Chief of the Field Division in the Office of the Assistant Director for Field Operations. The location and geographic area covered by each Regional Office shall be as shown in Exhibit 2 of this order.

.02 Each Regional Office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Regional Offices.

.04 The Seattle Regional Office shall have an Area Office in San Francisco California which shall carry out assigned field data collection programs.

Effective date: February 14, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-7800 Filed 3-23-78; 8:45 am]

[3510-17]

[Dept. Organization Order 15-2, Amdt. 1]

OFFICE OF CONGRESSIONAL AFFAIRS

Statement of Organization, Functions, and Delegation of Authority

This amendment effective February 10, 1978 amends the material appearing at 40 FR 17772 of April 22, 1975.

Department organization Order 15-2 of April 9, 1975 is hereby amended as shown below. The purpose of this amendment is to establish the position of Assistant Secretary for Congressional Affairs (section 2.).

1. Section 2. General. Section 2. is revised to read as follows:

SEC. 2. *General.* The Office of Congressional Affairs (the 'Office') is hereby continued as a Departmental office in the Office of the Secretary. The Office shall be headed by an Assistant Secretary for Congressional Affairs who shall report and be responsible to the Secretary.

2. Section 3. Administrative Designation, a. A new section 3. is added as shown below:

SEC. 3. *Administrative designation.* The position of Assistant Secretary of Commerce, established under section 9 of Pub. L. 95-173 (15 U.S.C. 1507b), is hereby designated as the Assistant Secretary for Congressional Affairs (the 'Assistant Secretary'). The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

b. In pen and ink, renumber current Sections 3. and 4. as Sections 4. and 5., respectively.

Dated: February 10, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-7799 Filed 3-23-78; 8:45 am]

[3510-24]

Economic Development Administration

CITIZENS BAND (CB) RADIO TRANSCEIVER INDUSTRY

Study of Producing Firms

SUMMARY

The Department of Commerce has completed a study of the Citizens Band (CB) radio transceiver industry. The study was prepared under section 264 of the Trade Act of 1974. Section 264 requires such a study whenever the U.S. International Trade Commission conducts an investigation under section 201. On February 2, 1978, the Commission submitted a report to the President on the industry in question. The Commission determined that CB radio transceivers are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry.

FIRMS ELIGIBLE FOR ADJUSTMENT ASSISTANCE

Section 264 requires that this study look at "the number of firms in the domestic industry * * * which have been or are likely to be certified as eligible for adjustment assistance." Thus far, no petitions for certification have been filed, and no firms in the industry have been certified.

The domestic industry consists of ten firms. Any firm desiring certification must show that increases in imports "contributed importantly" to (a) the separation, or threat thereof, of a significant number of proportion of its workers and (b) an absolute decrease in sales or production. The requirement of increased imports could probably be satisfied. Nearly all firms in the industry could also satisfy the requirements for employment and either sales or production declines. A showing that the increased imports "contributed importantly" to these declines probably could be made, but

this would not necessarily be true for specific firms.

Despite these probabilities, some or even all of the firms might have no desire or need for financial assistance beyond what private sources can provide. The maximum number of firms likely to be certified is five. Nevertheless, without specific facts on the needs and experience of individual firms there is no way to be certain.

SOURCES OF FEDERAL ASSISTANCE

Three Federal agencies have programs that might facilitate orderly adjustment of firms to import competition. The Economic Development Administration (EDA), in the Department of Commerce, has several relevant programs. One authorizes technical assistance, direct loans, and loan guarantees to firms that have been certified as eligible for adjustment assistance. Another authorizes public works grants, loans, and loan guarantees for communities that have been injured by imports. Still another provides for loans and guarantees for firms in designated "redevelopment areas" and "economic development centers." Such places are also eligible for public works.

The Small Business Administration (SBA), an independent agency, has three programs that might help. The most important is a program of direct, participating, and guaranteed loans to small businesses. In general, SBA handles loans of $350,000 or less, while EDA handles the larger loans.

The Farmers Home Administration (FmHA), in the Department of Agriculture, has two relevant programs. One provides business loan guarantees to firms located in areas other than cities of over 50,000 population. The other entails grants and loans to public entities in areas other than cities of over 10,000 population.

Additional information about the adjustment program and copies of this report "Prospects for Adjustment Assistance for Firms in the Citizens Band (CB) Radio Transceiver Industry" are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5113.

D. PATRICIA KEELER,
Director, Office of Planning and Program Support.

[FR Doc. 78-7797 Filed 3-23-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1978 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 31, 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 December 2, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 61297) of proposed addition to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1978:

CLASS 1005

Sling, Padded, Adjustable (IB) 1005-00-312-7177.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-7845 Filed 3-23-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Office of the Secretary

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

NAME OF COMMITTEE: Armed Forces Epidemiological Board.

DATE OF MEETING: April 13-14, 1978.

PLACE: Conference Room 2H24, Headquarters, Walter Reed Army Medical Center, Washington, D.C. 20012.

TIME: April 13, 1978, 9 a.m. to 5 p.m. April 14, 1978, 8:30 to 1 p.m.

PROPOSED AGENDA: The proposed agenda will include: Briefings on the new Walter Reed hospital; on functions of the surgeon's office, DARCOM; on occupational medicine problems in the development of Army weapon systems and on infectious disease research in the Army and Navy. AFEB subcommittees will present progress reports, and Armed Forces preventive medicine officers will discuss their current disease control activities. The meeting will conclude with a Board working session.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: March 17, 1978.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc. 78-7917 Filed 3-23-78; 8:45 am]

[3710-08]

ARMED FORCES EPIDEMIOLOGICAL BOARD, AD HOC SUBCOMMITTEE ON LEISHMANIASIS OF THE AFEB SUBCOMMITTEE ON DISEASE CONTROL

Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

NAME OF COMMITTEE: Ad Hoc Subcommittee on Leishmaniasis of the AFEB Subcommittee on Disease Control.

DATE OF MEETING: April 11, 1978.

TIME: 9 a.m. to 5 p.m.

PLACE: Conference Room 7E069, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.

PROPOSED AGENDA: The proposed agenda will include briefings on the current military program for therapy of leishmaniasis and on epidemiological and case-finding procedures. This will be followed by discussions of therapy, medical follow-up and screening procedures, preventive medicine practices and implications of exposure to leishmaniasis on restrictions for blood donors.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: March 17, 1978.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc. 78-7916 Filed 3-23-78; 8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE

Change of Date and Meeting Site

The date and meeting site of the Defense Science Board Task Force on National/Tactical Interface scheduled to meet in closed session on March 30 and 31, 1978, in the Office of the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence), Directorate of Surveillance and Warning Systems, in Sunnyvale, California, as published in the FEDERAL REGISTER (Volume 43, Number 39, February 27, 1978—FR Doc. 78-5085, 43 FR 8000), has been changed to April 4 in Denver, Colo. and April 5 and 6 in Sunnyvale, Calif. In all other respects, the original notice cited above remains the same.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 21, 1978.

[FR Doc. 78-7821 Filed 3-23-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

CENTRAL VALLEY PROJECT, WESTERN AREA POWER ADMINISTRATION

Order Establishing Interim Rates

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration has issued the Order published below establishing an interim rate for Central Valley Project, Western Area Power Administration.

DEPARTMENT OF ENERGY

ECONOMIC REGULATORY ADMINISTRATION

ORDER ESTABLISHING INTERIM RATE

[ERA Docket No. WAPA 78-1]

In the matter of Central Valley Project, Western Area Power Administration ex rel. Resource Applications.

Pursuant to section 302(a)(1) of the Department of Energy Organization Act (the Act), Pub. L. 95-91, the function to establish rates for power previously marketed by the Bureau of Reclamation, Department of the Interior was transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, 42 FR 60726 (November 29, 1977), the Secretary of Energy delegated to the Administrator of the Economic Regulatory Administration the authority to make the final decision pursuant to section 10 of the rules entitled "Procedures for Public Participation in General Adjustments in Power Rates" set forth at 40 FR 34431-32 (August 15, 1975) (Procedures).

On March 20, 1978, the Procedures were amended to permit the establishment of interim rates by the Administrator of the Economic Regulatory Administration (Administrator or ERA).

The Administrator has delegated his authority to the Assistant Administrator for Utility Systems, Economic Regulatory Administration.

BACKGROUND

On September 12, 1977, the Department of the Interior in accordance with the then existing Procedures announced a tentative rate adjustment for power marketed by the Bureau of Reclamation from the Central Valley Project, 42 FR 46619 (September 16, 1977). Interested persons were invited to participate in public forums and to submit written comments relative to the tentative rate adjustment.

The tentative rate adjustment described two alternative rate structures. Alternative A would apply to power sold to all customers and would result in the same energy charge to all customers. Alternative B would have two energy charges: the lower energy charge would apply to energy sold to non-growth customers; the higher energy charge would apply to energy sold to growth customers.

Predominant among the comments filed relative to the tentative rate adjustment announced by the Department of the Interior was the contention that insufficient time was allowed interested persons to analyze the tentative rate proposals and to prepare meaningful comments. In order to accommodate that request and to help defray the continuing large deficits of the Central Valley Project, DOE proposed to amend the applicable procedures to permit the setting of interim rates while consideration continued on the tentative rate proposal. The amended procedures were issued on March 20, 1978 after interested persons were afforded an opportunity to present oral and written comments.

THE INTERIM RATE PROPOSED BY THE ASSISTANT SECRETARY FOR RESOURCE APPLICATIONS

In anticipation of the promulgation of the amended procedures, the Assistant Secretary for Resource Applications (Assistant Secretary or RA), Department of Energy, on January 4, 1978, proposed an interim rate for the Central Valley Project.

The proposed initial interim rate would consist of a $2.00/kw/mo demand charge and 4.2 mills/kWh energy charge that is to be effective 60 days after ERA approves the interim rates and would remain in effect through March 31, 1979. RA proposed that on and after April 1, 1979, the second step of the interim rate would consist of a $2.00/kW/mo demand charge and a dual energy charge of 5.75 mills/kWh for non-growth load customers and 9.75 mills/kWh for growth load customers. RA has recommended, however, that if an increase above the proposed initial interim rate would be barred by the Sacramento Municipal Utility District's (SMUD) CVP contract, then the interm rate for SMUD should consist of a $2.00/kW/ mo demand charge and a 6.55 mills/kWh energy charge.

DECISION

ERA concludes: that because of the continuing large operating deficits incurred by CVP; the need to mitigate such deficits prior to the setting of a final rate; the controversial nature of the September 12, 1977 tentative rate adjustment, particularly its magnitude and suggested rate structures; and the desirability of affording all interested parties a reasonable opportunity to develop their positions; it is necessary and desirable to approve an interim rate in this matter.

Therefore, ERA approves, for the period of May 25, 1978, through May 24, 1979, the first step of the interim rate as proposed by RA. ERA is not approving a second step of the proposed interim rate because the procedures do not provide for interim rate approval in excess of one year and because ERA does not wish to prejudge the important issues suggested by the proposed two tier rate structure.

DISCUSSION

Written comments regarding the CVP proposed interim rates were solicited and an oral hearing held on February 27, 1978, in Sacramento, Calif. The September 12, 1977 tentative rate adjustment, and oral and written comments thereto have also been considered.

None of the interested parties dispute the necessity for some upward rate adjustment. The scope, extent and the liability of the various classes of customers for the rate adjustment is vigorously contested. ERA is cognizant of these concerns. In reaching a decision on this interim rate adjustment ERA does not intend to prejudice the position of any individual customer or class of customers with regard to a final rate and is specifically not prejudging the structure of the final rate adjustment.

By this decision, ERA is in no way suggesting that either rate structure as proposed in the September 12, 1977 tentative rate adjustment would not be acceptable as a final proposed rate. ERA expects RA to fully address, in its proposed final rate, the appropriateness of the Alternative A and Alternative B rates, and other rates that may be considered prior to the submission of that proposed final rate. Particular consideration should be given to the relationship of price to cost of service and to energy conservation.

The irrigation districts, who are non-growth customers, contend that the interim rate and the final rate for power purchased by them should be the same as CVP's "project use" rate of 2.5 mills per kwh. The irrigation districts maintain that the major rea-

sons for the tentative rate increase (and the interim increase) is the high cost of imported power purchased by CVP from the Centralia coal-fired plant. The cost of the Centralia energy as about 14.2 mills per kwh in fiscal year 1976 and is estimated to be about 20.6 mills during fiscal years 1977 and 1978. The irrigation districts maintain that the cost of Centralia power should be allocated to load growth customers and other project customers that create the demand for such power. RA's proposed second step of the interim rate which would charge a higher rate to load growth customers contemplates that proposition. This issue should be addressed by RA when it submits its rate proposal. Alternative Rate Schedule B of the tentative rate adjustment, which will be considered when setting a final rate herein, also proposes to charge a higher rate to load growth customers. ERA believes that the issue of a rate differential for purchased power should be deferred until action on a final rate is taken.

ERA has received a certified copy of Resolution No. 9546 adopted by the SMUD Board of Directors on March 2, 1978. In that Resolution SMUD agrees not to assert section 5(b) of its contract with CVP as a defense to the establishment of a subsequent final rate initiated pursuant to the September 12, 1977 tentative rate announcement, if ERA agrees to adopt the interim rates as proposed by RA, to wit: $2.00/kW/mo demand charge and a 4.2 mills/kWh energy charge to become effective sixty (60) days after approval of such rates and to remain in effect through March 31, 1979, and to establish a second stage interim rate on April 1, 1979, consisting of a $2.00/kW/mo demand charge and a dual energy charge of 5.75 mills/kWh for project load and a 9.75 mills/kWh for growth load.

Resolution No. 9546 anticipates a two step interim rate. ERA is approving only the first step of the proposed interim rate and extending its effective date until May 24, 1979. This Order is, therefore, more favorable to SMUD than RA's interim rate proposal upon which Resolution No. 9546 was formulated.

ERA interprets Resolution No. 9546 to be a waiver by SMUD of section 5(b) of its CVP contract because ERA is setting an interim rate at the lower of the two levels which is the same level applicable to other nongrowth customers. DOE, therefore, considers its action herein to be binding on SMUD.

Resolution No. 9546 also asserts that SMUD will not pay any rate increases until a final judgment is issued in *United States* v. *Sacramento Municipal Utility District*, C. A. No. S-75-277-PCW (E.D., Cal.). DOE believes that the rate increase imposed herein is lawful and that payments are required to be made on a timely basis notwithstanding the pending litigation.

ORDER

Pursuant to the authority set forth above, the Assistant Administrator for Utility Systems, Economic Regulatory Administration Orders:

1. The interim rate schedules attached hereto and incorporated herein by reference, be and are approved;

2. The interim rate schedules shall be effective May 25, 1978, and shall remain in effect until May 24, 1979, unless superseded by a final decision on a proposed rate adjustment submitted by the Assistant Secretary for Resource Applications, or by amendment to this Order;

3. The Assistant Secretary for Resource Applications will, by October 31, 1978, unless an extension is granted for good cause shown, prepare and propose a final rate for submission to ERA in accordance with the amended Procedures;

4. If the final rate as approved by ERA is lower than the interim rate approved herein the excess shall be refunded, plus simple interest at the rate of 7 percent per annum;

5. A copy of this Order will be distributed to all parties on the service list;

6. This Order shall be effective this 20th day of March 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy.

U.S. DEPARTMENT OF ENERGY WESTERN AREA POWER ADMINISTRATION

[Rate Schedule CV-F3R (Supersedes Rate Schedule R2-F1)]

CENTRAL VALLEY PROJECT, CALIFORNIA

Schedule of Interim Rates for Wholesale Firm Power Service

Effective:
May 25, 1978.

Available:
In the area served by the Western Area Power Admnistration in the Central Valley Project Area of California.

Applicable:
To wholesale power customers, for light and power service supplied through one meter at one point of delivery. Not applicable to standby or auxiliary service or to the sale of dump energy.

Character and Conditions of Service:
Alternating current, sixty cycles, three phase, normally delivered and metered at the low-voltage side of substation.

Monthly rate:
Demand Charge.—$2 per kilowatt of billing demand.

Energy Charge.—4.20 mills per kilowatthour for the period from May 25, 1978 through May 24, 1979.

Minimum bill:
The effective monthly demand charge per kilowatt of contract rate of delivery.

Billing demand:
The highest 30-minute integrated demand measured during the month.

Adjustments

For character and conditions of service:
If delivery is made at transmission voltage so that the United States is relieved of substation costs, 5 percent discount will be allowed on the demand and energy charges.

For transformer losses:
If delivery is made at transmission voltage but metered at the low-voltage side of customer's substation, the meter readings will be increased 2 percent to compensate for transformer losses.

For power factor:
None. The customer will normally be required to maintain a power factor at the point of delivery of not less than 95 percent lagging.

U.S. DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION

[Rate Schedule CV-P2R (Supersedes Rate Schedule R2-P1)]

CENTRAL VALLEY PROJECT, CALIFORNIA

Schedule of Interim Rates for Commercial Irrigation and/or Drainage Pumping Service and for Wholesale Firm Power Service When Supplied in Conjunction Therewith

Effective:
May 25, 1978.

Available:
In the area served by the Western Area Power Administration in the Central Valley Project Area of California.

Applicable:
To commercial customers for their own use for, or for resale for, irrigation and/or drainage pumping and purposes incidental thereto supplied through one meter at one point of delivery. Wholesale firm power service for purposes other than irrigation and/or drainage pumping service when supplied in conjunction with pumping service through the same meter at the same point of delivery shall be supplied hereunder. Not applicable to stand-by or auxiliary service or to the sale of dump energy.

Character and conditions of service:
Alternating current, sixty cycles, three phase, delivered and metered at the low-voltage side of substation. Rates of delivery for pumping service and for wholesale firm power service shall be separately stated in the contract. A seasonal period of delivery for pumping service is permitted hereunder provided the seasonal service months are stated by contract.

Monthly rate:
Demand Charge.—$2 per kilowatt of billing demand.

Energy Charge.—4.20 mills per kilowatthour for the period from May 25, 1978, through May 24, 1979.

Minimum bill:
The monthly minimum charge shall be the effective monthly demand charge per kilowatt of the contract rate or rates of delivery in effect during such month, except that during the period specified as seasonal service months, there will be no monthly minimum charge but in lieu thereof a seasonal minimum charge shall apply which shall be equal to the product of the effective monthly demand charge times the number of seasonal service months times the sum of the kilowatts of contract rates of delivery for seasonal pumping service and firm power service, if any.

Billing demand:
The billing demand will be the highest 30-minute integrated demand measured during the month.

Adjustments

For character and conditions of service:
If delivery is made at transmission voltage so that the United States is relieved of substation costs, 5 percent discount will be allowed on the demand and energy charges.

For transformer losses:
If delivery is made at transmission voltage but metered at the low-voltage side of customer's substation, the meter readings will be increased 2 percent to compensate for transformer losses.

For power factor:
None. The customer will normally be required to maintain a power factor at the

point of delivery of not less than 95 percent lagging.

[FR Doc. 78-7900 Filed 3-23-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-249]

APPALACHIAN POWER CO. ET AL.

Agreement

MARCH 17, 1978.

Take notice that American Electric Power Service Corp. (AEP) on March 13, 1978, tendered for filing on behalf of its affiliates, Appalachian Power Co. (Appalachian), Ohio Power Co. (Ohio), and Wheeling Electric Co. (Wheeling), modification No. 7 dated February 15, 1978, to the operating agreement dated June 1, 1971, among Appalachian, Ohio, Wheeling, Monongahela Power Co. and West Penn Power Co. designated Appalachian Rate Schedule FPC No. 55, Ohio Rate Schedule FPC No. 73, and Wheeling Rate Schedule FPC No. 5.

AEP indicates that the modification includes a new schedule G which provides, for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. AEP states that the schedule G provides (a) for a transmission service charge of 1.75 mills per kilowatt-hour for deliveries of conservation energy, when such receiving system is that of the AEP parties and the transmitting system is that of the APS parties and (b) for a transmission service charge of 1.7 mills per kilowatt plus associated losses at cost for deliveries of conservation energy when such receiving system is that of the APS parties and the transmitting system is that of the AEP parties.

Because of the current uncertainty of fuel supplies associated with coal miner's strike, and the possibility that transactions will be required imminently under the proposed schedule, the parties have requested that the Commission waive its notice requirements and that the proposed schedule become effective as soon as possible. Its stated termination date is February 15, 1979.

According to AEP copies of the filing were served upon Allegheny Power Service Corp., to the Public Utilities Commission of Ohio, to the Public Service Commission of West Virginia, and to the Public Service Commission of Pennsylvania.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 4, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7830 Filed 3-23-78; 8:45 am]

[6740-02—

[Docket No. ES78-25]

INDIANAPOLIS POWER & LIGHT CO.

Application for Authority to Issue Short-Term Notes

MARCH 17, 1978.

Notice is hereby given that on March 13, 1978, Indianapolis Power & Light Co. (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of up to $100,000,000 principal amount of unsecured short-term promissory notes.

Applicant proposes to issue the notes from time to time after the authorization thereof by the Commission, with a final issue date for all such notes of December 31, 1979, and a final maturity date of June 30, 1980. Each note will carry a maturity date of not more than 12 months after the date of issuance thereof. The notes to be issued to commercial paper dealers will be issued at the prevailing published discount rate, in various amounts, but not to exceed 25 percent of Applicant's gross operating revenues during the preceding 12 months of operation and will have maturity dates of not more than 9 months from the date of issuance thereof, excluding days of grace. The notes issued to commercial banks will bear interest at a rate not to exceed the prevailing prime commercial lending rate of commercial banks.

The net proceeds to be received from the initial issuance of the notes will be applied to the payment of part of the cost of Applicant's 1977-82 construction program. Construction expenditures are estimated to be $67,957,110 for 1978, $95,303,504 for 1979, and an aggregate of $518,089,355 for the years 1980, 1981 and 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7831 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1825]

JOHN V. CLEARY, JR.

Application

MARCH 17, 1978.

Take notice that on March 1, 1978, John V. Cleary, Jr., filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President, Green Mountain Power Corp., Public Utility.
Director, Vermont Yankee Nuclear, Power Corp., Public Utility.
Director, Vermont Electric Power, Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petitiion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7832 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-236]

NORTHERN INDIANA PUBLIC SERVICE CO.

Proposed Tariff Filing

MARCH 16, 1978.

Take notice that Northern Indiana Public Service Co. (NIPSCO) on March 7, 1978, tendered for filing a Revised Table of Contents, Rate Schedule VA5—Wholesale Service and Form of Service Agreement relative thereto.

NIPSCO states that the purpose of this filing is to provide for a wholesale service rate to Municipalities for the purchase of their total electric requirements.

According to NIPSCO copies of this filing were served upon all customers receiving electric service under NIPSCO's FERC Electric Service Tariff—Second Revised Volume No. 1 and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7833 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-241]

NORTHERN STATES POWER CO.

Interconnection and Interchange Agreement

MARCH 17, 1978.

Take notice that Northern States Power Co. (Company), on March 9, 1978, tendered for filing an Interconnection and Interchange Agreement, dated March 1, 1978, with Basin Electric Power Cooperative.

The Company indicates that the Agreement provides for interconnecting the facilities of the parties at 115 kV at Northern States' Millard Substation.

The Company requests an effective date of April 17, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7834 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. CP76-389]

NORTHWEST PIPELINE CORP.

Amendment to Application

MARCH 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Take notice that on March 6, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-389 an amendment to its application, as amended, filed in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for certain modifications in the horsepower requirements required to improve the operational capability of the proposed compressor units at three compressor locations all as more fully set forth in the amendment on file with the Commission and open to public inspection.

It is indicated that Applicant in its original application filed in the instant docket requested authorization, inter alia, to construct during calendar year 1978, and to operate, certain gas transmission facilities required to expand its mainline transmission capacity in the states of Idaho and Wyoming in order to permit the withdrawal and delivery to Applicant's markets of the volumes of natural gas to be made available from the Clay Basin Storage Project. Such facilities consisted of 44.4 miles of 22-inch and 24-inch loop pipeline, 17,560 compressor horsepower at three new compressor stations and 1,080 compressor horsepower at an existing compressor station plus other miscellaneous facilities appurtenant thereto, it is stated. Applicant indicates that the facility configuration originally proposed was revised in the third amendment, filed herein on June 2, 1977, to provide for an increase in the supply of natural gas available at Applicant's sumas import point which increase served to reduce the level of curtailments on Applicant's transmission system thereby increasing the winter deliveries to all of Applicant's customers including those in Wyoming and Eastern Idaho. it is stated that the increased deliveries in Idaho and Wyoming resulted in a reduction of the facilities required in Wyoming and Idaho to utilize the withdrawal capability of the Clay Basin Storage Project. It is indicated that in the third amendment filed herein Applicant requested authorization to construct and operate the following:

(a) 5.5 miles of 26-inch loop pipeline on the suction side of the Green River Compressor Station;

(b) One 3,830 horsepower compressor unit at an existing compressor station near Green River, Wyo.;

(c) Two 1,170 horsepower compressor units at a new compressor station to be constructed in the vicinity of Opal, Wyo.;

(d) One 3,830 horsepower unit and one 1,170 horsepower compressor unit at a new compressor station to be located in the vicinity of Pegram, Idaho;

(e) One 3,830 horsepower compressor unit at a new compressor station to be located in the vicinity of Lava Hot Springs, Idaho;

(f) Miscellaneous piping and valves at two existing compressor stations to permit directional control of gas flow; and

(g) Miscellaneous appurtenant facilities.

Applicant estimated that the cost of the facilities as set forth above would be $13,362,000.

Applicant states that prior to the time that the third amendment was prepared, it had not contracted any engine manufactures as to the availability of specific units proposed to meet the design conditions reflected in the third amendment. However, subsequent to the issuance of the temporary certificate issued herein on November 11, 1977, based on a competitive bidding procedure, Solar Turbine International (Solar) was selected to provide the compressor units required at the three new compressor locations and at the existing compressor station near Green River.

Applicant states that as a result of technical discussions held with Solar, it has determined that certain modifications to the horsepower requirements proposed in the third amend-

ment are required to improve the operational capability of the proposed compressor units. It is indicated that a comparison of the horsepower proposed in the third amendments and that proposed herein is as follows:

Location	Third amendment	Proposed	Change
Lava Hot Springs	3,830	3,730	(100)
Pegram	5,000	3,830	(1,170)
Opal	2,340	3,730	1,390
Green River	3,830	3,730	(100)
Total	15,000	15,020	20

Applicant indicates that the horsepower reductions at Lava Hot Springs and Green River result from specifying a recuperative cycle gas turbine as opposed to a simple cycle gas turbine, and that the recuperative cycle gas turbine would result in fuel economies and still provide sufficient compressor horsepower at those two locations.

It is stated that technical discussions with the engine manufacturer revealed that original 3,830 horsepower turbine unit proposed at Pegram, operating at ambient temperatures below 60° F, could sustain a slight overload, thus developing sufficient horsepower to meet the design requirements of 3,930 sea level horsepower, and that the additional 1,170 horsepower unit contemplated for that location in the third amendment is no longer required and is deleted from the facilities requested.

The amendment states that closer examination of the operating conditions to be imposed on the two 1,170 horsepower compressors proposed for the Opal Station reveals that the mass flow rate through each unit would be approaching its theoretical maximum, and that the resultant loss in compressor efficiency would require ambient temperatures less than 45° F for the gas turbine to develop sufficient horsepower. Applicant proposes to replace the two proposed 1,170 horsepower units with one 3,730 horsepower recuperative cycle gas turbine so that greater operating efficiency may be realized.

It is stated that the change in horsepower requirements, although resulting in a total net increase of 20 horsepower over that proposed in the third amendment, would not result in any net change in cost of equipment and installation.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7835 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-252]

OHIO POWER CO.

Agreement

MARCH 17, 1978.

Take notice that American Electric Power Service Corp. (AEP) on March 13, 1978, tendered for filing on behalf of its affiliate, Ohio Power Co. (Ohio), Supplement No. 4 dated March 1, 1978 to the Interconnection Agreement dated January 1, 1952 between Ohio and Ohio Edison Co., designated Ohio Rate Schedule FPC No. 25.

AEP indicates that this Supplement No. 4 provides that, for the purpose of conserving energy resources during extended fuel shortages either party may arrange to obtain Conservation Energy from the other and that when supplied, the charge for Conservation Energy generated by the supplying party will be 110 percent of the out-of-pocket replacement cost of generating the energy, plus 5.00 mills per kilowatt-hour. AEP states that the new Supplement No. 4 also provides for a transmission service charge of 1.7 mills per kilowatt-hour for deliveries of Conservation Energy from systems interconnected with Ohio or Ohio Edison Companies.

Because of the current uncertainty of fuel supplies associated with coal miner's strike, and the possibility that transactions will be required imminently under the proposed Supplement, the parties have requested that the Commission waive its notice requirements and that the proposed Schedule become effective as soon as possible. Its stated termination date is February 23, 1979.

Copies of the filing were served upon Ohio Edison Co. and the Public Utilities Commission of Ohio, according to AEP.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7836 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-251]

PACIFIC POWER & LIGHT CO.

Rate Filing

MARCH 17, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on March 13, 1978, tendered for filing, in accordance with section 35.12 of the Commission's Regulations, a rate schedule providing for Pacific to construct substation facilities and operate and maintain substation facilities for Basin Electric Power Cooperative (Basin Electric).

Copies of the filing were supplied to Basin Electric, according to Pacific.

Pacific requests that this rate schedule be made effective on May 1, 1978, which is the date the facilities are expected to commence service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7837 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1823]

ROBERT P. REUSS

Application

MARCH 17, 1978.

Take notice that on February 2, 1978, Robert P. Reuss, filed an application pursuant to section 305(b) of

the Federal Power Act to hold the following positions:

Director, McGraw-Edison Co., public utility.
Director, Chairman of the Board and Chief Executive Officer, Central Telephone Utilities Corp., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7838 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-250]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Rate Schedule

MARCH 17, 1978.

Take notice that on March 13, 1978, Southern California Edison Co. (Edison) tendered for filing an Agreement, dated November 11, 1977, with the city of Riverside, Calif., which Agreement is entitled Integrated Operations Agreement between the city of Riverside and Southern California Edison Co. Edison indicates that under the terms of this Agreement the city of Riverside will be able to reduce its purchases of capacity and energy from Edison and obtain its own capacity and energy resources.

According to Edison, copies of this filing were served upon the city of Riverside and the Public Utilities Commission of the State of California.

Edison requests waiver of the Commission's notice requirements to allow for an effective date of November 29, 1977.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7839 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-243]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Rate Schedule

MARCH 17, 1978.

Take notice that on March 13, 1978, Southern California Edison Co. (Edison) tendered for filing an Agreement, dated November 29, 1977, with the city of Anaheim, Calif., which Agreement is entitled Integrated Operations Agreement between the city of Anaheim and Southern California Edison Co. Edison indicates that under the terms of this Agreement the city of Anaheim will be able to reduce its purchases of capacity and energy from Edison and obtain its own capacity and energy resources.

According to Edison, copies of this filing were served upon the city of Anaheim and the Public Utilities Commission of the State of California.

Edison requests waiver of the Commission's notice requirements to allow for an effective date of November 29, 1977.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1978. Portests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7840 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-41]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

MARCH 17, 1978.

Take notice that Southern Natural Gas Co. (Southern), on March 1, 1978, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Co. under Southern's Rate Schedule F-9.

Southern states that this filing reflects rate increases in accordance with Article 7 of the subject rate schedule up to the level allowed effective April 1, 1978, by § 2.56a(a)(2) of the Commission's Statements of general policy and interpretations. The increased rates reflected in the filing will increase annual revenues by $20,230. The proposed effective date is April 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or portest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any such petitions or protests should be filed on or before March 31, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7841 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket Nos. RP 74-20 and RP 74-83]

UNITED GAS PIPE LINE CO.

Refund Report

MARCH 17, 1978.

Take notice that on February 22, 1978, United Gas Pipe Line Co. (United), filed in the captioned dockets a Report of Refunds. United states that it made refunds to its customers attributable to the period April 6, 1974 through May 19, 1975, on February 10, 1978, pursuant to the Stipulation and Agreement aproved by Opinion Nos. 815 and 815-A. It is stated that the February 10, 1978, refunds do not include any amounts related to the $23,380,650 of advance payments which were excluded from rate base in Opinion Nos. 815 and 815-A. United states that it has filed with the Commission and the U.S. Court of Appeals for the Fifth Circuit motions for stay of that part of the refund order related to advance payment exclusion. If such motions are not granted, United indicates that it will make further refunds.

Any person desiring to be heard or to protest United's Report of Refunds

should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 31, 1978. Copies of the Refund Report are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7842 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1826]

WILLIAM L. VEESER

Application

MARCH 17, 1978.

Take notice that on March 8, 1978, William L. Veeser, filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President-Administration, Upper Peninsula Power Co., public utility.
Director, Upper Peninsula Generating Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7843 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket Nos. G-7223, et al.]

CHEVRON U.S.A. Inc. et al.

Applications For Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 14, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accoradance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the pubic convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [2]	Pressure base
G-7223, C, Feb. 21, 1978	Chevron U.S.A. Inc., P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Langlie-Mattix field underlying the SE¼NE¼, sec. 1, T24S, R36E, Lea County, N. Mex.	(3)	14.65
G-10083, C, Feb. 27, 1978	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Northern Natural Gas Co., Hugoton field, Finney County, Kans.	(3)	14.73
G-11229, C, Feb. 8, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Southern Natural Gas Co., Carthage field, Panola County, Tex.	(3)	14.65
G-14837, D, Feb. 22, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	West Texas Gathering Co., Emperor and Kermit South fields, Winkler County, Tex.	Production obtained from depths below the base of the Devonian Formation has ceased.	
CI76-488, C, Feb. 24, 1978	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Mountain Fuel Supply Co., certain acreage located in the Frontier Formation, Spearhead Ranch field, Converse County, Wyo.	(3)	15.025
CI77-138, C, Feb. 21, 1978	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., certain acreage in Beaver County, Okla.	(3)	14.65
CI77-370, C, Dec. 16, 1977	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Tracy Fairway No. 1 well, Morrow Formation, located in W/2 sec. 32, T21S, R27E, Burton Flats field, Eddy County, N. Mex.	(3)	14.65
CI77-410, C, Feb. 21, 1978	Anadarko Production Co	Panhandle Eastern Pipe Line Co., Hartzog Draw field, Campbell County Wyo.	(3)	14.73
CI77-836, C, Feb. 23, 1978	Gulf Oil Corp	Panhandle Eastern Pipe Line Co., certain acreage located in the Hartzog Draw field, Campbell County, Wyo.	(3)	14.65
CI78-394, C, Feb. 21, 1978	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	El Paso Natural Gas Co., certain acreage located in the Choza Mesa field, Rio Arriba County, N. Mex.	(3)	14.65
CI78-454 (G-18855), B, Jan. 30, 1978.	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Northern Natural Gas Co., Harvey No. 1 well W½SE¼ sec. 17, T34S, R21W, Harper Ranch field, Clark County, Kans.	Depleted, lease terminated, plugged and abandoned.	
CI78-458, B, Feb. 21, 1978	Pierce & Dehlinger, 102 Mid-America Building, Midland, Tex. 79702.	El Paso Natural Gas Co., King lease, Roberts field, Sutton County, Tex..	Depleted, lease released, plugged, and abandoned.	
CI78-459 (CI65-225), B, Feb. 21, 1978.	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Baca Gas Gathering System, Inc., certain acreage located in Flank field, Baca County, Colo.	Depleted, leases expired, plugged, and abandoned.	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-460, A, Feb. 21, 1978	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Southern Natural Gas Co., S. L. 2000, well No. 45, Breton Sound block 29, Plaquemines Parish, La.	(1)	15.025
CI78-461, A, Feb. 17, 1978	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Shute Creek area, Lincoln County, Wyo.	(1)	14.73
CI78-462, A, Feb. 21, 1978	CIG Exploration, Inc	Colorado Interstate Gas Co., Lincoln Road area, Sweetwater County, Wyo.	(1)	14.73
CI78-463, A, Feb. 21, 1978	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., certain acreage located in sec. 10, T21S, R16E, Terrebonne Parish, La.	(1)	15.025
CI78-464, A, Feb. 21, 1978	Tenneco Oil Co	Tennessee Gas Pipeline Co., certain acreage located in sec. 3, T21S, R16E, Four Isle Dome field, Terrebonne Parish, La.	(1)	15.025
CI78-465, A, Feb. 21, 1978	do	United Gas Pipe Line Co., certain acreage located in secs. 3 and 9, T21S, R16E, Four Isle Dome field, Terrebonne Parish, La.	(1)	15.025
CI78-466, A, Feb. 21, 1978	do	United Gas Pipe Line Co., certain acreage located in sec. 10, T21S, R16E, Terrebonne Parish, La.	(1)	15.025
CI78-467, A, Feb. 21, 1978	Anadarako Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Uncle Sam No. 1 well in Lea County, N. Mex.	(2)	14.65
CI78-468, B, Feb. 22, 1978	Wilbur R. White Oil Enterprises, 2160 Liberty Bank Tower, Oklahoma City, Okla. 73102.	Cities Service Gas Co., Coffeee Creek field, Oklahoma County, Okla.	Attempted to deepen well, unsuccessful and ruined existing production and was plugged and abandoned.	
CI78-469 (G-16990) (G-7902), B, Feb. 24, 1978.	American Petrofina Co., of Texas, P.O. Box 2159, Dallas Tex. 75221.	Cities Service Oil Co. (Successor to the Nueces Corp.), Agua Dulce field, Nueces County, Tex.	Depleted, plugged, and abandoned.	
CI78-470, B, Feb. 21, 1978	Paramount Producing, Inc., P.O. Box 1581, Pampa, Tex. 79065.	Northern Natural Gas Co., sec. 73, block 4-T, T&NO survey, Hansford and Ochiltree Counties, Tex.	Mechanical problems, plugged and abandoned.	
CI78-476 (CI65-1192) B, Feb. 21, 1978.	Mapco Inc., P.O. Box 5550, Longview, Tex. 75601.	Mississippi River Transmission Corp., Woodlawn field, Harrison County, Tex.	Plugged and abandoned.	
CI78-489, A, Feb. 24, 1978	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.	Texas Gas Transmission Corp., S/2 of block 267, Vermilion area, offshore, Louisiana.	(1)	15.025
CI78-495 (CI67-797), B, Feb. 28, 1978.	Salmon Corp., 1200 South Post Oak Rd., Suite 200, Houston, Tex. 77056.	Tennessee Gas Pipeline Co., Randon field, Fort Bend County, Tex.	Depleted, lease terminated, plugged and abandoned and Applicant got out of oil business.	
CI78-496 (CI70-922), B, Feb. 28, 1978.	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Tennessee Gas Pipeline Co., East Cameron block 51 field, Federal offshore, Louisiana.	Depleted, lease released, plugged, and abandoned.	
CI78-497 (CI72-854) (G-18063) (G-13274) B, Mar. 2, 1978.	Mobil Oil Corp	Getty Oil Co., Reinecke and Von Roeder fields, Borden County, Tex.	Contracts terminated Oct. 1 and Nov. 15, 1977.	
CI78-511, (G-8603), F, Feb. 24, 1978.	American Petrofina Co. of Texas (successor to Continental Oil Co.), P.O. Box 2159, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Helen Gohlke field, Victoria County, Tex.	58.7784¢	14.73

[1] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[2] Applicant if filing to include therein the additional point of delivery as described in and covered by Letter Agreement of Sept. 8, 1977.
[3] Applicant is filing under gas purchase contract, dated Jan. 6, 1978, amended by amendment, dated Jan. 20, 1978.
[4] Applicant is filing under gas sales contract, dated July 1, 1976.
[5] Applicant is filing under gas sales contract, dated Sept. 20, 1977.
[6] Applicant is filing under gas purchase contract, dated Jan. 23, 1978.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Total succession.
F—Partial succession.

[FR Doc. 78-7659 Filed 3-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-213]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 15, 1978.

Take notice that on March 3, 1978, Transcontinental Gas Pipe Line Corp. (applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-213 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 6,500 dekatherms (dt) equivalent of natural gas per day on an interruptible basis for the account of Delmarva Energy Co., an affiliate of Delmarva Power & Light Co.; Eastern Shore Natural Gas Co.; NCNG Exploration Corp., an affiliate of North Carolina Natural Gas Corp.; Piedmont Exploration Co., Inc., an affiliate of Piedmont Natural Gas Co., Inc.; Rockingham Exploration Co., an affiliate of North Carolina Gas Service Division of Pennsylvania & Southern Gas Co.; South Jersey Gas Co.; Tar Heel Energy Corp., an affiliate of Public Service Co. of North Carolina, Inc.; and U.C.G. Energy Corp., an affiliate of United Cities Gas Co., North and South Carolina Division, all as more

fully set forth in the application on file with the Commission and open to public inspection.

The application states that these transportation customers are distribution company customers of Applicant, or affiliates of Applicant's distributors, which have participated in the Enterprise Resources, Inc. (Enterprise) drilling program, a partnership formed to finance the search for and development of new natural gas reserves onshore, and in non-Federal waters, primarily in the Gulf coast area. The partners in the Enterprise drilling program earn a proportionate share in the natural gas production from commercially successful wells discovered by the partnership. The application further states that the partnership has discovered and developed successful wells in the Northeast Trawick Field, Nacogdoches County, Tex.; Meyersville Field, Victoria County, Tex.; and South Edna Field, Jackson County, Tex., and applicant proposes herein to transport to existing delivery points on its system the interests of the transportation customers listed above in the production from such fields.

It is stated that the Northeast Trawick Field is adjacent to existing facilities of Natural Gas pipeline Co. of America (Natural) in Nacogdoches County, Tex., and that Natural has agreed to receive the gas produced from the Northeast Trawick Field into its system and to transport and redeliver such gas to Applicant at the outlet of the Mobil Oil Corp. Cameron Gas Processing Plant in Cameron Parish, Lo. Natural's application for such transportation service and to construct and operate measuring facilities in on file in Docket No. CP78-89, it is indicated.

Applicant states that gas produced from the Meyersville and South Edna Fields would be delivered directly into its system, and that the gas from both such fields would be measured through meter and regulator stations which are already in place. It is stated that the South Edna facilities (tap and meter and regulator station) have been in place since January 9, 1978, pursuant to an emergency purchase under section 157.29 of the Commission's Regulations (18 CFR 157.29). Applicant requests authorization herein to maintain in place and operate such facilities on a permanent basis. It is stated that the Meyersville facilities (tap and meter and regulator station) have been in place since March 10, 1977, pursuant to a purchase under the emergency Natural Gas Act of 1977 which terminated on July 31, 1977, and that immediately following the Emergency Natural Gas Act of 1977 purchase, an emergency purchase under section 157.29 began and was terminated on September 29, 1977. Applicant requests authorization herein to operate such facilities. It is indicated that the cost of the Meyersville facility is $11,350 and the cost on a permanent basis of the South Edna facility is $17,900, which cost the Enterprise partners would reimburse applicant.

Applicant proposes to transport for the proposed transportation customers their interests in the Northeast Trawick, Meyersville, and South Edna Fields' gas from the point of receipt from Natural, in the case of Northeast Trawick, and from the point of connection with the fields, in the case of Meyersville and South Edna, to existing points of delivery on Applicant's system to such customers, or their affiliates.

Applicant states that the proposed transportation service would be rendered at the then-effective transportation rates for which applicant provides comparable service at the time the certificate authorization requested herein is issued. Applicant further states that deliveries to the above customers would be made in its rate zones 2 and 3 as specified in applicant's FERC Gas Tariff, Second Revised Volume No. 1. Applicant indicates that it would withhold 3.8 percent of the transportation volumes destined for delivery in Rate Zone 2 and 4.4 percent of the volumes for delivery in Rate Zone 3 for compressor fuel and line loss make-up.

Applicant proposes to transport the following quantities of natural gas for the following customers and under the following terms and conditions:

No.	Source	Estimated maximum daily quantities [1]
Delmarva Energy Co.		
(1)	South Gist field, Newton County, Tex.	30 M ft³ at 14.95 lb/in²a.
(2)	East Hordes Creek field, Goliad County, Tex.	445 M ft³ at 14.65 lb/in²a.
(3)	North Jefferson Island field, Iberia Parish, La.	205 M ft³ at 15.025 lb/in²a.
(4)	South Tomball field, Harris County, Tex.	100 M ft³ at 14.65 lb/in²a.
(5)	Meyersville field, Dewitt County, Tex.	33 M ft³ at 14.65 lb/in²a.
(6)	Northeast Traewick field, Nacogdoches County, Tex.	116 M ft³ at 14.65 lb/in²a.
(7)	South Edna field, Jackson County, Tex.	62 M ft³ at 14.65 lb/in²a.
Eastern Shore Natural Gas Co.		
(1)	East Hordes Creek field, Goliad County, Tex.	335 M ft³ at 14.65 lb/in²a.
(2)	North Jefferson Island field, Iberia Parish, La.	165 15.025 lb/in²a.
(3)	South Tomball field Harris County, Tex.	80 M ft³ at 14.65 lb/in²a.
(4)	Meyersville field, Dewitt County, Tex.	27 M ft³ at 14.65 lb/in²a.
(5)	Northeast Traewick field, Nocogdoches County, Tex.	83 M ft³ at 14.65 lb/in²a.
(6)	South Edna field, Jackson County, Tex.	45 M ft³ at 14.65 lb/in²a.
NCNG Exploration Corp.		
(1)	Loisel field, Iberia Parish, La.	80 M ft³ at 15.025 lb/in²a.
(2)	45 South Gist field, Newton County, Tex.	30 M ft³ at 14.65 lb/in²a.
(3)	East Hordes Creek field, Goliad County, Tex.	445 M ft³ at 14.65 lb/in²a.
(4)	North Jefferson Island field, Iberia Parish, La.	205 M ft³ at 15.025 lb/in²a.
(5)	South Tomball field, Harris County, Tex.	100 M ft³ at 14.65 lb/in²a.
(6)	Chandeleur Sound, block 59, St. Bernard Parish, La.	81 M ft³ at 15.025 lb/in²a.
(7)	Big Point field, St. Tammany Parish, La.	63 M ft³ at 15.025 lb/in²a.
(8)	State lease 849-S, offshore Port Aransas, Tex.	76 M ft³ at 14.65 lb/in²a.
(9)	Vacherie field, St. James Parish, La	152 M ft³ at 15.025 lb/in²a.
(10)	Stephenson Point area, Galveston County, Tex.	166 M ft³ at 14.65 lb/in²a.
(11)	Bolivar Point area, Plaquemines Parish, La.	186 M ft³ at 15.025 lb/in²a.
(12)	Kawitt area, Karnes and Dewitt Counties, Tes.	20 M ft³ at 14.65 lb/in²a.
(13)	Southwest Gibson area, Terrebonne Parish, La.	52 M ft³ at 15.025 lb/in²a.
(14)	North Freshwater Bayou field, Vermilion Parish, La.	47 M ft³ at 15.025 lb/in²a.
(15)	West Mermentau area, Acadia Parish, La.	62 M ft³ at 15.025 lb/in²a.

No.	Source	Estimated maximum daily quantities [1]
	NCNG Exploration Corp.	
(16)	Southeast Avery Island, Iberia Parish, La.	20 M ft³ at 15.025 lb/in²a.
(17)	East Collins area, Covington County, Miss.	12 M ft³ at 15.025 lb/in²a.
(18)	Lake Hatch '76, Terrebonne Parish, La.	66 M ft³ at 15.025 lb/in²a.
(19)	Lake Rambo, Lafourche Parish, La.	53 M ft³ at 15025 lb/in²a.
(20)	State tract 889-S, Nueces County, Tex.	100 M ft³ at 14.65 lb/in²a.
(21)	Meyersville field, Dewitt County, Tex.	33 M ft³ at 14.65 lb/in²a.
(22)	Northeast Traewick field, Nacogdoches County, Tex.	104 M ft³ at 14.65 lb/in²a.
(23)	South Edna field, Jackson County, Tex.	56 M ft³ at 14.65 lb/in²a.
(24)	Intracoastal City Prospect, Vermilion Parish, La.	39 M ft³ at 15.025 lb/in²a.
	Piedmont Exploration Co., Inc.	
(1)	Loisel field, Iberia Parish, La	80 M ft³ at 15.025 lb/in²a.
(2)	South Gist field, Newton county, Tex.	30 M ft³ at 14.65 lb/in²a.
(3)	East Hordes Creek field, Goliad County, Tex.	445 M ft³ at 14.65 lb/in²a.
(4)	North Jefferson Island field, Iberia Parish, La.	205 M ft³ at 15.025 lb/in²a.
(5)	South Tomball field, Harris County, Tex.	100 M ft³ at 14.65 lb/in²a.
(6)	Chandeleur Sound, block 59, St. Bernard Parish, La.	81 M ft³ at 15.025 lb/in²a.
(7)	Big Point field, St. Tammany Parish, La.	63 M ft³ at 15.025 lb/in²a.
(8)	State lease 849-S, offshore Port Aransas, Tex.	76 M ft³ at 14.65 lb/in²a.
(9)	Vacherie field, St. James Parish, La	152 M ft³ at 15.025 lb/in²a.
(10)	Stephenson Point area, Galveston County, Tex.	166 M ft³ at 14.65 lb/in²a.
(11)	Bolivar Point area, Plaquemines Parish, La.	186 M ft³ at 15.025 lb/in²a.
(12)	Kawitt area, Karnes and Dewitt Counties, Tex.	20 M ft³ at 14.65 lb/in²a.
(13)	Southwest Gibson area, Terrebonne Parish, La.	52 M ft³ at 15.025 lb/in²a.
(14)	North Freshwater Bayou field, Vermilion Parish, La.	47 M ft³ at 15.025 lb/in²a.
(15)	West Mermentau area, Acadia Parish, La.	62 M ft³ at 15.025 lb/in²a.
(16)	Southeast Avery Island, Iberia Parish, La.	20 M ft³ at 15.025 lb/in²a.
(17)	East Collins area, Covington County, Miss.	12 M ft³ at 15.025 lb/in²a.
(18)	Lake Hatch '76 Terrebonne Parish, La.	66 M ft³ at 15.025 lb/in²a.
(19)	Lake Rambo, Lafourche Parish, La.	53 M ft³ at 15.025 lb/in²a.
(20)	State tract 889-S, Nueces County, Tex.	100 M ft³ at 14.65 lb/in²a.
(21)	Meyersville field, Dewitt County, Tex.	33 M ft³ at 14.65 lb/in²a.
(22)	Northeast Traewick field, Nacogdoches County, Tex.	104 M ft³ at 14.65 lb/in²a.
(23)	South Edna field, Jackson County, Tex.	56 M ft³ at 14.65 lb/in²a.
(24)	Intracoastal City Prospect, Vermilion Parish, La.	30 M ft³ at 15.025 lb/in²a.

No.	Source	Estimated maximum daily quantities [1]
	Rockingham Exploration Co.	
(1)	Loisel field, Iberia Parish, La	5 M ft³ at 15.025 lb/in²a.
(2)	South Gist field, Newton County, Tex.	2 M ft³ at 14.65 lb/in²a.
(3)	East Hordes Creek field, Goliad County, Tex.	27 M ft³ at 14.65 lb/in²a.
(4)	North Jefferson Island field, Iberia Parish, La.	12 M ft³ at 15.025 lb/in²a.
(5)	South Tomball field, Harris county, Tex.	6 M ft³ at 14.65 lb/in²a.
(6)	Chandeleur Sound, block 59, St. Bernard Parish, La.	5 M ft³ at 15.025 lb/in²a.
(7)	State lease 849-S, offshore Port Aransas, Tex.	4 M ft³ at 14.65 lb/in²a.
(8)	Bolivar Point area, Plaquemines Parish, La.	6 M ft³ at 15.025 lb/in²a.
(9)	Kawitt area, Karnes and Dewitt Counties, Tex.	1 M ft³ at 14.65 lb/in²a.
(10)	West Mermentau area, Acadia Parish, La.	2 M ft³ at 15.025 lb/in²a.
(11)	Southeast Avery Island, Iberia Parish, La.	1 M ft³ at 15.025 lb/in²a.
(12)	Lake Hatch '76, Terrebonne Parish, La.	2 M ft³ at 15.025 lb/in²a.
(13)	Lake Rambo, Lafourche Parish, La.	3 M ft³ at 15.025 lb/in²a.
(14)	State tract 889-S, Nueces county, Tex.	3 M ft³ at 14.65 lb/in²a.
(15)	Meyersville field, Dewitt County, Tex.	2 M ft³ at 14.65 lb/in²a.
(16)	Northeast Traewick field, Nacogdoches County, Tex.	6 M ft³ at 14.65 lb/in²a.
(17)	South Edna field, Jackson County, Tex.	3 M ft³ at 14.65 lb/in²a.
(18)	Intracoastal City Prospect, Vermilion Parish, La.	1 M ft³ at 15.025 lb/in²a.
	South Jersey Gas Co.	
(1)	East Point Blue field, Evangeline Parish, La.	2,000 M ft³ at 15.025 lb/in²a.
(2)	East Hordes Creek field, Goliad County, Tex.	3,000 M ft³ at 14.65 lb/in²a.
(3)	South Gist field Newton County, Tex.	200 M ft³ at 14.65 lb/in²a.
(4)	North Jefferson Island field, Iberia Parish, La.	1,400 M ft³ at 15.025 lb/in²a.
(5)	South Tomball field, Harris county, Tex.	700 M ft³ at 14.65 lb/in²a.
(6)	Meyersville field, Dewitt County, Tex.	227 M ft³ at 14.65 lb/in²a.
(7)	Northeast Trawick field, Nacogdoches County, Tex.	710 M ft³ at 14.65 lb/in²a.
(8)	South Edna field, Jackson county, Tex.	382 M ft³ at 14.65 lb/in²a.
	Tar Heel Energy Corp.	
(1)	Loisel field, Iberia Parish, La	80 M ft³ at 15.025 lb/in²a.
(2)	South Gist field, Newton County, Tex.	40 M ft³ at 14.65 lb/in²a.
(3)	East Hordes Creek field, Goliad County, Tex.	570 M ft³ at 14.65 lb/in²a.
(4)	North Jefferson Island field, Iberia Parish, La.	260 M ft³ at 15.025 lb/in²a.
(5)	South Tomball field, Harris County, Tex.	165 M ft³ at 14.65 lb/in²a.

No.	Source	Estimated maximum daily quantities[1]
Tar Heel Energy Corp.		
(6)	Chandeleur Sound, block 59, St. Bernard Parish, La.	81 M ft³ at 15.025 lb/in²a.
(7)	Big Point field, St. Tammany Parish, La.	94 M ft³ at 15.025 lb/in²a.
(8)	State lease 849-S, offshore Port Aransas, Tex.	76 M ft³ at 14.65 lb/in²a.
(9)	Vacherie field, St. James Parish, La	228 M ft³ at 15.025 lb/in²a.
(10)	Stephenson Point area, Galveston County, Tex.	250 M ft³ at 14.65 lb/in²a.
(11)	Bolivar Point area, Plaquemines Parish, La.	186 M ft³ at 15.025 lb/in²a.
(12)	Kawitt area, Karnes and Dewitt Counties, Tex.	20 M ft³ at 14.65 lb/in²a.
(13)	Southwest Gibson area, Terrebonne Parish, La.	78 M ft³ at 15.025 lb/in²a.
(14)	North Freshwater Bayou field, Vermilion Parish, La.	70 M ft³ at 15.025 lb/in²a.
(15)	West Mermentau area, Acadia Parish, La.	62 M ft³ at 15.025 lb/in²a.
(16)	Southeast Avery Island, Iberia Parish, La.	20 M ft³ at 15.025 lb/in²a.
(17)	East Collins area, Covington County, Miss.	19 M ft³ at 15.025 lb/in²a.
(18)	Lake Hatch '76, Terrebonne Parish, La.	66 M ft³ at 15.025 lb/in²a.
(19)	Lake Rambo, Lafourche Parish, La.	53 M ft³ at 15.025 lb/in²a.
(20)	State tract 889-S, Nueces County, Tex.	100 M ft³ at 14.65 lb/in²a.
(21)	Meyersville field, Dewitt County, Tex.	43 M ft³ at 14.65 lb/in²a.
(22)	Northeast Traewick field, Nacogdoches County, Tex.	170 M ft³ at 14.65 lb/in²a.
(23)	South Edna field, Jackson County, Tex.	92 M ft³ at 14.65 lb/in²a.
(24)	Intracoastal City Prospect, Vermilion Parish, La.	30 M ft³ at 14.65 lb/in²a.
UCG Energy Corp.		
(1)	Loisel field, Iberia Parish, La	5 M ft³ at 15.025 lb/in²a.
(2)	South Gist field, Newton County, Tex.	2 M ft³ at 14.65 lb/in²a.
(3)	East Hordes Creek field, Goliad County, Tex..	27 M ft³ at 14.65 lb/in²a.
(4)	North Jefferson Island field, Iberia Parish, La.	12 M ft³ at 15.025 lb/in²a.
(5)	South Tomball field, Harris County, Tex.	6 M ft³ at 14.65 lb/in²a.
(6)	Chandeleur Sound, block 59, St. Bernard Parish, La.	5 M ft³ at 15.025 lb/in²a.
(7)	State lease 849-S, offshore Port Aransas, Tex.	4 M ft³ at 14.65 lb/in²a.
(8)	Bolivar Point area, Plaquemines Parish, La.	11 M ft³ at 15.025 lb/in²a.
(9)	Kawitt area, Karnes and Dewitt Counties, Tex.	1 M ft³ at 14.65 lb/in²a.
(10)	West Mermentau area, Acadia Parish, La.	4 M ft³ at 15.025 lb/in²a.
(11)	Southeast Avery Island, Iberia Parish, La.	1 M ft³ at 15.025 lb/in²a.
(12)	Lake Hatch '76, Terrebonne Parish, La.	4 M ft³ at 15.025 lb/in²a.
(13)	Lake Rambo, Lafourche Parish, La.	3 M ft³ at 15.025 lb/in²a.
(14)	State tract 889-S, Nueces County, Tex.	6 M ft³ at 14.65 lb/in²a.
(15)	Meyersville field, Dewitt County, Tex.	2 M ft³ at 14.65 lb/in²a.
(16)	Northeast Traewick field, Nacogdoches County, Tex.	7 M ft³ at 14.65 lb/in²a.
(17)	South Edna field, Jackson County, Tex.	4 M ft³ at 14.65 lb/in²a.
(18)	Intracoastal City Prospect, Vermilian Parish, La.	30 M ft³ at 15.025 lb/in²a.

[1]Subject to any unitization that may occur.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7656 Filed 3-23-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 870-7); OPP—240006B]

STATE OF MARYLAND

Approval of Amendment of Request for Interim Certification To Register Pesticides To Meet Special Local Needs

Pursuant to section 24(c) 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.*), the State of Maryland submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on February 4, 1976. Notice of approval of this Request was published in the FEDERAL REGISTER on February 25, 1976 (41 FR 8211). This initial Request sought authority to amend EPA registrations which do not involve "changed use

patterns", as that term is defined in section 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538).

On December 23, 1977, the State of Maryland sought to amend its Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations, and to amend EPA registrations which involved changed use patterns. This Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request, in that Maryland's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Maryland for Interim Certification. The State agency designated responsible for issuance of such registrations, the Maryland Department of Agriculture, was notified on February 24, 1978, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Maryland, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

Dated: March 20, 1978.

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

[FR Doc. 78-7780 Filed 3-23-78; 8:45 am]

[6560-01]

[FRL 871-3; OPP-68004]

VELSICOL CHEMICAL CO., ET AL.

Consolidated Heptachlor/Chlordane Cancellation Proceedings

On November 18, 1974, a notice of intent to cancel most registrations of pesticide products containing heptachlor and chlordane was issued under section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. The notice is set forth in 39 FR 41298 (November 26, 1974).

On July 29, 1975, prior to commencement of the cancellation hearings, former Administrator Russell E. Train issued a notice to suspend the registrations of these same pesticide products. After an adjudicatory hearing, the Chief Administrative Law Judge of this Agency issued a recommended decision on December 12, 1975, concerning the allegations contained in the notice of intent to suspend, and on December 24, 1975, Administrator Train issued his decision and order. The notice of intent to suspend, the recommended decision and the Administrator's decision and order are set forth at 41 FR 7552 (February 19, 1976).

Thereafter, the cancellation proceedings resumed and continued until November 1977 when the parties entered into settlement negotiations. The negotiations resulted in an agreement by all the parties to the proceedings which was submitted to Administrator Douglas M. Costle for approval. On March 6, 1978, he signed a final cancellation order putting into effect the terms of the settlement. The order and a statement of the Administrator's reasons for accepting the settlement are set forth below.

Dated: March 20, 1978.

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

ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

[FIFRA Docket No. 336, et al.]

In re: *Velsicol Chemical Corp., et al.*, Petitioners.

FINAL ORDER

I. GENERAL

Registrations issued under the Federal Insecticide, Fungicide and Rodenticide Act, as amended ("FIFRA"), 7 U.S.C. Sec. 135, et. seq., for all pesticide products containing chlordane or heptachlor which are subject to the Notice of Intent to Cancel issued on November 18, 1974 (39 FR 41298), are canceled, and all applications for registration of pesticide products containing chlordane or heptachlor subject to the Notice of Denial of Registrations issued on May 21, 1975 (40 FR 22587) or any subsequently issed Notice of Denial, are denied. The effective date of cancellation or denial shall be the date of this Order, unless otherwise provided. The effective date of cancellation or denial of any registration which includes a use listed below as a "Phased Out Use" shall be the date specified below with respect to the Phased Out Use, unless the production limitation imposed with respect to the Phased Out Use is earlier exceeded. No pesticide product shall be labled for more than one Phased Out Use, unless otherwise provided in this Order. No pesticide product labeled for a Phased Out Use or Uses shall be labeled for any other use in addition to the Phased Out Use or Uses. Any restrictions imposed in this Order on a Phased Out Use shall apply during the phase out period in addition to any labeling restrictions which are currently applicable. No pesticide registered for a Phased Out Use shall be used except in accordance with the express provisions of this Order and the labeling of the pesticide. If any restriction imposed in this Order conflicts with any currently applicable labeling restriction, the restriction imposed by this Order shall apply.

End-use pesticide products which were in existence on the date of this Order, whose registrations are canceled or denied effective on the date of this Order may be distributed, sold or otherwise moved in commerce, and used: *Provided*, That the pesticide shall not be used inconsistent with its labeling. Pesticide products in existence 90 days before the effective date of cancellation or denial of a Phased Out Use may be distributed, sold or otherwise moved in commerce, and used: *Provided*, That the pesticide shall not be used inconsistent with its labeling. Alternatively, pesticide products in existence 90 days before the effective date of cancellation or denial of a Phased Out Use may be relabeled by or under the authority of a registrant for another Phased Out Use not already cancelled of denied, and any pesticide product so produced shall not count against the production limitation for the other Phased Out Use.

Applications for amendments to registrations for purposes of conforming with the provisions of this Order, and modified applications for registration conforming with the provisions of this Order, must be filed with the Environmental Protection Agency within 60 days of the date of this Order. Registrations or applications for registration with respect to which such filings are not made shall be cancelled or denied. Existing stocks of pesticide products subject to such a cancellation or denial may be distributed, sold or otherwise moved in commerce and used: *Provided*, That the pesticide shall not be used inconsistent with its labeling.

The Environmental Protection Agency shall accept applications for registration of pesticide products for Phased Out Uses, and may process and approve such applications notwithstanding the provisions of 40 CFR Part 162: *Provided*, That the proposed terms of registration satisfy the provisions of this Order, and the application includes appropriate information on product formulation.

II. PHASED OUT USES

A. *Field corn*

1. *Pest*—Cutworms.
2. *Crop*—Field corn.
3. *Effective date of cancellation or denial*—August 1, 1980, in states with EPA approved restricted-use permit programs and immediately in all other states unless and until those States obtain and maintain EPA approved restricted use permit programs, as set forth in paragrah 5(e).
4. *Production limitation*—No more than 5,000,000 pounds technical heptachlor shall be utilized to produce end-use products for this use. No more than a total of 1,000,000 pounds technical heptachlor shall be utilized to produce end-use products for distribution or sale in calendar year 1978 and no more than a total of 4,000,000 pounds technical heptachlor shall be utilized to produce end-use products for distribution or sale during the two calendar years 1979 and 1980.
5. *State restricted-use permit programs*—State restricted-use permit programs shall consist of the following elements:

a. A description of types of acreage where heptachlor use will be permitted, an estimate of the total acreage which may be included in the program, and a listing of counties where acres which may be treated are located.

b. A system whereby permits, allowing purchase of heptachlor, will be prepared

and issued prior to or at the time of retail sale of the product. The permit shall contain the following information:

(1) The signature, mailing address and acknowledgement of the landowner or farm operator that:

(a) He has read the heptachlor labeling;

(b) He understands the heptachlor labeling;

(c) He will adhere to restrictions as specified on the labeling; and

(2) The name, address, and state certified license number of the aplicator who will apply the product; and

(3) An agreement that the owner of the land will be notified by the farm operator of the labeled restrictions, if the owner of the land is not the farm operator; and

(4) The date of sale, the amount of product sold and the number of acres on which the product is to be used; and

(5) The name of the county, the Agricultural Stabilization and Conservation Service (ASCS) numbers of the fields where the product is to be applied, and additional information specifying the location of the area within the field to be treated.

c. The state restricted-use permit program must be supported by monitoring and enforcement activities to ensure program compliance. In this area, the program must include:

(1) A commitment that the state will annually, through 1982, randomly inspect corn acreage treated under 10 percent of the permits issued in the year of inspection or last year in which the state had an approved permit program, for compliance with any one of the rotational crop, silage, forage or other labeling restrictions.

(2) A commitment that the state will, during the phase out period, conduct informational seminars throughout the state, to inform corn producers of the restrictions and enforcement criteria of the state's restricted-use permit program.

(3) A system of sanctions for noncompliance which includes the authority to prohibit further participation in the restricted-use permit program for violations of labeling restrictions. Such authority must be implemented by October 1, 1978, or by the date the state filed for EPA approval of a permit program, whichever is the later date.

(4) Assurances that adequate resources will be allocated to satisfy monitoring and inspection responsibilities.

d. The state administering the restricted-use permit program must submit an annual report on sales and use of heptachlor and enforcement activity by November 1 of each year during the phase-out program. The report shall be compiled from the information required to be reported in the permits pursuant to section 5(b) above, and shall include:

(1) The number of pounds of heptachlor reported sold in the state during that year; and

(2) The number of acres, by county, reported treated with heptachlor during that year; and

(3) The number of corn acres, and their ASCS field numbers, inspected for compliance with any one of the rotational crop, silage, forage or other labeling restrictions; and

(4) The number of violations of the rotational crop, silage, forage or other labeling restrictions discovered, and the steps taken by the state to remedy the violations.

Officials of the Environmental Protection Agency shall be allowed access to restricted-use program records and permits maintained by the state for inspection and copying. The state will provide other information that EPA may from time to time reasonably request.

e. The EPA Regional Administrator in the Region where the state is located shall approve state restricted-use permit programs which satisfy the criteria listed above. Such Regional Administrator may withdraw approval of a program at any time upon a determination that the state has failed to honor inspection, monitoring, or reporting obligations, or that the state has consistently failed to impose adequate sanctions on violators. Prior to any withdrawal of approval, the Regional Administrator shall provide:

(1) Written notice of proposed withdrawal of program authorization to the director or manager of the state program, specifying the areas in which the Regional Administrator contends the operation of the state restricted-use program is inconsistent with the criteria specified in this order; and

(2) A time period of at least forty-five days after delivery of written notice, during which time the state may respond to the allegations contained in the notice and attempt to resolve the specified inconsistencies.

6. *Use restrictions*—Use shall be by certified applicators only. Application shall be broadcast with soil incorporation only. Use on dairy farms is prohibited. The following crops shall not be grown in a field treated with heptachlor in the year of treatment or the following year: legumes (including soybeans, alfalfa, clover, peas, peanuts, and other beans); root crops (including potatoes, sugar beets, and rutabagas); oil crops (including cotton and safflower); vegetable crops; tobacco or pumpkins. Silage shall not be cut from a field treated with heptachlor in the year of treatment or the following year. Corn which has been treated with heptachlor shall not be followed with any other dairy or meat animal forage crop nor shall livestock be permitted to have access to treated land for a period of two years following treatment.

B. *Seed treatment*

1. *Pests*—Seed corn beetle, seed corn maggot, wireworm, false wireworm, southern corn rootworm, kafir ant.

2. *Crops*—Sorghum, barley, oats, wheat, rye, corn.

3. *Effective date of cancellation or denial*—September 1, 1982 for barley, oats, wheat, rye and corn. July 1, 1983 for sorghum.

4. *Poundage limitations*—No more than 975,000 pounds of technical heptachlor shall be utilized to produce end use products for this use. No more than 175,000 pounds technical heptachlor shall be utilized to produce end-use products for distribution or sale in each of the calendar years 1978, 1979, 1980, 1981 and 1982. No more than 100,000 pounds of technical heptachlor shall be utilized to produce end-use products for distribution or sale for use on sorghum in calendar year 1983.

5. *Use restrictions*—For use by commercial seed treatment companies only.

6. *Special labeling provisions*—Technical heptachlor products may be labeled for seed treatment use on sorghum, barley, oats, wheat, rye and corn seed: *Provided*, That the 100,000 pounds of technical heptachlor used to produce end-use products for distribution or sale in calendar year 1983 shall only be labeled only for use on sorghum seed.

C. *Citrus—California*

1. *Pest*—Ants.

2. *Crop*—Citrus in the State of California.

3. *Effective date of cancellation or denial*—December 31, 1979.

4. *Poundage limitation*—No more than 50,000 pounds of technical chlordane shall be utilized to produce end-use products for this use. No more than 25,000 pounds technical chlordane shall be utilized to produce end-use products for distribution or sale in each of the calendar years 1978 and 1979.

5. *Use restrictions*—Use shall be by certified applicators only. Use shall be permitted only pursuant to the provisions of the appropriate State of California permit and prescription use programs and shall be restricted to use on acres under an Integrated Pest Management program involving the release of beneficial insects (parasites and predators) to maintain populations of harmful insects (scales, mites, mealybugs) at an acceptable level.

6. *Special labeling provisions*—Chlordane products to be applied as liquid sprays may be labeled for use on both California citrus and California grapes: *Provided*, That the 30,000 pounds of technical chlordane which may be used to produce end-use products for distribution or sale in calendar year 1980 shall only be labeled for use on grapes.

D. *Citrus*—Florida

1. *Pest*—Citrus root weevil larvae and Fuller's rose beetle larvae.

2. *Crop*—Citrus in the State of Florida.

3. *Effective date of cancellation or denial*—December 31, 1979.

4. *Poundage limitation*—No more than 40,000 pounds of technical heptachlor shall be utilized to produce end-use products for this use. No more than 20,000 pounds technical heptachlor shall be utilized to produce end-use products for distribution or sale in each of the calendar years 1978 and 1979.

5. *Use restrictions*—Use shall be by certified applicators only. Applications shall be by soil incorporation only.

E. *Citrus—Texas*

1. *Pest*—Ants.

2. *Crop*—Citrus in the State of Texas.

3. *Effective date of cancellation or denial*—December 31, 1979.

4. *Poundage limitation*—No more than 30,000 pounds of technical chlordane shall be utilized to produce end-use products for this use. No more than 15,000 pounds technical chlordane shall be utilized to produce end-use products for distribution or sale in each of the calendar years 1978 and 1979.

5. *Use restrictions*—Use shall be by certified applicators only. Use shall be restricted to acres under an Integrated Pest Management program involving the release of beneficial insects (parasites and predators) to maintain populations of harmful insects (scales, mites, mealybugs) at an acceptable level.

F. *Grapes*

1. *Pest*—Cutworms.

2. *Crop*—Grapes in the State of California.

3. *Effective date of cancellation or Denial*—July 1, 1980.

4. Poundage limitation—No more than 90,000 pounds of technical chlordane shall be utilized to produce end-use products for this use. No more than 30,000 pounds technical chlordane shall be utilized to produce

end-use products for distribution or sale in each of the calendar years 1978, 1979 and 1980.

5. *Use restrictions*—Use shall be by certified applicators only. Use shall be restricted to application by ground equipment only. Use shall be permitted only pursuant to the provisions of the appropriate State of California permit and prescription use programs.

6. *Special labeling provisions*—Chlordane products to be applied as liquid sprays may be labeled for use on both California citrus and California grapes: *Provided*, That the 30,000 pounds of technical chlordane which may be used to produce end-use products for distribution of sale in calendar year 1980 shall only be labeled for use on grapes.

G. *Pineapples*

1. *Pest*—Ants.
2. *Crop*—Pineapples in the State of Hawaii.
3. *Effective date of cancellation or denial*—December 31, 1982.
4. *Poundage limitation*—No more than 150,000 pounds of technical heptachlor shall be utilized to produce end-use products for this use. No more than 30,000 pounds technical heptachlor shall be utilized to produce end-use products for distribution or sale in each of the calendar years 1978, 1979, 1980, 1981, 1982.
5. *Use restrictions*—Use shall be by certified applicators only.

H. *Narcissus*

1. *Pest*—Narcissus bulb fly.
2. *Crop*—Narcissus bulbs.
3. *Effective date of cancellation or denial*—December 31, 1980.
4. *Poundage limitation*—No more than 450 pounds of technical heptachlor shall be utilized to produce end-use products for this use. No more than 150 pounds technical heptachlor shall be utilized to proudce end-use products for distribution or sale in each of the calendar years 1978, 1979 and 1980.
5. *Use restrictions*—Use shall be by certified applicators only. The following protective procedures will be required for persons engaged in treating narcissus with heptachlor: Wear heavy natural rubber gloves and clean water proof protective clothes and goggles. Bathe immediately after work and change all clothing, wash clothing thoroughly with soap and warm water before reuse. In case of contact, immediately remove contaminated clothes and wash thoroughly with soap and warm water. Wear a pesticide respirator jointly approved by the Mining Enforcement and Safety Administration (formerly the U.S. Bureau of Mines) and by the National Institute of Occupational Safety and Health under the provisions of 30 CFR Part II.

I *Flax*

1. *Pest*—Grasshoppers.
2. *Crop*—Flax.
3. *Effective date of cancellation or denial*—October 1, 1978.
4. *Poundage limitation*—No more than 15,000 pounds of technical chlordane shall be utilized to produce end-use products for this use.
5. *Use restrictions*—Use shall be by certified applicators only.

J. *Strawberries*

1. *Pests*—White grubs, strawberry rootworm, strawberry root weevil, or crown girdler, strawberry crown borer, and black vine weevil.
2. *Crop*—Strawberries.
3. *Effective date of cancellation or denial*—August 1, 1979.
4. *Poundage limitation*—No more than 50,000 pounds of technical chlordane shall be utilized to produce end-use products for this use. Of the 50,000 pound total, at least 5,000 pounds shall be distributed in the New England states.
5. *Use restrictions*—Use shall be by certified applicators only. Use shall be permitted in California only pursuant to the provisions of the appropriate State of California permit and prescription use programs.

K. *Imported Fire Ants*

1. *Pest*—Imported fire ants.
2. *Site*—Lands not presently used or to be used for food or feed production or grazing for a period of two years following treatment.
3. *Effective date of cancellation or denial*—December 31, 1980.
4. *Poundage limitation*—No more than 350,000 pounds of technical chlordane shall be utilized to produce end-use products for this use. This total shall be utilized to produce end-use products for distribution or sale in the calendar years 1978, 1979 and 1980.
5. *Use restrictions*—Distribution and use is restricted to the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. Use shall be restricted to mound treatment. Broadcast or aerial applications are prohibited. Use shall be restricted to certified applicators only.

L. *Nursery stock quarantine programs and certification regulations*

1. *Pests*—Imported fire ants, Japanese beetle larvae, and black vine weevils.
2. *Sites*—Nursery stock to control imported fire ants and Japanese beetle larvae for compliance with Federal or State quarantines, and nursery stock to control black vine weevil for compliance with State nursery certification regulations.
3. *Effective date of cancellation or denial—December 31, 1979.*
4. *Poundage limitation*—No more than 500,000 pounds of technical chlordane shall be utilized to produce end-use products for this use. No more than 250,000 pounds technical chlordane shall be utilized to produce end-use products for distribution or sale in each of the calendar years 1978 and 1979.
5. *Use restrictions*—Use shall be by certified applicators only. Restricted to use on land with nursery stock grown for balled and burlapped, bare root or container stock. Use on turf is prohibited.

Dated: March 6, 1978.

DOUGLAS M. COSTLE,
Administrator, U.S. Environmental Protection Agency.

ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

[FIFRA Dockets Nos. 336, etc.]

In re: *Velsicol Chemical Corp., et al.*, Registrants.

STATEMENT AS TO BASIS FOR SETTLEMENT

I. INTRODUCTION

In this Statement as to Basis for Settlement ("Statement"), I am announcing my decision to sign an order putting into effect the terms of a settlement reached by all the parties in this proceeding.

I have decided to accept this settlement because it will achieve the basic objectives of EPA under the statute. To settle this matter promptly rather than litigate it further will free a substantial amount of resources of all of the parties for use on other matters. I prefer a disposition by consent that frees Agency resources for use on other matters to a continuation of this marathon litigation, as long as the relief obtained is consistent with the statute.

II. BACKGROUND

On October 23, 1974, the Environmental Defense Fund (EDF) filed a petition for suspension and cancellation of registration of heptachlor and chlordane. This proceeding was initiated on November 18, 1974, when my predecessor, Russell E. Train, issued a notice of intent to cancel most registrations of heptachlor and chlordane under section 6(b) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, ("FIFRA"). The basis for the Notice is set forth in 39 FR 41298 (November 26, 1974).

Registrants and other interested persons contested the allegations set forth by the Administrator in the Notice and requested a hearing under section 6 of FIFRA. On July 29, 1975, prior to commencement of the cancellation hearings, the Administrator issued a "Notice of Intent to Suspend and Findings of the Imminent Hazard Posed by Registrations of Pesticides Containing Heptachlor or Chlordane." (41 FR 7552). An expedited hearing on suspension was requested and convened by the Agency, and the cancellation hearing was recessed pending the conclusion of the suspension hearing. On December 12, 1975, Chief Administrative Law Judge Herbert L. Perlman issued a Recommended Decision that the Notice of Intent to Suspend be dismissed. On December 24, 1975, Administrator Train issued a Decision and Order suspending the registrations of most uses of heptachlor and chlordane subject to the cancellation proceeding. The Recommended Decision of Judge Perlman and the Decision and Order of Administrator Train are set forth at 41 FR 7555 and 7572, respectively. Petitions for review of the Administrator's Order were filed in United States courts of appeals by EDF, Registrants and USDA, and the Administrator's Order was affirmed by the U.S. Court of Appeals for the District of Columbia Circuit in *EDF* v. *EPA*, 548 F. 2d 998 (D.C. Cir. 1976). Thereafter the cancellation hearings resumed and continued until November, 1977.

III. THE SUBSTANTIVE ISSUES

As indicated by the documents submitted to me in conjunction with this settlement—namely, the statements of position submitted to the National Academy of Sciences by each of the major parties, the Report of the NAS Committee, the major parties' interim briefs on benefits and environmental hazards submitted to the Administrative Law Judge in July 1977, a list of evidence on the issue of risk offered after the submissions to the NAS were filed, and supplements to the interim briefs reflecting experience during the 1977 corn growing season when use of heptachlor and chlordane was suspended—there continue to be wide differences between the parties on the potential risks and benefits of continued uses of heptachlor and chlordane.

Respondent introduced evidence in the hearing consisting of animal test data for the purpose of showing that heptachlor and

chlordane or their breakdown products are carcinogenic. Respondent also introduced evidence for the purpose of showing that heptachlor, chlordane and their breakdown products are widespread in human body tissue and at low levels in the human food supply. All this evidence was vigorously disputed by Registrants, who introduced contrary evidence.

The negotiated dispositon which I am approving makes it unnecessary for me to resolve in this case the much-disputed questions concerning risk, the quantification of such risk, and exposure which have been the subject of extensive litigation herein. There is much to be said for a policy that continued human exposure to persistent pesticides such as these that raise a question of risk even though unresolved and residues resulting from their use should be restricted and eventually eliminated wherever the pesticide use can be dispensed with or a less persistent alternative pesticide or a nonchemical control can be made available consistent with reasonable standards of health protection and economic progress.

The order I am signing in connection with this settlement provides for the cancellation of all uses of heptachlor and chlordane at issue in this proceeding. In the case of those uses which are not canceled effective at this time, a transition period is provided either (i) to allow users to make an orderly adjustment to alternative crops or pest control technologies wherever possible or (ii) to promote development of alternative pest control technologies where none presently exist.

The economic impact from the proposed order will be relatively minor in general and will have no significant effect on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy, according to the record adduced in the cancellation proceeding. This is because, according to the hearing record, in some cases the target insect itself simply is not presently a major problem; in other cases, the target insect, though widespread, does not inflict an economically consequential level of damage; and in the majority of cases, alternative chemical and nonchemical controls are available to replace heptachlor/chlordane or could be developed during the phaseout periods provided. While these alternatives may not always provide equivalent control, they are sufficiently satisfactory to be relied upon. Indeed, in some cases they actually offer certain advantages over heptachlor/chlordane use. Heptachlor/chlordane, like other chlorinated hydrocarbon pesticides, traditionally have been used for many purposes as prophylactic or "insurance" treatment whereas many of the alternatives are applied only when the immediate need therefor has been demonstrated, thus resulting in financial and environmental savings. Moreover, some insects have demonstrated a resistance to the chlorinated hydrocarbon insecticides, so that other types of chemicals are now more effective controls than heptachlor/chlordane.

Some individuals and business enterprises will experience adjustment problems, but these are expected to be resolved over the period permitted for phasing out of certain uses. The limited phaseout periods will provide time to further inform farmers of other means of chemical and nonchemical control and to develop and make available such alternatives.

Relatively few registrations will be continued during phaseout periods of varying lengths. These continued registrations involve primarily agricultural uses, plus federal and state quarantine programs, and control of fire ants. All uses permitted during the phaseout period are restricted to treatments by certified applicators, or professional commercial seed treatment companies to ensure that the chemicals are in the hands only of knowledgeable and qualified users. In the case of corn, the restrictions are more stringent.

The hearings themselves have provided a wealth of information on alternative means of insect control and offered an incentive towards the development of integrated pest management techniques that benefit producers and the environment alike.

IV. OTHER MATTERS

This Statement, as well as the settlement to which it relates, is the product of compromise negotiations, and is not to be taken as a finding by me on any of the points in issue.* On the contrary, Registrants** continue to dispute the correctness of the allegations in the Notice of Intent to Cancel. Nothing in this document is to be construed as an admission by the Registrants of any of the allegations of the Notice of Intent to Cancel or any other matter whether or not set forth in this Statement. Nor is anything in this Statement intended to refer to any pesticide use which is not subject to the Notice of Intent to Cancel.

This disposition is also without prejudice to any statutory right of any person to file a new registration application under section 3 of FIFRA or to file an application under any other section of FIFRA for permission to sell, distribute or use heptachlor or chlordane for any use subject to this proceeding. Any such application would, of course, be subject to the applicable substantive and procedural requirements of the statute and implementing regulations.

It is to be emphasized that the disposition herein is based upon health, economic and environmental considerations pertaining to the United States. Different conclusions may be appropriate in other countries whose health, environmental and economic circumstances differ in some degree from those of the United States.

Dated: March 6, 1978.

DOUGLAS M. COSTLE,
Administrator, Environmental Protection Agency.

[FR Doc. 78-7824 Filed 3-23-78; 8:45 am]

*No final findings have been made in this matter because it is being resolved by compromise. It should therefore be noted that the interim decision of my predecessor is not a finding within the purview of rule 803(8) of the Federal rules of evidence.

**The term includes the intervening parties on the side of registrants.

[6560-01]

[FRL 872-3]

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 March 13, 1978 through March 17, 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 is forty-five (45) days; the date of submission of comment is May 8, 1978. The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: March 22, 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

North Fork American Wild and Scenic River, Placer County, California, March 16: Proposed is the study of a 41.1 mile segment stretch of river from south of the private residence known as "The Cedars", downstream to the normal water surface elevation of the Auburn Reservoir presently under construction by the BOR. The study portion of the river is located entirely within Placer County, northeastern California, and all but the lower 12 miles is within the boundary of the Tahoe National Forest. The American River Basin drains from a 50 mile long section of the Sierra Nevadas between the Yuba and Mokelumne Watersheds. It emerges from the foothills at Folsom and empties into the Sacramento River at Sacramento. (ELR order No. 80252.)

Star Planning Unit, Kootenai National Forest, Boundary County, Idaho, March 16: This action involves the implementation of a revised land management plan for the Star Planning Unit, Troy District, Kootenai National Forest, located in Lincoln County, Idaho. The proposal affects approximately 27,274 acres of national forest land that have been stratified into nine management units with similar resource situations. This plan recognizes the recreation potential along the Kootenai River. Both tangible resources such as wood fiber and intangible resources such as esthetics are considered. Wildlife habitat, recreation potentials, and economic impacts on the local, regional, and national publics are similarly considered. (ELR order No. 80246.)

DEPARTMENT OF DEFENSE, ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Office of the

Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, 202-694-4269.

Draft

Drill and Transfer System, Dugway Proving Ground, Utah, March 16: The proposed action consists of moving recovered chemical agent filled test munitions from a storage area to a remote operational site where the chemical agent fill will be either identified or verified and then the agent will be transferred to a shipping container. The drill transfer of Dugway Proving Ground, approximately 80 miles southwest of Salt Lake City, is located on the eastern edge of the Great Lake Desert. The proving ground has been divided into two major regions: The test area is Dugway Valley where all testing and disposal operations are performed, and English Village in Skull Valley which is the administrative and residential area. (ELR order No. 80247.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Dredging of the Missouri River Bridge, Dakota County, Nebraska; Woodbury County, Iowa, March 17: The proposed project involves the dredging of fill material from the Missouri River at mile 732.05 to 732.40 in conjunction with the proposed new bridge at mile 732.30 in Dakota County, Nebraska and Woodbury County, Iowa. A permit for this dredging, if granted, will be authorized under section 10 of the River and Harbor Act of 1899, and under provisions of section 404 of the FWPCA amendments of 1972. The issuance of the section 10 permit would allow dredging of approximately 650,000 cubic yards of fill material from the Missouri River for the construction of the interchange between U.S. 20 and Interstate 29 in conjunction with the construction of a replacement bridge. (ELR order No. 80258.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-566-0405.

Final Supplement

Federal Building, 1114 Commerce Street, Dallas, Tex., March 16: This supplement has been prepared as a result of comments received on the final EIS filed with CEQ on October 4, 1977. Several comments on the final EIS were received from individual affected by an antigen suspected of causing hypersensitivity pneumonitis, a respiratory illness. These comments relate to health aspects of the proposed work and to an illness contracted by several employees as a result of exposure to allergenic-micro-organisms growing in the spray type air conditioning systems serving the building. (Region 7.) (ELR order No. 80249.)

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

Forest Park, Hamilton, Clermont, and Warren, Counties, Ohio, March 17: Proposed is the development of 3,786 residential units including 208.2 acres of supplementary commercial-industrial land. The site is located in the city of Forest Park, Ohio and it is approximately 14 miles north of Cincinnati. It is conveniently accessible to both I-275 and I-75. The property is bounded by the communities of Springdale and Glendale on the east, Greenhills and Winton Woods, a 2,000-acre county park, to the south; Hamilton County on the west, and the circle freeway on the north. Upon completion of four land development phases. HUD-RO5-EIS-77-19D. (ELR order No. 80257.)

Fairwood Subdivision, Harris County, Texas, March 13: The proposed action involves the development of 183.9 acres of land in Harris County, Tex., approximately 23 miles northwest of downtown Houston, Tex., which is located in the southeastern portion of the State. The property is bounded on the west by Spring Cypress Road, and on the north by Grant Road. Beneficial impacts include the provision of single-family homes for approximately 2,234 men, women, and children. When completed it is expected to consist of 665 single-family dwelling units. HUD-RO6-EIS-78-15D. (ELR order No. 80239.)

Draft

Atascocita Trails Subdivision, Harris County, Texas, March 14: The proposed action involves the development of 400.9 acres of land into a community composed of single-family homes located in southeastern part of the State and lies within the boundaries of Harris County, Tex. Regionally, the project is situated in the northeastern portion of the county. Atascocita trails is approximately 20 miles from downtown Houston. Beneficial impacts include the provision of single-family homes for approximately 4,515 men, women and children in Harris County, Tex. When completed it is expected to consist of 1,300 single-family dwelling units. (ELR No. 80240.)

Final

The Meadows/Foothill Green, Jefferson County, Colorado, March 13: Proposed is the acceptance for HUD/FHA mortgage insurance purposes of the Meadows and Foothill Green Developments in Jefferson County, Colo. The developers of the Meadows and Foothill Green are proposing to build 199 single-family detached units, respectively, in their first filings in the southwest Denver Metropolitan area. The construction of both will adversely impact the region's air quality in both the primary effect of increased fugitive dust and the secondary effects of transportation, commercial development, and industrial and utility services. Comments made by: USDA, FEA, DOD, DOI, EPA, HUD, State and local agencies. (ELR order No. 80238.)

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

North Brinkley Sewer Collection System Improvement, Monroe County, Arkansas, March 16: This project will relieve overloaded conditions found in the North Brinkley Sewer Collection System. A large trunk sewer line will be constructed north from the main pumping station which is located at the west city limits line. The trunk line will extend north to a point even with 4th Street. The sewer line will then extend to the east to the existing 4th Street Pumping Station. In addition, a relief sewer line will be constructed in a draw east across Main Street and the St. Louis Southwestern Railroad track to the existing pump station on Grand Avenue. Both of the pumping stations on 4th Street and Grand Avenue will be eliminated. (ELR order No. 80244.)

Final

Santa Maria, Calif., Westside Rehabilitation, California, March 13: The proposed project involves the redevelopment of 8 blocks in downtown Santa Maria to be completed in two phases. This EIS considers the impacts associated with phase I. The phase I project involves the demolition of approximately 20 percent of existing structures and the addition of approximately 456 parking spaces. Remaining structures will be rehabilitated to meet the building and safety codes, and at least 60 percent will be improved architecturally as well. Phase II of this multiyear project has not yet been planned in detail. Comments made by: State and local agencies. (ELR order No. 80237.)

NATIONAL PARK SERVICE

Draft

Gateway National Recreation Area, Master Plan, New York, New Jersey, March 16: Proposed is the general management plan implementation for Gateway National Recreation Area located in New York and New Jersey to guide overall park management and devlopment for approximately 20 years, as well as specific development concept plan implementation for about 7 years. The National Park Service at present administers some 89 percent of the 8,373 acres of land that will be open for public use when all lands to be donated, acquired, or transferred as part of the ongoing land acquisition program have been placed under its jurisdiction. Another 1,241 acres of land will remain under other jurisdiction either as enclave properities or as right-of-way. (DES-78-6.) (ELR order No. 80250.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

Draft

Kealia Pond National Wildlife Refuge, Hawaii County, Maui, March 17: This proposed action is the acquisition of approximately 500 acres of land and water known as Kealia Pond on the west coast of the Island of Maui for the purpose of protecting and preserving endangered Hawaiian Waterbirds and other wildlife and natural values of the area. The acquired acreage would become a unit of the National Wildlife Refuge System. This land is proposed for acquisition in accordance with provision of the Endangered Species Act of 1973. The principal objective is to acquire and administer the pond for preservation and protection of critical habitat. DES-78-7. (ELR order No. 80255).

BUREAU OF OUTDOOR RECREATION

Final

Liberty State Park, Land and Water Conservation, New Jersey County, Hudson, March 15: Proposed is the acquisition of 335 acres of land from the trustees of the Bakrupt Central Railroad of New Jersey to expand existing land holdings and to develop park and recreation facilities at Liberty State Park on the Jersey waterfront. The Corps of Engineers will construct a crescent shaped seawall (levee) 1.5 miles in length along upper New York Bay. Dredging and fill for the seawall will result in long-term loss of 43 acres of underwater land and associated aquatic habitat. FES-78-4. Comments made by: EPA, DOT, DOC, USDA, DOI, DOD. (ELR order No. 80242).

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Final

Edwin I. Hatch Nuclear Plant, Unit 2, Georgia County, Appling, March 16: Proposed is the issuance of an operating license to the Georgia Power Co. for the startup and operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2, located on the Altamaha River. The facility will employ a boiling-water reactor to produce a nominal rating of 2,436 mwt. A steam turbine-generator will use this heat to provide up to 820 (803 net) mwe of electrical power capacity. The plant will be licensed for operation with a thermal output up to 2,550 mwt which corresponds to a gross electrical output of 835 mwe. NUREG-0417. Comments made by: USDA, DOC, ERDA, EPA, DOI, HEW, HUD, State and local agencies, industry. (ELR order No. 80248.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Sheldon Meyers, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Mail 396-SS.

Draft

Spent Light Water Power Reactor Fuel, March 17: Proposed is a generic EIS on spent fuel storage prepared in response to a directive from the commissioners published in the FEDERAL REGISTER, Spetember 16, 1975 (40 FR 44801). The Commission directed the staff to analyze alternatives for the handling and storage of spent light water power reactor fuel with particular emphasis on developing long range policy. Accordingly, the scope of this statement examines alternative methods of spent fuel storage as well as the possible restriction or termination of the generation of spent fuel through nuclear power plant shutdown. (NUREG-0404). (ELR order No. 80253).

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

Reconstruction of M-153, Ford Road, Michigan County, Wayne, March 16: Proposed is the reconstruction of a 6.1 kilometer, 3.8 mile segment of M-153 (Ford Road) between I-275 on the west and Venoy Road on the east. This segment of M-153 is located in Canton Township, Westland, and Garden City, Wayne County, Michigan. This segment M-153 is now a free-access two-lane roadway, with turning lanes at some major intersections. The proposed project involves the widening of this segment of M-153 to either five lanes with turning lanes at major intersections, or to seven lanes for the entire length of the project. FHWA-MICH-EIS-78-01-D. (ELR order No. 80245).

U.S. 77, Beatrice Bypass, Nebraska County, Gage, March 13: This proposed action involves the improvement of U.S. 77 bypassing the central part of Beatrice. The length of this project will be approximately 3 miles (for the central route) to approximately 7.0 miles (east or west route) depending upon the final route selected. The proposed improvement starts at the north edge of Beatrice and bypasses the central business district and rejoins U.S. 77 on the south side of Beatrice. This improvement should provide faster, safer and more efficient travel of U.S. 77 and U.S. 136 traffic desiring to bypass the central part of Beatrice, Gage County, Nebr. FHWA-NEBR-EIS-78-01-D. (ELR order No. 80236).

Final

Kansas Highway 12, Olathe, Kansas County, Johnson, March 16: Proposed is the improvement of Kansas Highway 12 from the junction of Kansas Highway 7 and 10, approximately three miles north of the city of Olathe in Johnson County, Kans., east to approximately one-half mile west of Renner Road. The proposed project would provide a new, full access controlled, four-lane facility with interchanges at major crossroads and with separations at railroad crossings and at roads of lesser importance. Adverse impacts include the acquisition of approximately 185 acres, the displacement of two families, increased noise and air pollution, and the loss of wooded areas and wildlife habitat. FHWA-KS-EIS-770-1F. Comments made by: DOT, USDA, HUD, DOI, EPA, COE, State and local agencies. (ELR order No. 80251).

Final

Fuel Economy Standards for Nonpassenger Vehicles, March 16: Proposed is the establishment of average fuel economy standards for nonpassenger automobiles for model years 1980 and 1981. This includes pickup trucks, vans, and four-wheel-drive general utility vehicles which have a gross vehicle weight rating (GVWR) up to and including 8,500 pounds, a curb weight of 6,000 pounds or less, and a frontal area of less than 46 square feet. (ELR order No. 80243).

OHIO RIVER BASIN COMMISSION

Contact: Mr. Fred E. Morr, Chairman, Suite 208-20, 36 East Fourth Street, Cincinnati, Ohio 45203, 513-684-3831.

Draft

The Ohio Main Stem, Study Report, March 17: The proposed action involves the Ohio River Basin within the boundaries of the States of Illinois, Indiana, Kentucky, Ohio, Pennsylvania and West Virginia. The Monongahela and Allegheny Rivers join at Pittsburgh, Pennsylvania, to form the Ohio River. The major issue concerning the Ohio River is whether the river can continue to serve as a source of water supply through the year of 2000 and beyond or whether the increases in consumptive use of water, predominantly cooling water for nuclear plants and plants that convert coal to oil and gas. The review period for this draft EIS and study report will end on June 15, 1978. (ELR order No. 80259).

The EPA has received the following report which provides supplemental information on proposals which have fulfilled the NEPA process. Copies of the report are available from the originating agency upon request.

Department of Defense, Army Corps, Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C., 202-693-6795.

ELR No. 80241

Date Recorded, 3-16-78—Title: Information Supplement, Supplement II Libby Additional Units and Reregulating Dam, Libby Dam and Lake Kootenai River, Montana.

[FR Doc. 78-7974 Filed 3-23-78; 8:45 am]

[6560-01]

[FRL 872-4]

RESOURCE CONSERVATION COMMITTEE

Meeting

The Resource Conservation Committee Staff will be holding monthly informal discussion forums so that interested parties may participate in the Committee's study of a wide range of proposals aimed at improving the use of materials in the United States. These informal discussions are in addition to the formal public meetings which have been and will be held by the Committee.

These meetings will take place monthly on the second Tuesday of each month, from 10-12 a.m., at the Environmental Protection Agency, 401 M Street SW., Washington, D.C. The first open forum will be held on April 11, 1978. For further information and to request that an item for discussion be placed on the agenda, contact Ms. Susan Mann, Public Participation Liaison at 202-755-9145.

The objective of these sessions is to provide an opportunity for the exchange of ideas relating to resource conservation between interested parties. As such, the format will be informal and provide for discussion rather than formal statements. No official record will be maintained. Participants are encouraged to propose innovative policy options for discussion.

The Resource Conservation Committee is the interagency committee set up under section 8002(j) of the Resource Conservation and Recovery Act (Pub. L. 94-580). The Committee is chaired by EPA Administrator Douglas Costle and includes the Secretaries of Commerce, Labor, Interior, and Treasury, Council on Environmental Quality, Office of Management and Budget, Council of Economic Advisors,

and Department of Energy. The Committee will make recommendations to the President and the Congress later this year on the desirability and possible design of policy options including solid waste disposal charges, resource conservation subsidies, direct product regulation, local solid waste user fees, and other policy proposals. They would like to include the public in the decision-making process and are soliciting views on these potential legislative initiatives.

Dated: March 22, 1978.

BARBARA BLUM,
Deputy Administrator,
Environmental Protection Agency.

[FR Doc. 78-8008 Filed 3-23-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1533]

G. L. GUMBERT CO.

Order of Revocation

On March 10, 1978, Gerald Lewis Gumbert dba. G. L. Gumbert Co., 3333 Quebec St., Denver, Colo. 80207, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1533 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. 1533 issued to Gerald Lewis Gumbert dba. G. L. Gumbert Co., be and is hereby revoked effective March 10, 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 Gerald Lewis Gumbert dba. G. L. Gumbert Co.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-7878 Filed 3-23-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder license No. 1893]

REACER EXPORT, INC.

Order of Revocation

The bond issued in favor of Reacer Export, Inc., 8502 Glen Vista, Houston, Tex. 77017, FMC No. 1893, was cancelled effective March 14, 1978.

By letter dated February 13, 1978, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1893 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 14, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1893 be and is hereby revoked effective March 14, 1978.

It is further ordered, that Independet Ocean Freight Forwarder License No. 1893 issued to Reacer Export, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Reacer Export, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-7877 Filed 3-23-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

CHEVALIER, INC.

Acquisition of Bank

Chevalier, Inc., Postville, Iowa, 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 9.12 percent of the voting shares of Citizens State Bank, Postville, Iowa. 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 April 16, 1978.

Board of Governors of the Federal Reserve System, March 20, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-7860 Filed 3-23-78; 8:45 am]

[6210-01]

MIDLAND CAPITAL CO.

Proposed Acquisition of Additional Shares of Midland Mortgage Co.

Midland Capital Co., Oklahoma City, Okla., had applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire additional voting shares of Midland Mortgage Co., Oklahoma City, Okla., with controls as a wholly-owned corporate subsidiary, Johnston-Records Co., a Colorado corporation. Notice of the application was published on various dates between January 1, 1978, and January 9, 1978, in newspapers of general circulation in each of the communities served by the offices of Midland Mortgage Co. and Johnston-Records Co.

Applicant states that Midland Mortgage Co. would continue to engage in the activities of mortgage banking, including origination and servicing of all types of residential and commercial mortgage loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 16, 1978.

Board of Governors of the Federal Reserve System, March 20, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-7859 Filed 3-23-78; 8:45 am]

[6210-01]

TRI COUNTY INVESTMENT CO.

Formation of Bank Holding Company

Tri County Investment Co., Pine Island, Minn., has applied for the board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83 percent or more of the voting shares of The Security State Bank of Pine Island, Pine Island, Minn. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 11, 1978.

Board of Governors of the Federal Reserve System, March 20, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-7658 Filed 3-23-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 21, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such acceptance.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 11, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 41 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance of a revision to Form ACV-159, Service Life Study, required to be filed by Class I line-haul railroads pursuant to Part I, Section 20(4) of the Interstate Commerce Act. Form ACV-159 and the accompanying recordkeeping procedures are the means by which the Commission maintains service life data in determining service life of property for computation of depreciation rates by the straight line method. Data will also be used for car-hire compensation in compliance with the Railroad Revitalization and Regulatory Reform Act of 1976 (4 R Act), Title II, Section 212. Reporting is mandatory and the data is available for public inspection. The ICC states that the revision to Form ACV-159 is the reporting date. All respondents must now file annually by June 30 of each year instead of filing data for a 5-year period once every 5 years as previously required. The ICC estimates that respondents number approximately 42 and that reporting time averages 40 hours annually per response.

JOHN M. LOVELADY,
Assistant Director,
Regulatory Reports Review.

[FR Doc. 78-7829 Filed 3-23-78; 8:45 am]

[1610-01]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on March 15, 1978 (NRC), and March 16, 1978 (FCC, CAB). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC, FCC, and CAB requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because on the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before April 11, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of the application, recordkeeping and reporting requirements contained in 10 C.F.R. 70—Special Nuclear Material, sections 70.21(a), 70.24, 70.33, 70.34, 70.51, 70.52, and 70.53(b). The sections are necessary sources of data which allow the NRC to review licensed control of Special Nuclear Material thereby assuring the protection of public health and safety. The NRC estimates that there are 961 respondents and the total burden to be 45,430 staff hours annually.

CIVIL AERONAUTICS BOARD

The CAB requests an extension without change clearance of the filing provisions in part 202 of the Board's Economic Regulations—Certificates Authorizing Scheduled Route Services: Terms, Conditions, and Limitations. These provisions require a certificated route air carrier to advise the Board of and receive prior Board approval for specific services the carrier intends to provide to meet its certificate obligations under section 401 of the Federal Aviation Act. The CAB estimates that there are 52 respondents and the total burden will be 356 staff hours annually.

FEDERAL COMMUNICATIONS COMMISSION

The FCC requests an extension without change clearance of Form 327, Application for Cable Television Relaly Service Station Authorization. The data will be used by FCC in granting licenses in The Cable Television Relay Service. The FCC estimates that 800 applicants will file annually and the average burden per response will be four hours.

JOHN M. LOVELADY,
Assistant Director.

[FR Doc. 78-7783 Filed 3-23-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77P-0398]

SECHRIST INDUSTRIES, INC.

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Anesthesiology Device Classification Panel that the O.H.C. Ventilator be reclassified from class III (Pre-

market Approval) to class II (Performance Standards). This recommendation was made after review of the reclassification by petition filed by Sechrist Industries, Inc., Anaheim, Calif., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by April 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Dennis J. Cotter, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: On October 1, 1976, Innovative Engineering, Inc., Cathedral City, Calif., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360k) stating that it intended to market a device the manufacturer called the O.H.C. Ventilator. Sechrist Industries, Inc., Anaheim, Calif., now intends to market the device; Innovative Engineering, Inc., intends to manufacture the device. After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device which is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On October 24, 1977, Sechrist Industries, Inc., submitted a reclassification petition for the device under section 513(f)(2) of the act. On January 24, 1978, the Anesthesiology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the panel assigned to the device the name "ventilator, continuous, hyperbaric." The device is used to treat patients in need of mechanically controlled breathing. The device is designed for use in a hyperbaric (greater than normal pressure) chamber. In addition, the device controls the composition of the air that the patient is breathing. The device is used in the treatment of conditions such as acute carbon monoxide intoxication, gas embolism (blocking of an artery), gas gangrene (a condition in which the tissues and muscles become filled with gas), and decompression sickness (a disorder caused by rapid reduction of atmospheric pressure occurring in aviators and underwater divers).

SUMMARY OF THE REASONS FOR THE RECOMMENDATIONS

The panel made the following determinations in support of its recommendations:

1. The device is life-sustaining or life-supporting, but adequate standards governing the safety and effectiveness of the device can be established. The development and application of such standards will provide reasonable assurance of the safety and effectiveness of the device.

2. The device delivers breathing gas to the patient.

3. The materials used in the device for contact with the body are generally acceptable or have known and acceptable properties which can be provided with no additional control requirements.

4. The device has performance characteristics which should be maintained at a generally accepted satisfactory level.

5. The device is used with other devices in such a way that the system in which it is used can be hazardous if the system is not assembled, used, or maintained in a satisfactory fashion.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The panel recommended approval of the petition for reclassification since the fundamental principles are well accepted as a therapeutic modality. The unique features of the device are the compensating regulator to adjust for chamber pressure and the remoteness of the control module, which is outside the chamber, from the patient breathing circuit, which is inside the chamber.

RISKS TO HEALTH

The panel noted that the risks to health presented by this device are similar to the risks from other types of ventilators, e.g., inappropriate ventilation. The device presents additional risks because of its coupling to a hyperbaric chamber. Oxygen toxicity, decompression sickness, fire, and explosion hazards are all inherent in the use of hyperbaric chambers. A physician should decide whether it is advisable to treat a patient requiring mechanical ventilation in a monoplace hyperbaric chamber.

The panel recommended that the device be classified into class II and that a standard be developed directed toward appropriate ventilator performance. The panel recommended that development of this standard be a low priority.

RESTRICTIONS

The panel recommended that the device be available only by prescription and used by personnel trained in hyperbaric medicine.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

Dated: March 15, 1978.

WILLIAM F. RANDOLPH,
Associate Commissioner for Compliance.

[FR Doc. 78-7482 Filed 3-23-78; 8:45 am]

[4110-03]

[Docket No. 78N-0070; DESI 1626]

COMBINATION DRUGS CONTAINING THEOPHYLLINE, EPHEDRINE, AND HYDROXYZINE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies combination drug products containing theophylline, ephedrine, and hydroxyzine to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug applications, and offers an opportunity for a hearing on the proposal.

DATE: Hearing requests due on or before April 24, 1978.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 1626 and the docket number appearing in the heading of this notice, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Requests for Hearing: Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, 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 a notice (DESI 1626) published in the FEDERAL REGISTER of July 26, 1972 (37 FR 14895), the Food and Drug Administration (FDA) announced its conclusions that the combination drug products described below are possibly effective for control of bronchial asthma and other related claims and lacking substantial evidence of effectiveness for use in pulmonary infections associated with bronchospasm, dyspnea induced by exertion and cough, Cheyne-Stokes respiration, status asthmaticus, bronchospastic type of chronic hypertrophic pulmonary emphysema, and other pulmonary disorders, or as a sedative.

NDA 11-768; Marax Tablets; and

NDA 12-879; Marax Syrup; each containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride; J. B. Roerig, Division of Pfizer Pharmaceuticals, 235 East 42d Street, New York, N.Y. 10017.

Other products named in the July 26, 1972 notice are not affected by this notice.

Pursuant to the July 26, 1972 notice, Roerig revised the labeling, providing only for the indication "For controlling bronchospastic disorders" and qualified that claim as possibly effective. In support of that indication, Roerig submitted studies and literature references. They are discussed below.

1. *Galant Study.* This was a double-blind, randomized, crossover study comparing the effects of hydroxyzine (10 mg and 25 mg), phenobarbital, and placebo on pulmonary function in 20 patients with bronchial asthma ages 6-21 years. The study is facially defective under 21 CFR 300.50 because it does not compare the combination product Marax with each of its components and therefore cannot demonstrate a contribution of each of these components. The only ingredient of Marax that was included in this study was hydroxyzine. In addition, important individual patient information is not provided, including baseline and post-drug FEV_1 (Forced Expiratory Volume in one second) results; this does not permit a quantitative analysis of the results of the study. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

2. *Bierman 6-day Study.* This double-blind, randomized, eight-way crossover study compared the effects of ephedrine, theophylline, hydroxyzine, theophylline-ephedrine, theophylline-hydroxyzine, ephedrine-hydroxyzine, Marax, and placebo on pulmonary function in 16 bronchial asthmatic patients ages 8-18 years. Pulmonary function was measured on the seventh day of each treatment. This study did not show statistically significant differences in effectiveness between Marax and its components but did suggest that the addition of hydroxyzine to theopylline-ephedrine decreased certain side effects, such as tremors, palpitations, nausea, and cramps.

3. *Bierman Exercise-Induced Brochospasm Study.* Essentially the same protocol as the Bierman 6-Day study was used, except that patients underwent a period of exercise, after which pulmonary function was studied. Although the protocol called for an eight-way comparison, none of the date submitted permit a comparison of the effects of Marax with theophylline-ephedrine. The study therefore cannot demonstrate the contribution of hydroxyzine to the combination product Marax and is facially defective under 21 CFR 300.50, as the effectiveness of hydroxyzine is the main issue in question concerning Marax. No difference in adverse effects was reported, thus failing to confirm the results of the previous study.

4. *Chodosh Study.* This was a double-blind, randomized, crossover study comparing the effects on pulmonary function of Marax, theophylline-ephedrine, and placebo in 20 adult patients with chronic brochial asthma; it appears to be a well-controlled study. The study shows statictically significant differences in pulmonary function favoring Marax over theophylline-ephedrine combination only for a relatively small number of specific comparisons (e.g., the combination shows a significantly greater effect on FEV_1 only at the 3-hour point) but virtually every comparison made favors Marax to at least some degree and the "area under the curve" analysis favors Marax significantly. No difference in adverse effects was shown. The study provides some evidence that hydroxyzine contributes to the effects of Marax.

5. *Whitcomb Study.* This double-blind, randomized, crossover study compared the effects of Marax, Tedral (theophylline, ephedrine hydrochloride, and phenobarbital), ephedrine, and placebo in mildly to moderately asthmatic children ages 5-14 years. The study is facially defective under 21 CFR 300.50 because it does not permit a comparison of Marax with a theophylline-ephedrine combination and thus cannot evaluate the contribution of hydroxyzine.

6. *Steen Study (one of two).* This study compared the effects of Marax, Tedral, theophylline-ephedrine, and placebo on pulmonary function in 17 adult asthmatic patients but did not use randomization or blinding techniques appropriately. All patients received placebo, then theophylline-ephedrine, and then Tedral or Marax. The study is not well-controlled because the lack of randomization of the order of treatment means that comparability of treatment groups at the start of treatment is not assured. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*). The uniform treatment sequence, and thus incomplete blinding, does not minimize potential observer or subject bias. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*).

7. *Steen Study (second of two).* This double-blind, randomized, crossover study compared the effects of Marax, theophylline-ephedrine, and placebo on pulmonary function in 18 chronic asthmatics. It was reported that Marax was superior to the theophylline-ephedrine combination, but a complete evaluation of this study cannot be made because full results were not provided. The actual pulmonary function data on individual patients are not included, for example: only a rate of change calculation. This is not a sufficient level of detail. 21 CFR 314.111(a)(5)(ii)(*c*). Complete evaluation of the study would require baseline values and tabulation of percent change in body plethysmograph functions for individual patients for each treatment. In addition, there should be some determination made of the minimal percent change in pulmonary function tests required to reflect meaningful clinical usefulness. No significant difference in adverse effects was seen, and this study, too fails to support Bierman's findings.

8. *Sackner-Marks Study.* This double-blind, single-dose, randomized, crossover study compared the effects of Marax, theophylline-ephedrine, and placebo in 19 asthmatic children ages 7-14 years and was a well-controlled trial. The study showed a significantly greater improvement in FEV_1 values with Marax than with the theophylline-ephedrine combination at 2-6 hours. Although the study provides some evidence that hydroxyzine contributes to the effect of Marax, the FEV_1 response in the study to theophylline-ephedrine was much smaller than anticipated, leading to some question as to the overall study results.

9. *Molk Study.* this double-blind, randomized, triple-crossover study comparing the effects of Marax, theophylline-ephedrine, and placebo in 30 asthmatic patients ages 9-15 years showed no significant differences between the drugs for the various measurements performed, although there were trends favoring Marax. No difference in adverse effects was seen.

10. *Yamate Study.* This double-blind, single-dose, randomized, triple-cros-

sover study comparing the effects of Marax, theophylline-ephedrine, Tedral, and placebo in 22 asthmatic patients, ages 5–15 years showed no significant differences between the drugs in effect on respiratory function and no difference in adverse effects.

11. *Haddad Study.* This was a double-blind, randomized, crossover study comparing the effects of Marax and theophylline-ephedrine in 20 asthmatic patients ages 8–25 years. The study showed no significant difference between the drugs with respect to pulmonary function tests performed but did show diminished side effects of certain types: stomach ache was less common, and the overall severity of a group of symptoms called "CNS-stimulatory side effect group" and the tension-anxiety factor were reduced. The study provides some evidence that the hydroxyzine in Marax mitigates the anxiety and tension produced by theophylline or ephedrine. The reduction in side effects seen in this study, however, was not reported in any of the other studies, and without such replication cannot be considered substantial evidence that hydroxyzine contributes to the effects of Marax by reducing side effects of the other components.

12. *Eleven literature references on Marax.* The studies referenced were either uncontrolled (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)) or inadequately described (21 CFR 314.111(a)(5)(ii)(c)), or they compared Marax with a placebo and not with each of its components as required by 21 CFR 300.50.

13. *Four articles comparing prednisolone-hydrozyxine to hydrozyxine.* These studies are not able to evaluate the role of hydroxyzine in Marax as they do not compare Marax to its components. 21 CFR 300.50 and 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

14. *Eight articles on hydroxyzine.* These are uncontrolled studies on hydroxyzine by itself and cannot prove effectiveness of Marax, a combination product. 21 CFR 300.50 and 21 CFR 314.111(a)(5)(ii)(c).

In summary, the Galant study, Bierman exercise-induced bronchospasm study, and Whitcomb study failed to compare Marax with theophylline-ephedrine and thus fail to meet the requirements of 21 CFR 300.50. One of the Steen studies is facially deficient with respect to randomization and blinding. 21CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*) and (*3*). The Bierman 6-day study, and the Molk, Yamate, and Haddad studies showed no statistically significant difference between Marax and the other drugs tested. The Chodosh study, the other Steen study, and the Sackner-Marks study provide some evidence that hydroxyzine contributes to the effects of Marax, but in these studies the effect is marginal and inconsistent (Chodosh), incompletely analyzed because of omitted data (Steen), or seen in a study in which theophylline-ephedrine had less than its usual effect (Sackner-Marks).

The studies submitted thus fail to provide substantial evidence of the effectiveness of Marax in controlling bronchial asthma because the contribution of hydroxyzine has not been demonstrated. Two of the studies (Bierman 6-day study, Haddad) suggest that a diminution of certain side effects of theophylline-ephedrine may result from the addition of hydroxyzine, but the two studies found that different side effects were affected. The other nine studies were not able to replicate the findings. Again, the two studies do not provide substantial evidence that hydroxyzine makes a contribution to the combination. Accordingly, this indication is reclassified to lacking substantial evidence of effectiveness.

The contribution of ephedrine to the effectiveness of the combination product Marax in treating bronchial asthma has not been discussed in this notice as ephedrine's contribution to a combination of ephedrine and theophylline is currently being studied by the FDA theophylline task force. Therefore a determination of the contribution of ephedrine to the combination product Marax is being deferred until the task force completes its review. At that time, if it is shown that there is not substantial evidence available to demonstrate that ephedrine contributes to the effectiveness of a combination of ephedrine and theophylline, Marax may have to be reevaluated in light of the new information and appropriate action taken if in the meantime Marax has been demonstrated to be effective due to the theophylline-hydroxyzine components of the combination product.

No data were submitted on any other indications classified as possibly effective in the July 26, 1972 notice, and those indications are also reclassified to lacking substantial evidence of effectiveness.

On the basis of all of 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 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 300.50 and 314.111(a)(5), demonstrating the effectiveness of the drugs.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug applications specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed wtihdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the drug amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310,314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

An applicant or any other person subject to this notice pursuant to 21 CFR 310.6 who decides to seek a hearing shall file: (1) On or before April 24, 1978, a written notice of appearance and request for hearing, and (2) on or before May 23, 1978, the data, information, and analyses on which the

person relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, 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 hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

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 there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications, 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 notice shall be filed in quintuplicate. Such submissions 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 between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: March 17, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-7644 Filed 3-23-78; 8:45 am]

[4110-84]

Health Services Administration

PROJECT GRANTS FOR HEMOPHILIA TREATMENT CENTERS

Announcement of Availability of Grants

The Bureau of Community Health Services, Health Services Administration, announces that competitive applications from grants for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers are being accepted. Section 1131(a) of the Publish Health Service Act (42 U.S.C. 300c-21) authorizes the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities to support projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. The amount available for these grants in fiscal year 1978 is $1,393,491. It is expected that approximately 12 awards will made under this program and that the average amount of an award will be approximately $114,000.

The Secretary will make grants to eligible applicants for projects for the establishment of centers which will provide, among other things, diagnosis and treatment of individuals suffering from hemophilia on an outpatient basis and will assure access to services for all such individuals residing within the geographic area served by the project. See, 42 CFR Part 51d, Subpart A, for regulations applicable to these grants.

Application kits, including all necessary forms, instructions, and information may be obtained upon written request from, and completed applications returned to, the address below:

Grants Management Branch, Bureau of Community Health Services, Health Services Administration, Room 6-49, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Consultation and technical assistance regarding the development of an application are available from the Bureau of Community Health Services, Room 7-39, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, Telephone 301-443-6600.

Completed applications must be received by June 1, 1978, to be considered for funding.

Dated: March 14, 1978.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc. 78-7672 Filed 3-23-78; 8:45 am]

[4110-84]

TRAINING GRANTS FOR HOME HEALTH SERVICES

Availability of Program Information

The Health Services Administration announces that, under the authority of section 602(b) of Pub. L. 94-63 (42 U.S.C. 1395x, note), training grants will be available in fiscal year 1978 to public and nonprofit private entities to assist them in training professional and paraprofessional personnel to provide home health services, as defined in section 1861(m) of the Social Security Act. The fiscal year 1978 appropriation for implementation of the home health services training program is $1 million.

Application kits containing the necessary forms, instructions, and information may be obtained from the representative of the home health services grant program at the appropriate HEW Regional Office [listed below]. The representative may be contacted for consultation and technical assistance relative to development of an application. Regulations which will establish procedures and criteria for the approval of applications for training grants will be forthcoming. Until regulations are issued, all information and guidance provided are subject to the qualification that they reflect preliminary policies only; subsequent policies reflected in the regulations may require revisions in applications.

Ms. Rita Pope, DHEW/PHS/Region I, Division of Health Services, Family Health Branch, Room 1401, John F. Kennedy Federal Building, Boston, Mass. 02203, 617-223-5845.

Mr. Robert Shaw, DHEW/PHS/Region II, Division of Health Services, Family Health Branch, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2546.

Ms. Dorothy Deloof, DHEW/PHS/Region III, Division of Health Services, Family Health Branch, P.O. Box 13716, Philadelphia, Pa. 19101, 215-596-1563.

Ms. Pat Atkinson, DHEW/PHS/Region IV, Division of Health Services, Family Health Branch, 101 Marietta Towers, Atlanta, Ga. 30323, 404-221-2032.

Ms. Susan Kamp, DHEW/PHS/Region V, Division of Health Services, Family Health Branch, 300 South Wacker Drive, Chicago, Ill. 60606, 312-353-1720.

Mrs. Vicki Wright, DHEW/PHS/Region VI, Division of Health Services, Family Health Branch, 1200 Main Tower Building, 17th Floor, Dallas, Tex. 75202, 214-655-3041.

E. June Smith, R.N., DHEW/PHS/Region VII, Division of Health Services, Family Health Branch, 601 East 12th Street, 15th Floor West, Kansas City, Mo. 64106, 816-374-2403.

Mr. Michael Oliva, DHEW/PHS/Region VIII, Division of Health Services, Family Health Branch, 11037 Federal Building, 19th and Stout Streets, Denver, Colo. 80202, 303-837-4781.

Dr. Hugh Sloan, DHEW/PHS/Region IX, Office of Planning and Evaluation, Feder-

al Office Building, Room 239, 50 United Nations Plaza, San Francisco, Calif. 94102, 415-556-8387.

Ms. Norma Ewan, DHEW/PHS/Region X, Division of Health Services, Family Health Branch, Arcade Plaza Building, 1321 Second Avenue, Seattle, Wash. 98101, 206-442-1020.

Dated: March 7, 1978.

GEORGE I. LYTHCOTT,
Administrator,
Health Services Administration.

[FR Doc. 78-7671 Filed 3-23-78; 8:45 am]

[4110-08]

NATIONAL INSTITUTES OF HEALTH

BOARD OF SCIENTIFIC COUNSELORS, DIVISION OF CANCER BIOLOGY AND DIAGNOSIS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, May 12 and 13, 1978, Building 31, 6th Floor, "C" Wing, Conference Room 10, National Institutes of Health. This meeting will be open to the public on May 12, 1978, from 9 a.m. to 5 p.m. to discuss the scientific research program of the Cancer Biology Program, Frederick Cancer Research Center, DCBD. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 13, 1978, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31A, Room 3A-03, National Institutes of Health, Bethesda, Md. 20014, 301-496-4345, will furnish summary minutes, rosters of committee members, and substantive program information.

Dated: March 14, 1978.

SUZANNE L. FREMEAU,
Committee Management
Officer, NIH.

[FR Doc. 78-7683 Filed 3-23-78; 8:45 am]

[4110-08]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, May 8-9, 1978, Federal Building, Conference Room 6C01, Bethesda, Md.

This meeting will be open to the public on May 8, from 9 a.m. to 11 a.m. to discuss the current progress of the Hypertension Detection and Follow-Up Program and the Epidemiology Programs. Attendence by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 8, from 11 a.m. to adjournment, and on May 9, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information, such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Federal Building, Room 4C10, Bethesda, Md. 20014, phone 301-496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: March 7, 1978.

SUZANNE L. FREMEAU,
Committee Management
Officer, NIH.

[FR Doc. 78-7684 Filed 3-23-78; 8:45 am]

[4110-08]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given of a change in the agenda of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, March 30, 1978 from 9 a.m. to 5 p.m. at the Marriott Hotel, Atlanta, Ga., which was published in the FEDERAL REGISTER on February 14, 1978 (43 FR 6324).

The Committee was to have convened at 9 a.m. on March 30, 1978, but has been changed to convene at 1 p.m., March 29, 1978 to recess, and will reconvene in open session at 9 a.m. on March 30, 1978 to adjournment.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 29, 1978, from 1 p.m. to recess for the review, discussion, and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health.)

Dated: March 17, 1978.

SUZANNE L. FREMEAU,
Committee Management
Officer, NIH.

[FR Doc. 78-7682 Filed 3-23-78; 8:45 am]

[4110-08]

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Notice of Conference on the Role of the NIGMS/NIH in the Development of New Therapeutic Agents

Notice is hereby given of the Conference on the Role of the NIGMS/NIH in the Development of New Therapeutic Agents to be sponsored by the National Institute of General Medical Sciences on May 31 and June 1, 1978, National Institutes of Health, Billings Auditorium, National Library of Medicine, Bethesda, Md. at 9 a.m. The Conference will be opened to the public.

Substantive program information may be obtained from Dr. Anthony P. Zavadil III, Program Administrator, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, Westwood Building, Room 919, Bethesda, Md. 20014, telephone 301-496-7707.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: March 14, 1978.

SUZANNE L. FREMEAU,
Committee Management
Officer, NIH.

[FR Doc. 78-7685 Filed 3-23-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF MALATHION FOR POSSIBLE CARCINOGENICITY

Availability

Malathion (CAS 121-75-5) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade malathion for possible carcinogenicity was conducted by administering the test chemical in feed to Osborne-Mendel rats and B6C3F1 mice.

Groups of 50 rats of each sex were administered malathion at one of two doses for 80 weeks, then observed for 33 weeks. Time-weighted average doses were 4,700 or 8,150 ppm. Matched controls consisted of groups of 15 untreated rats of each sex; pooled controls consisted of the matched controls combined with 40 untreated male and 40 untreated female rats from similar bioassays of four other test chemicals. All surviving rats were killed at 108-113 weeks.

Groups of 50 mice of each sex were administered malathion at one of two doses, either 8,000 or 16,000 ppm, for 80 weeks, then observed for 14 or 15 weeks. Matched controls consisted of groups of 10 untreated mice of each sex; pooled controls consisted of the matched controls combined with 40 untreated male and 40 untreated female mice from similar bioassays of four other test chemicals. All surviving mice were killed at 94 or 95 weeks.

Mortality in either rats or mice was not significantly related to the administration of malathion. Sufficient numbers of animals were at risk in the dosed and control groups of rats and mice of each sex for development of late-appearing tumors.

It is concluded that under the conditions of this bioassay, there was no clear evidence of the association of tumor incidence with the administration of malathion to Osborne-Mendel rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: March 13, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-7680 Filed 3-23-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF TRIFLURALIN FOR POSSIBLE CARCINOGENICITY

Availability

Trifluralin (CAS 1582-09-8) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for possible carcinogenicity of technical-grade trifluralin was conducted using Osborne-Mendel rats and B6C3F1 mice. Analysis of the technical product established the presence of 84 to 88 ppm dipropylnitrosoamine. The product was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species. Fifty animals of each sex were placed on test as controls for the rat bioassay, while 20 of each sex were utilized as controls for the mouse study. The time-weighted average high and low dietary concentrations of trifluralin were, respectively, 8,000 and 4,125 ppm for male rats, 7,917 and 4,125 ppm for female rats, 3,744 and 2,000 ppm for male mice, and 5,192 and 2,740 ppm for female mice. After a 78-week treatment period, there was an additional observation period of 33 weeks for rats and 12 weeks for mice.

Evaluation of the results of this bioassay indicates that technical-grade trifluralin is a carcinogen in female B6C3F1 mice, being associated in these animals with an elevated incidence of hepatocellular carcinomas, alveolar/bronchiolar adenomas and sequamous-cell carcinomas of the forestomach. Sufficient evidence was not provided for the carcinogenicity or tumorigenicity of trifluralin in male B6C3F1 mice or in Osborne-Mendel rats of either sex.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: March 13, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-7681 Filed 3-23-78; 8:45 am]

[4110-83]

Health Resources Administration

GRANTS TO HEALTH PROFESSIONS SCHOOLS IN FINANCIAL DISTRESS

Application Announcement

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants to health professions schools in financial distress are now being accepted under the authority of section 788(b) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 788(b) authorizes the award of grants to public or nonprofit private schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health to:

(1) Meet the costs of operation of an eligible school which is in serious financial distress;

(2) Meet accreditation requirements if the school has a special need in meeting such requirements; and

(3) Carry out appropriate operational, managerial, and financial reforms on the basis of information obtained in a comprehensive cost analysis study or on the basis of other relevant information.

It is intended that approved applications in categories (1) and (2) be funded prior to approved applications in category (3).

Requests for application materials and questions regarding the administration of the grants should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center Building, Room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, phone, 301-436-6564.

To be considered for fiscal year 1978 funding, applications must be received by the Grants Management Officer, BHM, HRA, at the above address no later than April 7, 1978.

Dated: March 15, 1978.

HENRY A. FOLEY,
Administrator, Health Resources Administration.

[FR Doc. 78-7726 Filed 3-23-78; 8:45 am]

[4110-83]

REDESIGNATION OF HEALTH SERVICE AREAS 3 AND 5 IN FLORIDA

NOTE.—The above entitled document was published in the FEDERAL REGISTER on Thursday, March 23, 1978 at 43 FR 12089. It was scheduled to be republished on Friday, March 24, 1978. By request from the agency, this document will not appear in this issue of the FEDERAL REGISTER.

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-78-852]

TECHNICAL SUITABILITY OF PRODUCTS PROGRAM

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice states the purpose and effect of a Structural Engineering Bulletin (SEB) under the Department's Technical Suitability of Products Program. The Department has observed some misunderstanding of the limited effect of an SEB. This Notice clarifies that an SEB: (1) is not to be used in connection with sales promotion or advertising; and (2) should not be considered a guarantee that any building constructed in accordance with an SEB will meet the other housing eligibility requirements for FHA mortgage insurance or the requirements under other HUD housing programs.

FOR FURTHER INFORMATION CONTACT:

James A. McCullough, Director, Architecture and Engineering Division, Office of Technical Support, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5718.

EFFECTIVE DATE: March 24, 1978.

COMMENT DUE DATE: Comments must be received on or before April 24, 1978.

SUPPLEMENTARY INFORMATION: Section 521 of the Nationald Housing Act, which was added by the Housing and Urban Development Act of 1965, authorized the Department of Housing and Urban Development (HUD) to adopt a uniform procedure for determining the technical suitability of building methods, materials, and products which may be used in order for a structure to be accepted for mortgage insurance.

In carrying out this mandate, HUD instituted a Technical Suitability of Products Program which evaluates the technical suitability of building materials and components. Under the program, Structural Engineering bulletins (SEB's), Materials Releases, Use of Materials Bulletins, Truss Connector Bulletins, and Mechanical Engineering Bulletins are issued to recognize new building technology, to encourage innovative advances in housing, and to provide a vehicle for acceptance of manufactured housing and components which cannot be fully inspected after delivery to the erection site.

Recent comments and inquiries have indicated that in some instances SEB's have been used for purposes other thand those authorized under HUD programs, particularly in advertisements, which use is specifically prohibited. In order to correct any misunderstanding about the proper use of an SEB, this Notice announces the policy of HUD/FHA under the SEB program, not only in regard to the prohibition against advertising, but also for all other major features.

This notice announces a policy that is currently in effect. However, the Department invites comment as to how the policy can be improved. Comments must be filed with the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Copies of all comments received will be available for inspection and copying at the above address.

NOTE.—A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk at the above address.

NOTE.—It is hereby certified that the economic and inflationary impact of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

SCOPE

SEB's are HUD documents which assist local HUD offices in making analyses, reviews and inspections to determine whether a property which is built under a method covered by an SEB is eligible for FHA mortgage insurance or for use under other HUD programs.

An SEB is an addendum to the minimum Property Standards (24 CFR 200.929) and provides an engineering description of a component, sybsystem or system. An SEB outlines the design limitations and quality control program required for a product to meet the performance requirements established by the Department to be technically suitable.

ISSUANCE

The authority and responsibility for issuance of SEB's, pursuant to section 521 of the national housing Act, has been delegated by the Secretary to the Assistant Secretary for Housing. HUD Field Offices are required to participate actively in the processing and analysis of applications for SEB's.

An SEB is issued to cover: (1) new or innovative construction systems which cannot be analyzed in HUD Field Offices; or (2) factory-produced housing units, of innovative or conventional design, which are determined by HUD to be in conformity with HUD's Minimum Property Standards or other acceptability criteria when constructed in accordance with the SEB. An SEB establishes only the structural suitability of a method of housing construction. There is no assurance that a building constructed in accordance with a structurally suitable method will meet other housing eligibility requirements for FHA mortgage insurance or for use under other HUD housing programs. Eligibility depends upon the factory and onsite inspections required under HUD programs, and on other important factors, including valuation, location, architectural planning and appeal, mechanical equipment, thermal characteristics, and sustained market acceptance. Consideration of these factors is necessary in determining whether a specific property, even though constructed in accordance with a suitable method as outlined in an SEB, will meet housing eligibility requirements. In addition, housing eligibility requirements will vary with the specific program and with the field office jurisdiction in which the structure is to be erected.

HUD seeks to promote quality in all housing, but does not guarantee the quality of any product. Issuance of an SEB does not indicate HUD approval or endorsement of the applicant or product. Issuance of an SEB provides no assurance that any unit produced by a factory is constructed in accordance with the bulletin.

USE IN ADVERTISING PROHIBITED

The SEB is a highly technical document intended for a limited purpose, and its use is not suitable for consumer advertising or sales promotion. Such use could constitute substantial risk to the consumer. Consumers could be misled by abberviated references to an SEB in promotional material, could be unaware of the multiple qualifications included in the SEB itself, and might be uninformed as to the limitations on HUD's role in ensuring the durability of particular products.

Advertising, sales promotion, or other actions which state or imply that purchase or use of the product marketed under the SEB has the endorsement or approval of HUD/FHA or any component of HUD are prohibited by 18 U.S.C. 709. The Department is committed to the observance of this statute. Therefore, each SEB will contain in prominent display the following statement:

"The technical description, requirements and limitations expressed herein do not constitute an endorsement or approval by the Department of Housing and Urban Development-Federal Housing Administration (HUD/FHA) of the subject matter, and any statement or representation, however made, indicating approval or endorsement by HUD/FHA is unauthorized and false, and will be considered a violation of the United States Criminal Code, 18 U.S.C. 709.

"*Notice:* THIS BULLETIN IS NOT APPLICABLE TO NON-FHA INSURED HOMES. NON-FHA UNITS MAY OR MAY NOT BE IN CONFORMITY WITH THE REQUIREMENTS OF THE HUD MINIMUM PROPERTY STANDARDS.

"Any reproduction of this bulletin must be in its entirety and *any use of all or any part of this bulletin in sales promotion or advertising is prohibited.*"

Whenever reference to or use of an SEB is made in violation of the prohibitions herein, the Department may suspend or cancel the SEB.

INSPECTIONS

Periodic Factory Inspections. All factories or manufacturing plants listed in SEB's shall be fully inspected at least twice each year by the Field Office having jurisdiction over the geographic area. The purpose of these inspections is to verify the effectiveness of the sponsor's inplant quality control program and his compliance with the Minimum Property Standards and the special provisions of the SEB.

Field inspections. All components or structures shall be field inspected during construction or installation when the unit is being constructed under a HUD housing program.

CANCELLATION

SEB's are Departmental documents, and are subject to cancellation when such action is in the best interest of the Department.

Examples of causes for cancellation, in addition to the reference to, or use of, an SEB for advertising, are:

(1) Poor field performance of the product.

(2) Failure of the product sponsor to maintain effective quality control.

(3) Nonproduction under HUD programs or cessation of operations.

(4) Incorporation of the component or method of construction into the MPS. This action makes the document unnecessary.

Issued at Washington, D.C., March 15, 1978.

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

[FR Doc. 78—7807 Filed 3-23-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6693-A through G]

ALASKA

Alaska Native Claims Settlement

Correction

In FR Doc. 78-6267, appearing at page 9868 in the issue for Friday, March 10, 1978, make the following changes:

1. The 10th line of the first paragraph should read, "in T. 40 S., R. 60 W., T. 39 S., R. 59 W.,".

2. The last center heading in the first column on page 9869 should read, "State Selection AA-5357".

[4310-84]

AREA MANAGERS ELY DISTRICT, NEVADA

Delegation of Authority in General

MARCH 13, 1978.

Under authority of Bureau Order 701, dated July 23, 1964, and as amended, and subject to the limitations in part III of that order, the area managers administering the Egan and Schell resource areas of the Ely District, Nevada, are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Ely District Manager:

AUTHORITY IN SPECIFIC MATTERS

SEC. 313 *Fiscal Affairs.* The Area Manager may take action on:

(d) *Trespass.* Determine liability and issue notice on grazing trespass. Accept settlement offer up to $500.00; recommend as to acceptance of settlement offer made over $500.00.

* * * * *

SEC. 3.6 *Minerals.* * * *

(m) Oil and gas exploration operations.

(n) Geothermal resource exploration operations.

* * * * *

SEC. 3.7 *Range Management.* The Area Manager may take all action on:

(a) *Grazing District Administration.*

(1) Within area, the issuance of license and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditures of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

* * * * *

(d) Soil and moisture conservation including control of Halogeton glomeratus.

(e) Controlled brush burning in accordance with plans and specifications approved by the State Director.

(f) Protection of wild free-roaming horses and burros.

* * * * *

SEC. 3.8 *Forest management.* * * *

(a) Disposition of forest products including sales of timber not exceeding $1,000 in value.

* * * * *

SEC. 3.9 *Land use.* * * *

(g) Disposition of materials other than forest products, not exceeding $2,000 in value.

* * * * *

(z) Recreation. All actions relating to recreation management and protection pursuant to 43 CFR 6000 through 6290.

* * * * *

SEC. 3.10 *Designation of acting officials.* * * *

(a) Area Managers may, by written order, designate qualified employees of the resource area to perform the function of the Area Manager in his absence.

(b) Each employee who serves in an acting capacity shall document that service on Form 1203-01.

The District Manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through use of Form 1213-1, District Office Authority and Responsibility Guide.

This order will become effective on March 24, 1978.

NEIL B. MCCLEERY,
District Manager, Ely.

Approved:
E. I. ROWLAND,
State Director, Nevada.

[FR Doc. 78-7848 Filed 3-23-78; 8:45 am]

[4310-84]

IDAHO

Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed at the Idaho State Office, Bureau of

Land Management, Boise, Idaho, effective at 10 a.m. on May 5, 1978:

BOISE MERIDIAN, IDAHO

T. 12 S., R. 41 E.,
Dependent resurvey and subdivision of secs. 15 and 28.
T. 4 N., R. 17 E.,
Dependent resurvey and subdivision.
T. 14 S., R. 41 E.,
Dependent resurvey and survey.

2. A plat representing a dependent resurvey of a portion of the second standard parallel south, along the south boundary of T. 12 S., R. 41 E.; the dependent resurvey of a portion of the subdivisional lines and the survey of a portion of the subdivisional lines, and the subdivision of secs. 15 and 28, T. 12 S., R. 41 E., Boise Meridian, Idaho.

3. A plat, in two sheets, representing a dependent resurvey of a portion of the south boundary, a portion of the east boundary, a portion of the subdivisional lines and a portion of HES No. 292, and the subdivision of secs. 1, 11, 13, 14, 24, and 25, T. 4 N., R. 17 E., Boise Meridian, Idaho, under group No. 430, and accepted January 3, 1978.

4. A plat representing a dependent resurvey of a portion of the west boundary and a portion of the subdivisional lines and the survey of a portion of the subdivisional lines of T. 14 S., R. 41 E., Boise Meridian, Idaho, under group No. 433, and accepted December 27, 1977.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Records, Bureau of Land Management, Boise, Idaho.

ROSE GASTELL,
Chief, Branch of Records,
Boise, Idaho.

[FR Doc. 78-7788 Filed 3-23-78; 8:45 am]

[4310-84]

[OR 10676]

OREGON

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

MARCH 16, 1978.

The Bureau of Land Management, Department of the Interior, on March 23, 1973, filed application, serial No. OR 10676, for the withdrawal of the following described lands from settlement, sale, location, or entry under all of the general land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights:

WILLAMETTE MERIDIAN

DIAMOND CRATERS AREA

T. 28 S., 31 E.,
Sec. 24, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 25, E½NE¼, NW¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 29 S., R. 31 E.,
Sec. 1, E½E½;
Sec. 12, NE¼NE¼.
T. 28 S., R. 32 E.,
Sec. 17;
Sec. 18, lot 4, S½NE¼, SE¼SW¼, and SE¼;
Secs. 19 through 22, inclusive;
Sec. 23, SW¼ and S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, NW¼NW¼, S½NW¼, and SW¼;
Secs. 26 through 35, inclusive.
T. 29 S., R., 32 E.,
Sec. 1, W½NW¼ and SW¼;
Secs. 2 through 6, inclusive;
Sec. 7, lot 1, N½NE¼ and NE¼NW¼;
Sec. 8, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 9;
Sec. 10, N½ and SW¼;
Sec. 11, W½NE¼ and NW¼;
Sec. 15, N½NW¼.

The area described aggregates 16,656.18 acres in Harney County.

The Bureau of Land Management desires that the lands be reserved for recreational and scenic purposes and to preserve them for observation and study of their geological features.

A notice of the proposed withdrawal was published as FR Doc. 73-8065, which appeared in the April 26, 1973, issue of the FEDERAL REGISTER (Vol. 38, No. 80), at page 10282.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management at the address shown below on or before April 26, 1978. Upon determination by the State Director that a public hearing will be held, a notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual, sec. 2351.16B.

All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before April 26, 1978.

The above-described lands are temporarily segregated from settlement, sale, location, or entry, under all of the general land laws, including the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-7790 Filed 3-23-78; 8:45 am]

[4310-84]

[W-62584]

WYOMING

Application

MARCH 17, 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 Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 6⅝-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,
Sec. 6, lots 1, 2, 3, and 4.
T. 38 N., R. 91 W.,
Sec. 1, lots 1 and 2.

The proposed pipeline will transport natural gas from the Madden deep unit No. 1-1 Chevron well located in lot 2 of section 1, T. 38 N., R. 91 W., to a point of connection with an existing pipeline in lot 1 of section 6, T. 38 N., R. 90 W., Fremont 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,

1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-7792 Filed 3-23-78; 8:45 am]

[4310-84]

[Wyoming 62945]

WYOMING

Application

MARCH 17, 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 to construct a 24-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 77 W.,
Sec. 12, NW¼.
T. 18 N., R. 77 W.,
Sec. 34, SW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼.

The pipeline will transport natural gas and is part of an additional main line loop extending from a point of connection with an existing loop line at an existing compressor station site in section 21, T. 17 N., R. 76 W., Albany County, Wyo., to a point of connection with an existing loop line at a location in section 14, T. 19 N., R. 79 W., Carbon 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, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-7791 Filed 3-23-78; 8:45 am]

[4310-84]

[Oil and Gas Lease Sale No. 45]

OUTER CONTINENTAL SHELF, GULF OF MEXICO

Correction

In FR Doc. 78-7076 appearing at page 11611 in the issue of Monday, March 20, 1978 the heading should read as set forth above and the following correction should be made:

1. On page 11605, third column, second complete paragraph, ninth line, the word "whent" should read, "when".

2. On page 11607, third column, the fourth tract number from the bottom now reading "45-71" should read, "45-72."

3. On page 11609, third column, twenty seventh line down, the word "montly" should read, "monthly".

4. On page 11610, second column, first complete paragraph, eleventh line down, the word, "to"' should read, "on". Also in the fourth complete paragraph, ninth line down, the work "cutting" should read, "cuttings".

5. On page 11610, third column, twelfth line from the bottom, the figure "Y=258,363' " should read "Y=−258,363' ".

6. On page page 11611, first column, in the second and third lines change the words, "It if is" to read, "if it is".

[7020-02]

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-10]

UNCOATED FREE SHEET OFFSET PAPER FROM CANADA

Commission Determines "No Reasonable Indication of Injury"

On February 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act, 1921, as amended, an antidumping investigation was being initiated with respect to uncoated free sheet offset paper from Canada, and that, pursuant to section 201(c)(2) of the act, information developed during its preliminary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the Commission, on February 23, 1978, instituted inquiry No. AA1921-Inq.-10 under section 201(c)(2) of the Antidumping Act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the inquiry was held on March 13, 1978, in New York City. Public notice of the institution of the inquiry and the hearing was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's Office in New York City, and by publishing the original notice in the FEDERAL REGISTER of March 1, 1978 (43 FR 8306).

The Department of the Treasury instituted its investigation after receiving a petition in proper form on January 12, 1978, from International Paper Co., New York, N.Y. Notice of the antidumping proceeding was published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7079).

On the basis of information developed during the course of its inquiry, the Commission determines (Vice Chairman Parker dissenting) that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of uncoated free sheet offset paper from Canada that is possibly being sold at less than fair value as indicated by the Department of the Treasury.

Statement of Reasons for the Affirmative Determination of Chairman Daniel Minchew and Commissioners George M. Moore, Catherine Bedell, Italo H. Ablondi, and Bill Alberger.

On February 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of its preliminary antidumping investigation with respect to uncoated free sheet offset paper[1] from Canada, Treasury had concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Accordingly, the Commission, on February 23, 1978, instituted inquiry No. AA1921-Inq.-10 under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Determination

On the basis of information developed during the course of this inquiry we determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being es-

[1]Treasury defined the merchandise in question as chemical-wood-pulp-based offset printing paper, containing less than 5 percent by weight mechanical wood pulp, whether or not cut to size or shape, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated.

tablished,[2] by reason of the importation of uncoated free sheet offset paper from Canada possibly sold at less than fair value as indicated by the Department of the Treasury.

The product

Uncoated free sheet offset paper is a chemical-wood-pulp-based printing paper that is suitable for offset lithographic printing. This paper possesses characteristics such as dimensional stability, cleanliness, and opacity which make it suitable for printing applications. Typical uses of this grade of paper are in printing brochures, pamphlets, books, menus, catalogs, newsletters, direct-mail advertisements, and booklets.

The U.S. industry

In this determination we have considered the domestic industry to consist of the facilities in the United States used in the production of uncoated free sheet offset paper. Approximately 40 firms produced such paper in the United States in 1977. The papermaking machines used to produce uncoated free sheet offset paper are also used to make other types of paper. Some producers who specialize in the production of other types of paper that can be made on these same machines produce only very small quantities of the paper which is the subject of this inquiry.

No reasonable indication of injury or likelihood of injury to the U.S. industry

Apparent U.S. consumption of uncoated free sheet offset paper declined from 1.9 million short tons in 1974 to 1.5 million short tons in recession year 1975, and then increased to 2.0 million short tons in 1977. U.S. producers' shipments of such paper followed a similar trend reaching a record high of more than 1.9 million short tons in 1977.

U.S. imports of uncoated free sheet offset paper from Canada increased from about 40,000 short tons in 1974 to about 70,000 short tons in 1977. Such imports, however, have never accounted for more than a small share of apparent U.S. consumption of this paper—approximately 3.5 percent in 1977 when imports were at the highest level reported for 1974-77.

Data obtained from those companies that provided the Commission with usable profit and loss data showed that when imports from Canada were at their lowest level during 1975-77, the ratio of net operating profit or loss to net sales on their uncoated free sheet offset paper operations was at its lowest level—an operating loss of 0.3 percent in 1975—and that when imports from Canada were at their highest level, the ratio was also at its highest level—an operating profit of 4.3 percent in 1977. These ratios indicate that the profitability of the domestic industry is not materially affected by the level of imports from Canada but is largely dependent upon the rate at which U.S. producers operate their facilities for producing uncoated free sheet paper, e.g., 75 percent and 90 percent of capacity in 1975 and 1977, respectively.

During 1975-77, U.S. capacity to produce all uncoated free sheet paper, including the offset paper which is the subject of this investigation, increased by 373,000 short tons, or 5.2 percent, in anticipation of increased demand. When demand fell short of expectation, U.S. producers aggressively marketed their paper in order to maximize their share of the market. Some producers reduced their prices on uncoated free sheet offset papers to promote sales. The industry leaders that attempted to maintain prices under these marketing conditions lost sales to other domestic producers. Information obtained during the course of the inquiry is inconclusive concerning the extent of lost sales that may have occurred because of imports from Canada possibly sold at less than fair value. Although the prices of imported uncoated free sheet offset papers from Canada were less than some domestic producers' prices during 1975-77, the prices of imported papers were more than the prices of other domestic producers. Thus, any price weakness that was experienced by the domestic industry during this period was largely attributable to competition among domestic producers.

Canadian producers operated their facilities in which uncoated free sheet offset paper is produced at approximately 89 percent of capacity in 1977. If this rate were increased to the maximum attainable (96 to 98 percent), and if the product mix for their facilities remained the same as that produced in 1977, these producers could only increase their exports of uncoated free sheet offset paper by a nominal amount. Furthermore, no new capacity to produce uncoated free sheet offset paper is planned by Canadian producers at this time. Since approximately 2 to 3 years are required to bring new paper producing facilities on stream, it is unlikely that there will be any significant increase in Canadian exports of uncoated free sheet offset paper to the United States in the foreseeable future.

Conclusion

We determine that the information obtained in this inquiry warrants the conclusion that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of uncoated free sheet offset paper from Canada possibly sold at less than fair value.

STATEMENT OF REASONS OF VICE CHAIRMAN JOSEPH O. PARKER

On February 17, 1978, the United States International Trade Commission received advice from the Department of the Treasury that during the course of its preliminary antidumping investigation with respect to uncoated free sheet offset paper[3] from Canada, Treasury had concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Accordingly, the Commission, on February 23, 1978, instituted inquiry No. AA1921-Inq.-10 under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Determination

On the basis of information developed during the course of this inquiry, I do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[4] by reason of the importation of uncoated free sheet offset paper from Canada.

The letter from the Department of the Treasury, on the basis of which this inquiry was instituted, states:

> Information available to Treasury indicates that imports of offset paper from Canada hold a small percentage of the U.S. market, with no significant recent expansion. For 1974, 1975, 1976, and the first ten months of 1977, Canadian imports' market share, was, respectively 2.1 percent, 1.7 percent, 2.0 percent, and 2.1 percent * * *. Canadian imports have merely recovered the slight decrease in market share experienced during the 1975 recession.

Additional information established by the Commission's inquiry, however, establishes that the data available to Treasury did not accurately reflect the amount or trend of imports from

[2] Prevention of establishment of an industry is not an issue in this inquiry.

[3] Treasury defined the merchandise in question as chemical-wood-pulp-based offset printing paper, containing less than 5 percent by weight mechanical wood pulp, whether or not cut to size or shape, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated.

[4] Prevention of establishment of an industry is not an issue in this inquiry.

Canada. The ratio of imports from Canada to apparent U.S. consumption declined from about 2.1 percent in 1974 to less than 1.5 percent in 1975 and then increased to over 3.5 percent in 1977. Thus, imports from Canada not only recovered their market share after 1975, as Treasury concluded from the information available to it, but they increased their market share by more than 50 percent from 1974 to 1977. Imports from Domtar, Ltd., the only Canadian producer alleged to have sold at less than fair value (LTFV) and the major source of U.S. imports from Canada, also increased sharply. In actual terms, total imports from Canada and imports from Domtar, Ltd. In 1977 were both approximatley three times their 1975 levels.

Since offset paper is a relatively heavy commodity, freight costs limit the distance which it can be shipped and still remain competively priced to a radius of about 800 to 1,000 miles from the point of manufacture. The manufacturing facilities of Domtar, Ltd. are located in Quebec, making the New England States and the Northeast the principal markets for imports produced by this company. The majority of total Canadian imports predominantly from Domtar, Ltd., enter through ports in the Northeast. Since only about 10 percent of domestic producers' shipments are shipped to the New England States, the import penetration of imports from Canada alleged to have been sold at LTFV is at least three times greater in this area than the figures cited in the Treasury letter for import penetration of the total U.S. market.

Information supplied to the Commission by the Department of the Treasury indicates possible LTFV margins on imports from the major Canadian supplier range from 3 to 16 percent. Since offset papers are generally a standard commodity, price is a major consideration of purchasers. Pricing information obtained during the Commission investigation indicates that offset paper from Canada sold in rolls, the primary form in which paper from Canada was imported, undersold domestically produced paper throughout the period from mid-1975 through the end of 1977. The margins of underselling could be accounted for by the possible LTFV margins reported by Treasury.

The Commission's investigation revealed specific instances in which domestic sales have been lost as a result of these lower prices of Canadian offset paper. The investigation also revealed that the price index for offset paper has been well below the index price of all paper since 1975.

The petitioner, International Paper Co., contended during the public hearing[5] With respect to this inquiry that during 1977 it had suffered weekend shutdowns and periods of interruption of normal production. The petitioner also pointed out that in the New York county in which its paper mill is the largest single employer, there is a 17-percent unemployment rate.[6] Any loss of business which would result in a lessening of employment in this area, which is already suffering an unemployment rate three times the national average, is particularly harmful to these workers. Petitioner's assertions are unchallenged in the record of the inquiry.

It is recognized that section 201(c) of the Antidumping Act, 1921, was adopted in order "to eliminate unnecessary and costly investigations"[7] which are an administrative burden. There is nothing in the provision or its legislative history to indicate, however, that it was intended to be used to weaken or frustrate the purpose of the Antidumping Act. According to the terms of the statute, to terminate the antidumping investigation presently being considered by the Department of the Treasury and deny the petitioner and its employees the opportunity for a full investigation requires a determination that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of offset paper from Canada. Thus, "in the absence of a clear and convincing showing that there is no reasonable indication that a full investigation might develop facts which could afford a basis for an affirmative injury determination under the Act," the investigation should not be terminated.[8]

The record clearly demonstrates that, among other things, imports from Canada are increasing, their share of domestic consumption is increasing, there is underselling of domestically produced offset paper and the loss of sales to such imports. There are also indications in the record of other factors such as unemployment which the Commission has previously given cognizance to in making affirmative antidumping determinations.

These factors, in my judgment, give a reasonable indication of injury, or the likelihood thereof, by reason of imports allegedly sold at LTFV. Therefore, I have made a negative determination.

Issued March 21, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-7902 Filed 3-23-78; 8:45 am]

[5] Transcript of the hearing, p. 21.

[6] Memorandum in Support of Petitioner International Paper Co.

[7] Trade Reform Act of 1974: Report of the Committee on Finance * * *, S. Rept. No. 93-1298 (93d Cong., 2d sess.), 1974, p. 171.

[8] Butadiene Acrylonitrile Rubber from Japan, USITC Pub. 727, April 1975, p. 5. See also, Opinion of Chairman Will E. Leonard, New, On-the-Highway, Four-Wheeled, Passenger Automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany, USITC Pub. 739, September 1975.

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Competitive Research Grants; Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to identify the kinds of mental health information needed by criminal court judges. The intent of the mental health program is to determine what the specific problem areas are in communication between professionals in the field of law and psychiatry and to determine whether this information can serve as the basis for program development in this area.

The solicitation asks for the submission of concept papers. In order to be considered all proposals must be postmarked no later than May 15, 1978. The project is scheduled to run for a 10- to 12-month period and the funding level will be up to $125,000. Please be advised, however, that LEAA policy stipulates that profitmaking organizations are not eligible for NILECJ grants.

Copies of the solicitation and additional information can be obtained by contacting:

Voncile B. Gowdy, Adjudication Division, NILECJ, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3860.

BLAIR EWING,
Deputy Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 78-7793 Filed 3-23-78; 8:45 am]

[4510-24]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Meetings

The BRAC Committee on Manpower and Employment will meet at 9:30 a.m., April 13, 1978, at the General Accounting Office Building in Room 2106, 441 G Street, NW., Washington, D.C. The agenda for the meeting is as follows:

1. A review, and any further discussion, of the Seminar on Employment and Unemployment Measurement Concepts, held at the February 15 Council Meeting.
2. The effects of possible conceptual changes on the Local Area Unemployment Statistics (LAUS) program.
3. The 1980 Budget.
4. Other business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on area code 202-523-1559.

Signed at Washington, D.C. this 16th day of March 1978.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc. 78-7594 Filed 3-23-78; 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 caculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 20th day of March 1978.

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

APPLICATIONS RECEIVED DURING THE WEEK ENDING MAR. 17, 1978

Name of applicant and location of enterprise	Principal product or activity
REMAC Information Corp., Gaithersburg, Md.	Technical information products and services.
Valley Poultry Marketing Cooperative, Inc., Harrisonburg, Va.	Growing poultry broilers.
MDV Television Co., Inc., Salisbury, Md.	Television broadcasting.
Boyle County Health Care, Inc., Danville, Ky.	Nursing homes services.
Fortex Manufacturing Co., Inc., Greenville, Ala.	Manufacture of pajamas.
Poly-Quip Inc., St. Joseph, Tenn.	Manufacture of tire retreading presses.
W.B. Quick Insurance & Realty Co., Jacksonville, N.C.	Convenience store, self-service gas and automatic car wash.
Chippewa Lumber Industries, Inc., & Subsidiary (Hayward Dimension, Inc.) Glidden, Drummond and Hayward, Wis.	Manufacture of wood trim, moldings, and furniture parts.
Jennie-O Foods, Inc., Atwater, Minn.	Processing of whole turkeys.
United Wild Rice, Inc., Grand Rapids, Minn.	Wild rice.
Leonard John Slade, Babbitt, Minn.	Food and variety store.
Boat River and Canal, Inc., East Carroll Parish, La.	Dredging of gravel sand.
Tobilar, Inc., Rayne, La ..	Construction.
California Resources Development Co., Cedar City, Utah.	Restaurant.
Inter-Mountain Airways, Inc., Durango, Colo.	Certificated air carrier.
Kalispell Feed and Grain Supply, Inc., Kalispell, Mont.	Sales of agricultural products and services.
Hess Pumice Products, Malad City, Idaho.	Mining, milling, and transportation of pumice.
David A. and Rita E. Park, Dallas, Oreg.	Nursing services.

[FR Doc. 78-7708 Filed 3-23-78; 8:45 am]

[1505-01]

Occupational Safety and Health Administration

[V-77-4; V-77-14]

MINNESOTA MINING & MANUFACTURING CO.

Correction

In FR Doc. 78-6377 appearing at page 9887 in the issue of Friday, March 10, 1978, the table shown on page 9887 is incorrect. It is being republished below for the convenience of the reader.

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 level	Maximum storage height containers	Maximum storage height portable tanks
IA	Double or single	Ground	25'	Not permitted.
		Upper	15'	Do.
IB and IC	Double or single	Ground	25'	15'
		Upper	15'	15'
II	Double or single	Ground	25'	15'
		Upper	25'	15'
		Basement	15'	15'

Class	Type rack	Storage level	Maximum storage height containers	Maximum storage height portable tanks
III	Multidouble/ single.	Ground	40′	15′
		Upper	20′	15′
		basement	20′	15′

*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.

[4510-28]

Office of the Secretary

[TA-W-2544]

ALLIANCE WEAVING, NEW BEDFORD, MASS.

Notice of 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-2544: 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 27, 1977, which was filed on behalf of workers and former workers producing woven, unfinished, synthetic gray goods at Alliance Weaving, New Bedford, Mass.

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 officials of Alliance Weaving, 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 appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's survey of customers of Alliance Weaving indicated that they did not purchase imported gray woven synthetic fabric.

Imports of gray woven acetate, rayon, polyester, and nylon fabric were less than one percent of domestic production from 1972 through the first 9 months of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at Alliance Weaving, New Bedford, Mass., 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 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7882 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2556]

BETHLEHEM STEEL CORP., JOHNSTOWN, PA.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, on February 13, 1978, the Department of Labor issued a certification of eligibility to apply for adjustment assistance to all workers of the Johnstown plant of Bethlehem Steel Corp. The notice of certification was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7731).

Subsequent to the certification, the Office of Trade Adjustment Assistance was reminded by the petitioner of written notification by the petitioner in December 1977 that the union, representing workers of the Conemaugh & Blacklick Railroad, should be associated with the petitioner in the filing of the petition. The railroad is a wholly owned subsidiary of Bethlehem Steel Corp. which connects the Bethlehem plant with the Baltimore & Ohio Railroads. Through an oversight in its certification of the Johnstown plant, the Department failed to mention the railroad workers. The certification, therefore, is revised to cover the railroad workers.

The revised certification applicable to TA-W-2556 is hereby issued as follows:

All workers at the Johnstown, Pa., plant and at the Conemaugh & Blacklick Railroad of the Bethlehem Steel Corp. 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 16th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7883 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2627]

BONON FOOTWEAR CO., INC., AUBURN, MAINE

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-2627: 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 21, 1977, in response to a worker petition received on November 14, 1977, which was filed on behalf of workers and former workers producing rubber/canvas footwear at the Bonon Footwear Co., Inc., Auburn, Maine.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bonon Footwear 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 Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of rubber/canvas footwear increased by 35.2 percent in 1976 to 31.9 million pairs from the 23.6 million pairs imported in 1975. The ratio of imports to domestic production increased in 1976 to 26.6 percent from the 17.6 percent recorded in 1975. The ratio in the first 9 months of 1977 increased to 29.2 percent compared to the 23.3 percent that was recorded in the same period in 1976.

The Department surveyed Bonon Footwear's major customer during the period 1975 through 1977. The survey indicated that this customer had reduced its purchases of rubber/canvas footwear from Bonon in 1976 and 1977 and had increased its purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increased imports of articles like or directly competitive with the rubber/canvas footwear produced by the Bonon Footwear Co., Inc., Auburn, Maine, contributed importantly to the decline in sales and production and to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bonon Footwear Co., Inc., Auburn, Maine, who became totally or partially separated from employment on or after November 4, 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 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7884 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2183]

GENERAL FOODS, INC., MAXWELL HOUSE DIVISION, HOBOKEN, N.J.

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-2183: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 29, 1977 in response to a worker petition received on June 24, 1977, which was filed by the Amalgamated Food and Allied Workers Union on behalf of workers and former workers producing coffee at the Hoboken, N.J. plant of the Maxwell House Division of General Foods, Inc.

The notice of investigation was published in the FEDERAL REGISTER on July 12, 1977 (42 FR 35903). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Foods, Inc., its customers, the U.S. Department of Commerce, Coffee Intelligence, the U.S. International Trade Commission, industry analyses 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

United States imports of ground roasted coffee increased from 36.1 million pounds in 1975 to 41.4 million pounds in 1976, and increased from 30.8 million pounds during the first three quarters of 1976 to 40.2 million pounds for the same period in 1977.

The ratio of imports to domestic production for ground roasted coffee increased from 2.1 percent in 1975 to 2.3 percent in 1976, and increased from 2.3 percent during the first three quarters of 1976 to 4.3 percent for the same period in 1976.

United States imports of soluble roasted coffee increased from 48.8 million pounds in 1975 to 68.4 million pounds in 1976, and decreased from 52.6 million pounds during the first three quarters of 1976 to 52.2 million pounds for the same period in 1977.

The ratio of imports to domestic shipments for soluble roasted coffee increased from 36.6 percent in 1975 to 51.3 perent in 1976, and increased from 51.4 percent during the first three quarters of 1976 to 61.7 percent during the same period in 1977.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that customers constituting a substantial proportion of the sample of sales represented by the Department's survey indicated that they decreased their purchases of soluble coffee from Maxwell House and increased their purchases of imported soluble coffee in 1976 compared to 1975 and in the first nine months of 1977 compared to the same period in 1976.

The ratio of company imports of soluble coffee to total company production increased in 1976 compared to 1975 and in the first three quarters of 1977 compared to the same period of 1976.

Producers of soluble coffee in Brazil, a major supplier of soluble coffee and green coffee to the United States, have a significant price advantage over domestic producers of soluble coffee because the Brazilian export tax on soluble coffee is substantially less than the tax on exported green coffee beans.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with coffee produced by the Hoboken, N.J. plant of the Maxwell House Division of General Foods contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hoboken, N.J. Plant of the Maxwell House Division of General Foods, Inc. who became totally or partially separated from employment on or after July 5, 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 16th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7885 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2384]

KERRAMERICAN, INC., BLUE HILL, 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-2384: 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 27, 1977 in response to a worker petition received on September 23, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing zinc and copper concentrate at Kerramerican, Inc., Blue Hill, Maine.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kerramerican, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Interior, the Zinc Institute, 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 copper concentrate, 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.

Evidence developed during the course of the investigation revealed that all of the copper concentrate produced by Kerramerican, Inc., Blue Hill, Maine was made for export to Canada.

With respect to workers producing zinc concentrate, all of the group eligibility requirements of section 222 of the Act have been met.

Imports of slab zinc increased from 380,437 short tons in 1975 to 714,489 short tons in 1976.

The imports to domestic production ratio for zinc slab increased to 127.0 percent in 1976 from 76.7 percent in 1975. The ratio was 129.2 percent in the first nine months of 1977 compared to 133.0 percent for the same period of 1976.

Evidence developed during the Department's investigation revealed that the average difference between the U.S. producer's price and the London Metals Exchange (LEM) price per pound for zinc increased to 7.618 cents in 1977 compared to 5.167 cents in 1975 and 4.706 cents in 1976. The price spread was 8.697 cents when the Blue Hill mine was closed in October 1977. Domestic suppliers of zinc can remain competitive with foreign suppliers as long as the difference in the two prices is kept at or within five cents. With a spread greater than five cents, domestic consumers are induced to increase purchases from foreign suppliers.

Furthermore, according to industry sources, there were excess inventories of zinc on the world market in 1975 and 1976 which contributed to increased imports into the U.S. and the downward pressure on domestic prices.

The U.S. producers price for zinc has declined from 37.000 cents per pound in April 1977 to 30.500 cents per pound in December 1977, a decrease of 17.6 percent. The average price per pound was 38.959 cents in 1975 and 37.010 cents in 1976.

The average price per pound for zinc on the London Metal Exchange (LME) declined 28.7 percent from 32.557 cents in March 1977 to 23.200 cents in 1975 and 32.304 cents in 1976.

Customers purchasing zinc concentrate from Kerramerican, Inc. since 1975 indicated that increased imports of slab zinc have put considerable downward pressure on the domestic price of zinc. One customer indicated that the extremely high level of imports has caused his company and other domestic producers to lower their prices of zinc four times since October 1976.

Kerramerican decided to layoff workers and cease its mining operations at Blue Hill in October 1977 because the depressed market price for zinc had fallen below the point where Kerramerican could profitably mine domestic ore and convert it to concentrate.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with zinc concentrate produced at Kerramerican, Inc., Blue Hill, Maine contributed importantly to the decline in production and to the total or partial separations of workers of that firm. In accorance with the provisions of the Act, I make the following certification:

All workers of Kerramerican, Inc., Blue Hill, Maine engaged in employment related to the production of zinc concentrate who became totally or partially separated from employment on or after September 13, 1976 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 the employment related to the production of copper concentrate are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7886 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2957]

PATAPSCO & BACK RIVERS RAILROAD CO., SPARROWS POINT, MD.

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-2957: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978, in response to a worker petition received on January 9, 1978, which was filed by the United Transportation Union on behalf of workers and former workers of the Patapsco & Back Rivers Railroad Co., a subsidiary of the Bethlehem Steel Corp., which provided transportation services for the Sparrows Point, Md. plant of the Bethlehem Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Patapsco & Back Rivers Railroad Co. 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 requirements have been met.

The Patapsco & Back Rivers Railroad Co., a subsidiary of the Bethlehem Steel Corp., provides transportation services for the Sparrows Point, Md. plant of the Bethlehem Steel Corp. The Department has previously determined that all workers at the Sparrows Point plant who were engaged in all support and administrative areas are eligible for program benefits (see TA-W-2316). Because the petition submitted on behalf of workers and former workers of the Patapsco & Back Rivers Railroad Co. was signed on January 4, 1978, only those workers separated on or after January 4, 1977 could be eligible for program benefits as per section 223(b) of the Act.

Due to the coal strike, resulting in reduced production at Sparrows Point, twenty workers of the Patapsco & Back River Railroad Co. were laid off in the two-week period after February 19, 1978. Further separations are possible if the coal strike continues.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the steel products produced at the Sparrows Point, Md. plant of the Bethlehem Steel Corp. contributed importantly to the total or partial separation of workers at the Patapsco & Back Rivers Railroad Co. in Sparrows Point, Md., which as a subsidiary of the Bethlehem Steel Corp., provided transportation support functions for the Sparrows Point plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Patapsco & Back Rivers Railroad Co. in Sparrows Point, Md., who became totally or partially separated from employment on or after January 4, 1977, and prior to February 19, 1978, are eligible to apply for adjustment assistance under Title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7887 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2425]

SOLO PRODUCTS CORP., LAS PIEDRAS, P.R.

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-2425: 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 28, 1977, which was filed on behalf of workers and former workers producing bobby pins at the Juncos, P.R. plant of Solo Products Corp. The Department's

investigation revealed that the plant was located in Las Piedras, while the company's post office box location was in Juncos.

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 officials of Solo Products Corp., 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 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.

The value of imports of bobby pins increased from $78,000 in 1975 to $115,000 in 1976. In the first 9 months of 1977, imports increased to $123,000 from $99,000 in the first 9 months of 1976.

The ratio of imports to domestic production of bobby pins increased from 0.9 percent in 1975, to 1.4 percent in 1976. The ratio was less than 2 percent from 1974 through 1976.

Company officials stated that the demand for bobby pins has been declining over the last several years, partly due to changing hair styles, and partly due to increased demand for more sophisticated hair grooming aids, such as blowers and hot curlers. These views are similar to those expressed by industry officials in general.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Las Piedras, P.R. plant of Solo Products Corp. 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 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7888 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-3131]

STATE OF MINNESOTA, ERIE MINING CO., HOYT LAKES, MINN.

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-3131: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 15, 1978, in response to a worker petition received on February 2, 1978, filed by workers of the State of Minnesota, Department of Natural Resources, Division of Minerals, Erie Mining Co., Taconite plant, Hoyt Lakes, Minn., performing inspection services at the Erie Mining Co., Taconite plant for the State of Minnesota.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of the State of Minnesota, Department of Natural Resources, Division of Minerals.

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.

Evidence developed during the Department's investigation revealed that the petitioner's primary duty was to keep an accurate record of the tonnage of all ore supplied to the Taconite plant so that the State of Minnesota would be paid the proper royalty for each ton of ore mined and treated from state mineral leases. The Erie Mining Co. is the lessee of a number of state mineral leases. The petitioners are employees of the State of Minnesota, which pays their salaries and all fringe benefits such as vacation and sick leave pay, hospitalization, and life insurance as well as matching costs for social security and retirement.

The petitioners did not produce any articles, and the Department of Labor has previously determined that the performance of services is not included in the term "articles" as used in section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Inc., TA-W-153 (40 FR 54639).

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that the services performed for the State of Minnesota by the petitioners are not articles within the meaning of section 222(3) of the Trade Act of 1974 and that the petitioners are not eligible to apply for adjustment assistance benefits.

Signed at Washington, D.C., this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7889 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2988]

STUPP BROTHERS BRIDGE AND IRON CO., ST. LOUIS, MO.

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-2988: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978, in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated structural steel at the St. Louis, Missouri plant of Stupp Brothers Bridge and Iron Co.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stupp Brothers Bridge and Iron Co. and the United Steelworkers of America.

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 such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated.

The petition was signed on December 1, 1976, but was not received by the Department until more than 30 days later. Consequently, the date of postmark, January 5, 1978, was used as the date of the petition. Only those workers that became totally or partially separated on or after January 5, 1977, could be determined eligible for adjustment assistance.

Both company and union officials concurred in stating that there had

been no separations from January 5, 1977, to the present. No separations are anticipated for the foreseeable future.

CONCLUSION

After careful review I conclude that all workers at the St. Louis, Mo., plant of Stupp Brothers Bridge and Iron 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 16th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7890 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2239]

TECHRON CORP., RANDOLPH, 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-2239: 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 2, 1977 in response to a worker petition received on July 29, 1977 which was filed on behalf of workers and former workers producing printed circuit boards at Techron Corp., Randolph, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on August 19, 1977 (42 FR 41934). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Techron 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:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that, although imports of printed circuit boards increased absolutely in 1976, the ratio of imports to domestic production declined from 3.4 percent in 1975 to 3.0 percent in 1976 and declined from 2.9 percent during January–June 1976 to 2.6 percent during January–June 1977. At no time during the five year period from 1972 through 1976 did imports exceed 3.4 percent of domestic production.

Customers surveyed who reduced purchases from Techron do not purchase imported printed circuit boards.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that workers at Techron Corp., Randolph, Mass., are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7891 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2618]

TOY MARK CORP., PROVIDENCE, R.I.

Negative Determination Regarding Application for Reconsideration

On January 31, 1978, the President of Toy Mark Corp. requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of Toy Mark Corp. of Providence, R.I. The determination was published in the FEDERAL REGISTER on January 6, 1978 (43 FR 1154).

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 only issue of substance raised by the President of Toy Mark was the assertion by the Department of Labor in its denial that there was no corporate or other financial relationship between Toy Mark Corp. and Kalso Systemet, Inc., the franchisor. Based on this finding of its investigation, the Department of Labor concluded that workers and former workers of Toy Mark Corp. were engaged in the performance of services, namely, the retail selling of earth shoes, and were not involved in the production of articles as that term is used in section 222(3) of the Trade Act of 1974.

The President of Toy Mark Corp. submitted, as evidence of a corporate relationship between the Toy Mark Corp. and Kalso Systemet, Inc., a copy of the Trademark Agreement. Among other things in the Agreement, Toy Mark Corp. states its desire "to sell at retail the products originating with the seller. It desires to sell, at retail, such products . . . and no other." The petitioner expressed the view that the existence of the Trademark Agreement between the two corporations established financial and corporate dependency by Toy Mark Corp. on Kalso Systemet, Inc.

The issue presented is whether Toy Mark is an "appropriate subdivision" of Kalso Systemet or, alternately, whether Kalso Systemet is the "worker's firm" (within the meaning of section 222 of the Trade Act and section 90.2 of the Department's regulations). In its original investigation, the Department found that Toy Mark in an independent firm which is neither owned nor controlled by Kalso Systemet. The Trademark Agreement, although establishing a certain economic relationship, does not establish ownership or control for purposes of the parent-subsidiary relationship or for purposes of determining whether Kalso Systemet is the worker's firm.

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 16th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7892 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2509]

UNION CARBIDE CORP., LINDE DIVISION PLANT NO. 911, YOUNGSTOWN, OHIO

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-2509: 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 26, 1977 in response to a worker petition received on October 18, 1977 which was filed on behalf of workers and former workers producing oxygen at Union Carbide Corp., Linde

Division Plant No. 911, 2211 Poland Avenue, Youngstown, Ohio.

This Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Union Carbide Corp., 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 appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Evidence developed during the Department's investigation revealed that the Union Carbide Corp., Linde Division Plant No. 911 produces oxygen. Imports of oxygen, which has no substitute in any of its uses, are negligible.

Petitioning workers at the Linde Division Plant No. 911 produce oxygen for the Campbell Workers of Lykes Youngtown Sheet and Tube. Imports of steel can not be considered like or directly competitive with oxygen.

The issue in this case is whether the Lykes Youngstown Sheet and Tube, i.e., a firm at which the Labor Department has already certified some workers, due to imports of steel, can be considered the "workers' firm." See Notice of Determination in Nu-Car Driveaway, Inc., TA-W-393, (41 FR 12749).

Neither Union Carbide Corp., nor Lykes Youngstown Sheet and Tube is financially or otherwise involved in the business of the other. Union Carbide Corp., owns the facilities necessary to the operation of its business.

The workers upon whose behalf this petition was filed were hired and paid by Union Carbide Corp. They are supervised by and subject to the control of Union Carbide Corp., personnel only. All employment benefits are provided and maintained by Union Carbide Corp. Thus, the Union Carbide Corp., must be considered the "workers' firm."

CONCLUSION

After careful review, I conclude that all workers at the Union Carbide Corp., Linde Division Plant No. 911, Youngstown, Ohio be denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7893 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2914]

UNION CARBIDE CORP., LINDE DIVISION, EAST CHICAGO PLANT, EAST CHICAGO, IND.

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-2914: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 11, 1978 in response to a worker petition received on December 28, 1977 which was filed on behalf of workers and former workers producing oxygen and nitrogen (argon is also produced) at the Union Carbide Corp., Linde Division, East Chicago Plant, East Chicago, Ind.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Union Carbide Corp., 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 appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Evidence developed during the Department's investigation revealed that the Union Carbide Corp., Linde Division, East Chicago Plant produces oxygen, nitrogen and argon. Imports of oxygen, nitrogen and argon, which have no substitutes in any of their uses, are negligible.

Petitioning workers at the Linde Division, East Chicago Plant produce oxygen, nitrogen and argon for several steel plants. Imports of steel can not be considered like or directly competitive with atmospheric gases. The issue in this case is whether any of these steel companies which are customers of the East Chicago Plant can be considered the "workers' firm." See Notice of Determination in Nu-Car Driveaway, Inc. (TA-W393, 41 FR 12749).

Neither Union Carbide Corp., nor any of the steel companies that use gases produced by the petitioning workers' plant is financially or otherwise involved in the business of the other. The workers upon whose behalf this petition was filed are hired and paid by Union Carbide Corp. They are supervised by and subject to the control of Union Carbide Corp., personnel only. All employment benefits are provided and maintained by Union Carbide Corp. Thus, the Union Carbide Corp., must be considered the "workers' firm".

CONCLUSION

After careful review, I conclude that all workers at the Union Carbide Corp., Linde Division, East Chicago Plant, East Chicago, Ind. 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 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7894 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2358]

U.S. PIPE AND FOUNDRY BIRMINGHAM, ALA.

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-2358: 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 15, 1977, in response to a worker petition received on September 12, 1977, which was filed by three workers on behalf of workers and former workers engaged in employment related to the production of gray iron and ductile cast iron pressure pipe at the Birmingham, Ala. plant of U.S. Pipe and Foundry. The investigation revealed that the production of cast iron pressure pipe accounted for over 90 percent of the plant's total 1976 production.

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 U.S. Pipe and Foundry, Inc., the Independent Workers Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make 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 other criteria has been met, the following criterion has not been met.

that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The Birmingham plant of U.S. Pipe and Foundry produces principally cast iron pressure pipe.

The Department's investigation revealed that the ratio of imports of cast iron pressure pipe to domestic shipments, although increasing absolutely, has consistently been less than 1 percent and was 0.47 percent in 1976. U.S. production of cast iron pressure pipe is almost exclusively dependent upon the activity in the construction industry. The value of new construction in constant dollars declined in each year from $93,337 million in 1973 to $69,720 million in 1975 before increasing marginally to $72,986 million in 1976. U.S. consumption of cast iron pressure pipe followed a trend identical to the trend for the construction industry and declined each year from 1,666,100 tons in 1973 to 977,700 tons in 1975 before increasing to 1,048,000 tons in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the cast iron pressure pipe produced at the Birmingham, Ala. plant of U.S. Pipe and Foundry have not contributed importantly to the total or partial separation of workers at the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7895 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2328 thru 2332]

WEAN UNITED, INC. ET AL

Affirmative Determination Regarding Application for Reconsideration

In the matter of Wean United, Inc., Vandergrift, Pa., Youngstown, Ohio (Hendricks Road), Youngstown, Ohio (Phelps Street), Warren, Ohio, Canton, Ohio.

On February 21, 1978, the petitioner for workers and former workers of Wean United, Inc., requested administrative reconsideration of the Department of Labor's negative determinations regarding eligibility to apply for worker adjustment assistance. These determinations were published in the FEDERAL REGISTER on January 10, 1978, (43 FR 1562).

The petitioner raises one basic issue in the application; namely, that there is evidence that Wean United has lost business to foreign competitors and that the Department's survey of Wean United's customers was inadequate.

CONCLUSION

After review of the application, I conclude that the claims of the petitioner are of sufficient weight to justify reconsideration of the Department of Labor's prior decisions.

The application is, therefore, granted.

Signed at Washington, D.C., this 16th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7896 Filed 3-23-78; 8:45 am]

[4510-28]

[TA-W-2434]

ZI-PEP COATS CORP., BROOKLYN, N.Y.

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-2434: 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 6, 1977 in response to a worker petition received on September 30, 1977 which was filed on behalf of workers and former workers producing women's coats at Zi-Pep Coats Corp., Brooklyn, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977, (42 FR 56375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Zi-Pep Coats Corp., manufacturers who are customers of Zi-Pep, customers of the manufacturers, 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 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.

Evidence developed during the Department's investigation revealed that Zi-Pep Coats Corp., located in Brooklyn, N.Y., assembled women's coats for an apparel manufacturer on a contract basis. All production at Zi-Pep Coats Corp. was terminated in December 1976.

Production and production-related employment at the Zi-Pep Coats Corp. declined when the manufacturer who accounted for approximately 100 percent of Zi-Pep's business in 1975 and 1976 decreased his orders to Zi-Pep in 1976 compared to 1975 and eventually went out of business in late 1976, filing for bankruptcy in December 1976. The manufacturer did not purchase imported women's coats nor did he increase his purchases of women's coats from other domestic sources in 1976. The decline in the manufacturer's orders to Zi-Pep thus reflects the decline in the manufacturer's business.

The Department surveyed retail customers of the manufacturer. Customers did not substitute purchases of imported women's coats for purchases of women's coats produced by the manufacturer. Retail customers cited the increasing cost of imported women's coats as a major deterrent to increased importation of women's coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the women's coats produced at Zi-Pep Coats Corp., Brooklyn, N.Y. did not contribute importantly to the decline in production and to the total or partial separation of workers at that firm as required by section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7897 Filed 3-23-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B or 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 3, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 3, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of March 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Albarry Steel Co. of Camden (workers).	Camden, N.J	Feb. 24, 1978	Feb. 20, 1978	TA-W-3,316	Warehousing of hot roll and structural steel.
Blanchard Shirt Co. (company).	Mountain View, Ark	Feb. 27, 1978	do	TA-W-3,317	Producing parts (collars and cuffs) and sew together for men's shirts.
Blaw-Knox Foundry & Mill Machinery, Inc., East Chicago Works (USWA).	East Chicago, Ind	Jan. 10, 1978	Jan. 5, 1978	TA-W-3,318	Industrial steel rolls, hull and turrent castings for M-60 tanks and a wide range of steel mill machinery. Also some steel castings.
Blaw-Knox Foundry & Mill Machinery, Inc., Roll Works (USWA).	Pittsburgh, Pa	do	do	TA-W-3,319	Iron and iron alloy industrial rolls for steel mills.
Champion Die, Inc. (workers).	Lynn, Mass	Feb. 28, 1978	Feb. 10 1978	TA-W-3,320	Shoe cutting dyes.
City Shirt Co. (ACTWU)	Mahanoy City, Pa	do	Feb. 23, 1978	TA-W-3,321	Men's uniform shirts.
Cyclops Corp., Empire Detroit Steel Division (USWA).	Mansfield, Ohio	Jan. 10, 1978	Jan. 5, 1978	TA-W-3,322	Silicon and stainless sheets and coils.
Davis & Lynch Glass Co. (American Glass Flint Glass Workers Union).	Star City, W. Va	Feb. 28, 1978	Feb. 21, 1078	TA-W-3,323	Hand blown lamp parts.
Flint Rock Shirt Co. (company).	Marshall, Ark	Feb. 27, 1978	Feb. 20, 1978	TA-W-3,324	Sewing, assembling and finishing men's dress and casual shirts.
Fortune Sportswear (ACTWU).	Jersey City, N.J	Feb. 28, 1978	Feb. 10, 1978	TA-W-3,325	Men's and women's leather outerwear.
Goldberg & Susseles, Inc. (company).	New York, N.Y	do	Feb. 23, 1978	TA-W-3,326	Men's and boys' leather clothing belts.
The Goodgal Co., Inc. (ACTWU).	Paterson, N.J	do	Feb. 10, 1978	TA-W-3,327	Men's and women's leather outerwear.
Goodyear Tire & Rubber Co. (United Rubber Workers Research).	Akron, Ohio	Feb. 24, 1978	Feb. 21, 1978	TA-W-3,328	Passenger tires.
Greif & Co. (ACTWU)	Baltimore, Md	Feb. 21, 1978	Jan. 24, 1978	TA-W-3,329	Men's tailored clothing.
Do	Staunton, Va	do	do	TA-W-3,330	Do.
Do	Everett, Pa	do	do	TA-W-3,331	Do.
Do	Fredericksburg, Va	do	do	TA-W-3,332	Do.
Do	Hanover, Pa	do	do	TA-W-3,333	Do.
Herda Contracting Co. (ACTWU).	Long Island City, N.Y	Feb. 6, 1978	Jan. 31, 1978	TA-W-3,334	Sews men's suits, coats and sports coats.
Hy-Grade Sportswear Co., Inc. (ACTWU).	New York, N.Y	do	do	TA-W-3,335	Men's tailored sport coats, suits, suburban coats and trousers.
Imaginetics International, Inc. (workers).	Waterbury, Conn	Feb. 24, 1978	Feb. 14, 1978	TA-W-3,336	Electromechanical toys.
Jordan Manufacturing Corp. (company).	Emmaus, Pa	do	Feb. 21, 1978	TA-W-3,337	Cuts, sews cotton knit shirts.
M. T. Shaw, Inc. (Boot & Shoe Workers Union).	Coldwater, Mich	Feb. 27, 1978	do	TA-W-3,338	Men's shoes, dress and casual.
Mar-Bax Shirt Co. (company).	Gassville, Ark	do	Feb. 20, 1978	TA-W-3,339	Cutting, parts (collars, cuffs) assembling and finishing of men's shirts.
Marion Country Shirt Co. (company).	Yellville, Ark	do	do	TA-W-3,340	Finishes and distributes men's shirts to the customers.
Robert Hall Clothes (workers).	Bloomfield, N.J	Feb. 24, 1978	Feb. 21, 1978	TA-W-3,341	All types of men's and women's apparel.
Robert Hall Manufacturing Co. (ACTWU) Pants Department.	Brooklyn, N.Y	Feb. 6, 1978	Jan. 31, 1978	TA-W-3,342	Men's pants.
SKF Industries Nice Bearing Division (USWA).	Philadelphia, Pa	do	do	TA-W-3,343	Ball and spherical bearings.
Tri-County Shirt Co. (company).	Salem, Ark	Feb. 27, 1978	Feb. 20, 1978	TA-W-3,344	Sews parts (collars, and cuffs) of men's shirts together.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Universal Sportswear (ACTWU).	Elizabeth, N.J	Feb. 28, 1978	Feb. 9, 1978	TA-W-3,345	Men's and boys' outerwear jackets.
Wagner Manufacturing (International Molders & Allied Workers Union).	Sidney, Ohio	Feb. 24, 1978	Feb. 20, 1978	TA-W-3,346	Cast iron cookwear.
White River Shirt Co. (company).	Melbourne, Ark	Feb. 27, 1978	do	TA-W-3,347	Assembling of parts (collars and cuffs) for men's shirts.

[FR Doc. 78-7880 Filed 3-23-78; 8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-3]

EMPLOYEE BENEFIT PLANS

Exemption From the Prohibitions Respecting a Transaction Involving the Barton Employee Profit Sharing Trust (Application No. L-038)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This document contains an exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The exemption enables the Barton employee's profit sharing trust (the plan) to continue to hold limited partnership units (units) of Barton Brands, Ltd. (Barton, Ltd.), the employer of employees covered by the plan. The exemption will affect participants and beneficiaries of the plan and Barton, Ltd.

DATE: The exemption is effective as of January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Forrest Foss, Department of Labor, Room C-4508, 200 Constitution Avenue NW., Washington, D.C. 20210 (Attention Application No. L-038), 202-523-6856. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On December 16, 1977, notice was published in the FEDERAL REGISTER (42 FR 63489) of the pendency before the Department of Labor (the Department) of an exemption from the prohibited transaction provisions of sections 406(a)(2) and 407(a)(1) of the Act for a transaction described in an application filed on behalf of the plan to allow the plan to continue to hold units of Barton, Ltd., the plan held as of September 2, 1974. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application on file with the Department for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No comments were received by the Department.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) This exemption does not extend to transactions prohibited under sections 406(a)(1) or 406(b) of the Act; and

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) The exemption is administratively feasible; (b) the exemption is in the interests of the plan and of its participants and beneficiaries; and (c) the exemption is protective of the rights of participants and beneficiaries of the plan. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Proc. 75-1:

The restrictions of section 406(a)(2) and 407(a)(1) of the Act shall not apply to the continued holding by the plan of the units of Barton, Ltd., the plan held as of September 2, 1974.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 15th day of March, 1978.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-7866 Filed 3-23-78; 8:45 am]

[4510-23]

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

PUBLIC MEETING

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public meeting on April 6 and April 7, 1978, in Room 6510, 2020 K Street NW., Washington, D.C. 20006.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1975, Pub. L. 94-444, October 1, 1976. Its purpose is to advise the President and the Congress on reliable and comprehensive mea-

surements of employment and unemployment by examining the procedures, concepts, and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

The meetings will begin each day at 9:30 a.m. The public is invited to attend. Official records of the meeting will be available for public inspection by contacting:

Mr. Wesley H. Lacey, Administrative Officer, National Commission on Employment and Unemployment Statistics, Suite 550, 2000 K Street NW., Washington, D.C. 20006.

Signed at Washington, D.C., this 20th day of March 1978.

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-7801 Filed 3-23-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Project No. M-4]

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT ON HANDLING AND STORAGE OF SPENT LIGHT WATER POWER REACTOR FUEL

Availability

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Generic Environmental Impact Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards on Handling and Storage of Spend Light Water Power Reactor Fuel is availabe for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Notice of the Commission's intent to prepare such a statement was published in the FEDERAL REGISTER on September 16, 1975 (40 FR 42801). The Draft Environmental Statement is also being made available at the State Clearinghouses and local Public Document Rooms. Requests for single copies of the Draft Environmental Statement (identified as NUREG-0404) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

Interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by May 8, 1978. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. After consideration of comments submitted on the Draft Environmental Statement, a Final Environmental Statement will be prepared and published. A notice of availability of the final environmental impact statement will be published in the FEDERAL REGISTER

Comments on the Draft Environmental Statement from interested persons should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Md, this 2nd day of March 1978.

For the Nuclear Regulatory Commission.

RICHARD W. STAROSTECKI,
Chief, Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-7713 Filed 3-23-78; 8:45 am]

[7590-01]

[Docket No. S50-586]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Withdrawal of Application for Early Site Review

The Baltimore Gas and Electric Co., by letter dated March 2, 1978, has requested withdrawal of its application for an early site review of its Perryman site located in Harford County in Northeastern Maryland near the town of Perryman. A copy of the letter of withdrawal is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Harford Community College, 401 Thomas Road, Bel Air, Md. The Nuclear Regulatory Commission grants the applicant's request for withdrawal of this application.

Notice of docketing of the application was published in the FEDERAL REGISTER on August 11, 1977, 42 FR 40787.

Dated at Bethesda, Md., this 17th day of March 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief Environmental Projects Branch 2 Division of Site Safety and Environmental Analysis.

[FR Doc. 78-7813 Filed 3-23-78; 8:45 am]

NRC'S ADVISORY COMMITTEES

Notice of Review

This is to announce that the Nuclear Regulatory Commission is seeking public comment in connection with the annual comprehensive review of advisory committees now being undertaken in accordance with Office of Management and Budget guidance provided in Circular No. A-63, Transmittal Memorandum No. 5, dated March 7, 1977.

This annual government-wide zero-base review takes into account the following considerations; (1) is there a compelling need for each committee, because, for example, the information or advice cannot be obtained from other sources within the agency or other agencies; (2) does each committee have truly balanced membershp in terms of points of view represented and functions to be performed; and (3) does each committee conduct its business as openly as possible consistent with the law and its mandate.

A brief description of NRC's three advisory committees follows:

a. *Advisory Committee on Reactor Safeguards.* This committee was established by section 29 of the Atomic Energy Act of 1954, as amended, to review safety studies and facility license applications and to advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards. It is composed of a maximum of 15 members who represent diverse scientific and engineering specialties relating to nuclear reactor design, construction and operation. This committee, its subcommittees and working groups hold approximately 110 meetings annually and issue about 60 reports.

b. *Advisory Committee on Medical Uses of Isotopes.* This committee was established under agency authority to review and provide recommendations on applications for licenses related to the medical uses of isotopes. It is composed of nine members who represent various fields of nuclear medicine, radiology, and pathology. This committee provides advice and recommendations to the NRC staff primarily through the submission of individual members' comments on licenses for new or complex uses of radioisotopes in medicine.

c. *Risk Assessment Review Group.* This group was established during 1977 under agency authority to provide advice and recommendations regarding the future courses of action which should be undertaken to improve risk assessment methodology and its applications to nuclear regulation and to clarify the achievement and limitation of the Reactor Safety Study (WASH-1400). It is composed of seven members who are examining peer group comments on WASH-1400. It will submit its report to the Commission on or before July 1, 1978.

The NRC is required to complete its review not later than April 15, 1978.

Therefore, any public comments and recommendations concerning NRC's advisory committees should be provided to the NRC as soon as possible, and in any event no later than April 7, 1978. Interested persons should direct their comments in writing to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Advisory Committee Management Officer.

Dated at Washington, D.C. this 20th day of March, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-7812 Filed 3-23-78; 8:45 am]

[7590-01]

[Docket No. P-512A]

OHIO EDISON CO. ET AL.

Receipt of Attorney General's Supplemental Letter Confirming Settlement

In the matter of Ohio Edison Co., Duquesne Light Co., The Cleveland Electric Illuminating Co. and the Toledo Edison Co., the Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a supplemental letter from the Attorney General of the United States, dated March 16, 1978. A copy of which is attached.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

OHIO EDISON CO., DUQUESNE LIGHT CO., THE CLEVELAND ELECTRIC ILLUMINATING CO., THE TOLEDO EDISON CO., ERIE NUCLEAR PLANTS, UNITS 1 AND 2, NRC DOCKET NO. P-512A

On August 31, 1976 we rendered advice concerning the above-cited application. At that time we advised that the issuance of an unconditioned license would have adverse antitrust effects. We also advised that the need for an antitrust hearing could be mooted by the results of the then pending *Perry* antitrust proceeding involving the same Applicants. (*The Toledo Edison Company*, (Davis-Besse Nuclear Power Station, Units 1, 2, and 3; Perry Nuclear Power Plant, Units 1 and 2) NRC Docket Nos. 50-346A, 50-500A, 50-501A, 50-440A, 50-441A)).

On January 6, 1977 the Atomic Safety and Licensing Board issued its Initial Decision in the *Perry* proceeding (*Toledo Edison Company* (Davis-Besse Nuclear Power Station, Units 1, 2, and 3), 5 NRC 133 (1977)). This decision is now on appeal.

With respect to the instant application, Applicants have expressed their willingness to be bound, with minor exceptions, by the results in the *Perry* proceeding. To this end Applicants have agreed to the inclusion in the instant license of the condition set out in the February 8, 1978 letter from applicants' counsel attached hereto. On the strength of this license condition, and with the expectation that the Commission will include it as part of the instant license, we can now advise that an antitrust hearing will not be necessary with respect to the above-cited application.

FEBRUARY 8, 1978.

OHIO EDISON CO., ET AL., ERIE NUCLEAR PLANT, UNITS 1 AND 2, NRC DOCKET NO. P-512A

On August 31, 1976, the Attorney General of the United States Advised the Nuclear Regulatory Commission by letter that "a recommendation for an antitrust hearing is in order" in the above proceeding. Notice of this advice was published in the Federal Register on September 13, 1976, and all interested persons were invited to intervene on antitrust grounds and request a hearing within 30 days thereof. No petitions to intervene have been filed.

On January 6, 1977, the Atomic Safety and Licensing Board which had been convened to hear antitrust matters in connection with the application for a license to operate Davis-Besse Nuclear Power Station, Unit 1, and the applications for permits to construct the Perry Nuclear Power Plant, Units 1 and 2, and the Davis-Besse Nuclear Power Station, Units 2 and 3, issued its Initial Decision in the *Davis-Besse and Perry* antitrust proceeding. As an element thereof, the Licensing Board ordered that certain antitrust conditions be attached to the aforesaid license and permits at the time of issuance.

The Applicants involved in the *Davis-Besse and Perry* proceeding are the same electric utilities which are Applicants for the Erie permits involved in the above NRC Docket No. P-512A, namely: The Cleveland Electric Illuminating Co., The Toledo Edison Co., Ohio Edison Co., Pennsylvania Power Co., and Duquesne Light Co. They have appealed the aforesaid January 6, 1977 Initial Decision to the Atomic Safety and Licensing Appeal Board where that matter is now pending.

Following announcement of the aforesaid Initial Decision, the Applicants in NRC Docket No. P-512A, by and through their undersigned counsel, met with the Department of Justice and the Staff of the Nuclear Regulatory Commission to determine whether there remained any need for antitrust review in the above *Erie* proceeding. As a result of these discussions, a single license condition has been jointly prepared for attachment to the Erie construction permits which incorporates by reference the essential terms and provisions of the conditions framed in the *Davis-Besse and Perry* Initial Decision, subject to whatever modifications (if any) those conditions undergo during the administrative and judicial appeal process.

That single license condition reads as follows:

"Except as otherwise expressly provided herein, the antitrust license conditions contained in the Perry Nuclear Power Plant, Units 1 and 2 ("Perry") and Davis-Besse Nuclear Power Station, Units 1, 2 & 3, ("Davis-Besse") Construction Permits and/or Operating Licenses are hereby incorporated by reference in this Construction Permit (Operating License). Such incorporation shall be effective only during the original term of the Perry and/or Davis-Besse permits and licenses or until they are terminated, and any modifications which may hereinafter be made in the Perry and Davis-Besse antitrust license conditions shall be effective with respect to the instant permit (license)."

As to the Erie Nuclear Plant, Units 1 and 2 ("Erie"), conditions 9(a) and 9(b) of the Perry and Davis-Besse antitrust license conditions are replaced herein by the following condition:

"9. Applicants shall make available to entities in the CCCT access to the Erie units. Such access, at the option of the requesting entity, shall be on an ownership share, or unit participation or contractual pre-purchase of power basis. Each requesting entity (or collective group of entities) may obtain up to 15 percent of the capacity of the Erie units, except that once any entity or entities has contracted for allocations totaling 15 percent no further participation in any given unit need be offered. Commitments for the Erie units must be made by requesting entities within one year after February 17, 1978."

Any modification of conditions 9(a) or 9(b) of the Perry and Davis-Besse antitrust license conditions shall be equally effective with respect to condition 9 above of this Construction Permit (Operating License) to the extent covered herein, and condition 9 shall be modified accordingly to reflect such changes, except that no change shall be made to the 15 percent Erie allocation.

You both have advised me that, if Applicants are willing to have this license condition incorporated into the Nuclear Regulatory Commission permits for the Erie Nuclear Plant, Units 1 and 2, the Department of Justice and the Staff of the Nuclear Regulatory Commission no longer see any reason for antitrust review in NRC Docket No. P-512A, and the Department will advise the Nuclear Regulatory Commission that no antitrust hearing is considered necessary with respect to the Erie application. On these terms, Applicants are agreeable to such a resolution of the above referenced antitrust proceeding.

It is to be understood, however, that nothing in the aforesaid license condition or in this letter is intended by Applicants as a waiver of any of Applicants' rights (either jointly or severally) to pursue their appeal of the Initial Decision in *Davis-Besse and Perry*, both administratively and in the courts. Nor should anything contained herein be misconstrued as a waiver by any of the Applicants of their respective rights to contest the application of any license condition (whether set out above or incorporated therein by reference) to a particular factual situation. Furthermore, none of the Applicants waives any rights which it may have (either jointly or severally) to apply to an appropriate forum to seek such changes in the license conditions as may at the time be deemed appropriate in accordance with the then existing law and sound operating practice in the electric utility industry.

[FR Doc. 78-7814 Filed 3-23-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL. (TROJAN NUCLEAR PLANT)

Order Relating to the Evidentiary Hearing; Proposed Amendment for Fuel Storage Pool Modification

The evidentiary hearing will be resumed on April 17, 1978, at 9:30 a.m. and will proceed on week days through April 28th (except as hereinafter

noted) in the Court of Appeals Courtroom (2nd floor) of the Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. On April 19, 1978, Courtroom No. 2 of the Bankruptcy Court in the Pioneer Courthouse will be utilized.

Any outstanding written direct testimony shall be filed on or before April 12, 1978. The State of Oregon's witness, Dr. Richard Timm, will be the first witness called to testify, and thereafter the sequence for the presentation of evidence set forth in the staff's letter of December 30, 1977, and at transcript pages 4616-29 will be followed.

The public is invited to attend.

It is so ordered.

Dated at Bethesda, Md., this 20th day of March 1978.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, Esq.,
Chairman.

[FR Doc. 78-7816 Filed 3-23-78; 8:45 am]

[7590-01]

[Docket No. 50-38]

VIRGINIA ELECTRIC & POWER CO., NORTH ANNA POWER STATION, UNIT NO. 1

Issuance of an Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued amendment No. 2 to facility operating license No. NPF-4 to the Virginia Electric & Power Co. authorizing certain exemptions to the North Anna power station Appendix A technical specifications. These exemptions permit operation in mode 3 without the outside recirculation spray pumps. The exemptions permit heat up and tests to be conducted simultaneously with the reinstallation of the outside recirculation spray pumps. During the period while the outside recirculation pumps are being installed, motor operated outside recirculation spray pump isolation valve will be deactivated and secured in the closed position. The amended license is effective as of its date of issuance. NPF-4, issued on November 26, 1977, authorized fuel loading and maintenance of the North Anna power station, unit No. 1, in an operational mode 5 condition (cold shutdown condition). Amendment No. 1 to NPF-4, issued January 26, 1978, authorized operation of unit No. 1 in a hot standby condition. The North Anna power station, unit No. 1, is a pressurized water nuclear reactor located at the licensee's site near Mineral in Louisa County, Va.

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 Title 10, Chapter I, Code of Federal Regulations, which are set forth in the license amendment. For further details with respect to this action, see: (1) Amendment No. 2 to NPF-4; (2) amendment No. 1 to NPF-4, dated January 26, 1978; (3) facility operating license No. NPF-4, dated November 26, 1977; (4) the report of the Advisory Committee on Reactor Safeguards, dated January 17, 1977; (5) the Office of Nuclear Reactor Regulation's safety evaluation report, dated June 4, 1976, and its eight supplements; (6) the final safety analysis report and amendments thereto; (7) the applicant's environmental report, dated June 17, 1970, and supplements thereto; (8) the draft environmental statement, dated December 12, 1972; and (9) the final environmental statement, dated April 1973, and its addendum, dated November 1976. These documents are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, at the County Administrator's Office, Louisa County Courthouse, P.O. Box 27, Louisa, Va. 23093, and at the Alderman Library Manuscripts Department, University of Virginia, Charlottesville, Va. 22901. A copy of the amended license may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the safety evaluation and its supplements (document No. NUREG-0053) and the addendum to the final environmental statement (document No. NUREG-0134) may be purchased, at current costs, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 17th day of March 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-7815 Filed 3-23-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-73 Rev.]

AUDIT OF FEDERAL OPERATIONS AND PROGRAMS

MARCH 15, 1978.

1. *Purpose.* This Circular sets forth policies to be followed in the audit of Federal operations and programs.

2. *Supersession.* This Circular supersedes Federal Management Circular 73-2, dated September 27, 1973. The Circular is revised and reissued under its original designation of OMB Circular No. A-73.

3. *Summary of significant changes.* The revised Circular implements the President's memorandum of September 9, 1977, (copy attached) to the heads of executive departments and agencies on coordination of audits of grants to State and local governments. It also strengthens the provisions on audit followup.

4. *Background.* The primary objectives of this Circular are to promote improved audit practices, to achieve more efficient use of audit staff, to improve coordination of audits, and to emphasize the need for early audits of new or substantially changed programs.

5. *Applicability and scope.* The provisions of this Circular are applicable to all agencies of the executive branch of the Federal Government and include all internal and external audit functions of such agencies.

6. *Definitions.* a. The term "audit" as used in this Circular means a systematic review or appraisal to determine and report on whether:

(1) Financial operations are properly conducted;

(2) Financial reports are presented fairly;

(3) Applicable laws and regulations have been complied with;

(4) Resources are managed and used in an economical and efficient manner; and

(5) Desired results and objectives are being achieved in an effective manner.

The above elements of an audit are most commonly referred to as financial/compliance, items (1), (2), and (3); economy/efficiency, item (4); and program results, item (5). Collectively, they represent the full scope of an audit and provide the greatest benefit to all potential users of Government audits. In developing audit plans, however, the audit scope should be tailored to each specific program according to the circumstances relating to the program, the management needs to be met, and the capacity of the audit facilities.

b. The term "audit standards" refers to those standards set forth in Standards for Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States.

7. *Policies and procedures.* Agencies are responsible for providing adequate audit coverage of their programs as an aid in determining whether funds have been applied efficiently, economically, effectively, and in a manner that is consistent with related laws, program objectives, and underlying agreements. The audit standards will be the

basic criteria on which audit coverage and operations are based. Agencies administering Federal grant, contract, and loan programs will encourage the appropriate application of these standards by non-Federal audit staffs involved in the audit of organizations administering Federal programs. Each agency will implement the policies set forth in this Circular by issuing policies, plans, and procedures for the guidance of its auditors.

(a) *Organization and staffing.* Audit services in Government are an integral part of the management process. Audit services and reports must be responsive to management needs. However, it is important in order to obtain the maximum benefit from this function that agency audit organizations have a sufficient degree of independence in carrying out their responsibilities. To provide an appropriate degree of independence, the audit organization should be located outside the program management structure, report to an agency management level sufficiently high to ensure proper consideration of and action on audit results, and be given reasonable latitude in selecting and carrying out assignments. Adequate and qualified staff should be assigned this important function. The audit of all programs under a single Federal department or agency must be coordinated, and where economies and a more effective audit service will result, especially in large and geographically dispersed programs, the audit operations within a department should be consolidated. It is also important to establish close coordination between audit and such other management review activities as may exist in an agency.

(b) *Determination of audit priorities.* Each agency will establish procedures requiring periodic review of its individual programs and operations to determine the coverage, frequency, and priority of audit required for each. The review will include consideration of the following factors:

(1) Newness, changed conditions, or sensitivity of the organization, program, activity, or function;

(2) Its dollar magnitude and duration;

(3) Extent of Federal participation either in terms of resources or regulatory authority;

(4) Management needs to be met, as developed in consultation with the responsible program officials;

(5) Prior audit experience, including the adequacy of the financial management system and controls;

(6) Timeliness, reliability, and coverage of audit reports prepared by others, such as State and local governments and independent public accountants;

(7) Results of other evaluations; e.g., inspections, program reviews, etc.;

(8) Mandatory requirements of legislation or other congressional recommendations; and

(9) Availability of audit resources.

(c) *Cross-servicing arrangements.* To conserve staff resources, promote efficiency, and minimize the impact of audits on the operations of the organizations subject to audit, each Federal agency will give full consideration to establishing cross-servicing arrangements under which one Federal agency will make audits for another—whenever such arrangements are in the best interest of the Federal Government and the organization being audited. This is particularly applicable in the Federal grant-in-aid and contract programs where two or more Federal agencies are frequently responsible for programs in the same organization or in offices located within the same geographical area. Under such circumstances, it will be the primary responsibility of the Federal agency with the predominant financial interest to take the initiative in collaborating with the other appropriate Federal agencies to determine the feasibility of one agency making audits for the others, and to work out mutually agreeable arrangements for carrying out the required audits on the most efficient basis.

(d) *Reliance on non-Federal audits.* In developing audit plans, Federal agencies administering programs in partnership with organizations outside of the Federal Government will consider whether these organizations have periodic audits. This is especially necessary for those agencies that administer Federal grant-in-aid programs subject to OMB Circulars A-102 (State and local government organizations) and A-110 (nonprofit organizations). These Circulars provide standards for financial management systems of grant-supported activities, and require that such systems provide, at a minimum, for financial/compliance audits at least once every two years. Federal agencies will coordinate their audit requirements with State and local governments and nonprofit organizations to the maximum extent possible. The scope of individual Federal audits will give full recognition to the non-Federal audit effort. Reports prepared by non-Federal auditors will be used in lieu of Federal audits, if the reports and supporting workpapers are available for review by the Federal agencies, if testing by Federal agencies indicates the audits are made in accordance with generally accepted auditing standards (including the audit standards issued by the Comptroller General), and if the audits otherwise meet the requirements of the Federal agencies.

(e) *Audit plans.* Based on the considerations set forth in b, c, and d, above, each agency will prepare an audit plan at least annually. At a minimum, such plans will reflect the:

(1) Audit universe (all programs and operations subject to audit);

(2) Programs and operations selected for audit, with priorities and specific reasons for selection;

(3) Audit organization that will make the audit;

(4) Audit cycle or frequency, the locations to be audited, and the reasons therefor;

(5) Scope of audit coverage to be provided and the reasons therefor; and

(6) Anticipated benefits to be obtained from the audits.

The plans should be adjusted as necessary to provide for audit coverage of unforeseen priorities.

(f) *Coordination of audit work*—(1) *General.* Federal agencies will coordinate and cooperate with each other in developing and carrying out their individual audit plans. Such actions will include continuous liaison; the exchange of audit techniques, objectives, and plans; and the development of audit schedules to minimize the amount of audit effort required. Similar coordination and cooperation should take place among Federal and non-Federal audit staffs where there is a common interest in the programs subject to audit.

(2) *Audit of State and local governments.* In order to facilitate coordination, Federal agencies shall make public the State and local portion of the audit plans required by paragraph 7.e., above. The plans will be available to State and local governments, to the National and Regional Intergovernmental Audit Forums, and to other interested parties. The plans will be submitted to the Office of Management and Budget prior to the fiscal year in which they are implemented.

(g) *Audit reports.* Reporting standards are set forth in the audit standards for the guidance of Federal agencies. With respect to public release of audit reports, each agency will establish policies in consonance with applicable laws, including the Freedom of Information Act. To the maximum extent possible, agencies will provide for the release of audit reports, in whole or in part, to those interested in them.

(h) *Followup.* Each agency will establish policies for following up on audit recommendations. Timely action on recommendations by responsible management officials is an integral part of an agency's audit system, and has a direct bearing on its effectiveness. Policies will provide for designating officials responsible for followup, maintaining a record of the action taken on recommendations, establishing time schedules for responding to and acting on recommendations, and submitting periodic reports to agency management on action taken. When

audit recommendations requiring corrective action involve more than one program, agency, or level of government, the agency making the audit should coordinate its corrective action with that of other affected organizations.

8. *Responsibilities.* Federal agencies will review the policies and practices currently followed in the audit of their operations and programs, and will initiate such action as is necessary to comply with the policies set forth in this Circular. The head of each Federal agency will designate an official to serve as the agency representative on matters relating to the implementation of this Circular. The name of the agency representative should be sent to the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503.

9. *Reporting requirements.* (a) Each Federal agency awarding grants to State and local governments will submit the State and local portion of their annual audit plan to the Office of Management and Budget prior to the fiscal year it is to be implemented. The plan will show the actions taken to improve interagency cooperation on audits, to increase coordination with State and local auditors, and to increase reliance on audits made by others.

(b) Copies of agency issuances on the implementation of this Circular will be available to the public upon request.

10. *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 395-3993.

JAMES T. MCINTYRE, Jr.,
Acting Director.

THE WHITE HOUSE,
Washington, D.C., September 9, 1977.

Memorandum for the Heads of Executive Departments and Agencies.
Subject: Sharing Federal Audit Plans.

The Administration is committed to forging new ties of cooperation among all levels of government. We want to eliminate the duplication and wasteful effort that too often has accompanied the management of Federal grants to State and local governments.

One area where improvements can be made is in coordinating the audit of these grants. All three levels of government have audit responsibilities, but it does not make sense for them all to audit the same transactions. Therefore, in order to improve coordination, I am ordering all Federal executive agencies to make public the State and local portion of the annual audit plans required by Federal Management Circular 73-2. The plans will be available to State and local governments, to the National and Regional Intergovernmental Audit Forums, and to other interested parties. The plans would also be available to the general public, and would be submitted to OMB prior to the beginning of the fiscal year in which they are to be implemented. They should be updated periodically throughout the year as significant changes are made.

I expect Federal agencies to use their audit plans as a basis for making greater efforts to improve interagency cooperation on audits, to increase Federal coordination with State and local auditors, and to increase reliance on audits made by others.

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[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES

Results of Reviews of Petitions for Changes in Product Coverage

This publication describes results of reviews of petitions for changes in the list of imported articles eligible for duty-free treatment under the Generalized System of Preferences (GSP). The GSP is provided for in Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465). The reviews were conducted pursuant to regulations codified at 15 CFR Part 2007. Results of the reviews have been implemented by Executive Order No. 12032 of December 27, 1977 (42 FR 64851) and Executive Order No. 12041 of February 25, 1978 (43 FR 8099). The disposition of the petitions accepted for review by the Trade Policy Staff Committee (TPSC), and the disposition of other proposed changes in the GSP product coverage that were initiated by the TPSC on its own motion, are set forth in Annex I to this notice. Petitions and matters being considered on the TPSC's own motion that remain pending are listed in Annex II to this notice.

WILLIAM B. KELLY, Jr.,
Chairman,
Trade Policy Staff Committee.

Annex 1

Case Reviews Completed

Part 1: Petitions

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.			
76-3-14	745.65 (part)	Sew-on fasteners	Newey Brothers, Inc. New York, NY	Petition granted
77-1	706.60 (part)	Vinyl handbags	Ambassador International Tempe, AZ	Petition denied
77-2	240.25 (part)	Face-finished hardwood plywood	Ben Pivnick Plywood and Veneer Co. Farmington, MI	Petition withdrawn
77-3	720.24 720.28	Watch cases Watch cases	Productos Metalicos "America," S.A. Mexico City, Mexico	Petition denied
77-4	705.8430	Other rubber or plastics gloves	Magla Products Irvington, NJ Interma/ket Corporation Cleveland, OH	Petitions granted
77-5	121.5090 (part)	Reptilian leather	The Fouke Company Greenville, SC	Petition granted
77-6	732.3610	Coaster brakes	Bendix Corporation South Bend, IN	Petition granted
77-7	407.8525 (part)	Rifampin	Dow Chemical Company Indianapolis, IN	Petition denied
77-8	204.30 (part)	Wirebound boxes	The Martin Bros. Container and Timber Product Corp. Toledo, OH	Petition denied
77-B-1	114.35	Fresh crabmeat	Government of Thailand	Petition withdrawn
77-B-2	114.20	Prepared crabmeat	do.	do.
77-B-4	136.93	Onions	Government of Chile	Petition denied
77-B-6	147.16	Grapefruit	Government of Paraguay	Petition denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)			
77-B-7	147.31	Oranges	Government of Paraguay	Petition denied
77-B-8	147.86	Fresh mangoes	Lincoln Diversified Systems, Inc. Ft. Lauderdale, FL	Petition granted based on a seasonal breakout
77-B-9	148.15 (part)	Fresh cantaloupes	United Brands Company Boston, MA	Petition granted
77-B-10	148.25	Other melons	Government of Chile United Brands Company Boston, MA	Petition granted
77-B-12	169.35 (part)	Concentrated orange and grapefruit juices	Government of Paraguay	Petition denied
77-B-13	167.30	Still wine in containers not over 1 gallon	Government of Chile	Petition denied
77-B-14	206.83	Toothpicks	Yaraman Industrial, S.A. de C.V. San Pedro Sula, Honduras	Petition denied
77-B-15	206.87	Other wooden sticks	Government of Brazil Government of Chile Norris Sims Jamaica, NY Procesadora Nacional de Madera, S.A. de C.V. San Pedro Sula, Honduras Yaraman Industrial, S.A. de C.V. San Pedro Sula, Honduras	Petitions denied
77-B-17	337.40	Jacquard-figured fabric, wholly of silk	Government of Thailand	Petition withdrawn
77-B-19	363.05	Lace or net bedding of vegetable fiber.	do.	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)			
T7-B-20	365.82	Lace or net furnishings of vegetable fibers	Government of Bangladesh Caritas Bangladesh Dacca, Bangladesh	Petitions granted
T7-B-21	366.84	Other furnishings of vegetable fibers	do.	do.
T7-B-44	386.50 (part)	Gauze surgical sponges	Sanford Professional Products Corp. Norristown, PA	Petition denied
T7-B-45	387.10 (part)	Other knit articles, of jute	Government of Thailand	Petition withdrawn
T7-B-47	437.00	Brucine	Government of India	Petition granted
T7-B-48	520.32	Diamonds not over 0.5 carat	do.	Petition denied
T7-B-49	520.33	Diamonds over 0.5 carat	do.	do.
T7-B-52	646.90	Luggage locks	do.	Petition granted
T7-B-54	650.31	Forks without their handles	do.	do.
T7-B-55	650.47	Barbecue forks with handles	Government of Thailand	Petition withdrawn
T7-B-56	650.49	Other forks	do.	do.
T7-B-57	650.91 (part)	Pinking shears	Marks International, Inc. Newton, MA	Petition denied
T7-B-58	652.60	Nonelectric bells	Government of India	Petition granted
T7-B-59	686.10	Resistors	Government of Brazil Government of India	Petitions denied
T7-B-60	687.60	Other electronic tubes	Government of Brazil Government of Singapore	Petitions denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)			
T7-B-63	715.27 (part)	Electric clocks, over $1.10 but not over $2.25 each	Government of Singapore	Petition denied
T7-B-64	715.29 (part)	Electric clocks, over $2.25 but not over $5.00 each	do.	do.
T7-B-65	715.31	Electric clocks, over $5.00 but not over $10.00 each	do.	do.
T7-B-69	732.2060	Doll clothing, imported separately	Sharretts, Paley, Carter and Blauvelt, P.C. Washington, DC	Petition granted
	B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences.			
76-25	653.50 (part)	Cast-iron stoves and fireplace grates	Washington Stove Works Everett, WA	New TSUS item established as GSP eligible article
76-B-22	610.62	Cast-iron fittings, not malleable	American Pipe Fittings Assoc. Stamford, CT	Petition denied
76-B-22	610.70	Cast-iron fittings, malleable, not advanced in condition	do.	do.
76-B-22	610.74	Cast-iron fittings, malleable, advanced in condition	do.	do.
76-B-30	727.30 (part)	Folding chairs	United Furniture Workers of America New York, NY	New TSUS item established as GSP eligible article
76-B-38	206.30	Wood doors	United Brotherhood of Carpenters and Joiners of America Washington, DC	Petition denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences (con.)			
76-B-47	653.9560 (part)	Cast-iron cooking ware	Atlanta Stove Works Atlanta, GA	New TSUS item established as GSP eligible article
77-14	547.5520	Microscope slides and cover glasses	Erie Scientific Co. Buffalo, NY	Petition denied
77-B-71	207.0050 (part)	Parts of footwear, of wood	American Footwear Ind. Assoc. Arlington, VA	Petition denied
77-B-72	220.50 (part)	Parts of footwear, of cork	do. Arlington, VA	do.
77-B-73	405.15 (part)	Ethyl 4,4'-dichlorobenzilate	Tower Chemical Co. Clermont, FL	Petition denied
77-B-74	607.57	Ferrosilicon manganese	The Ferroalloys Assoc. Washington, DC	Petition denied
77-B-75	642.1630	Steel wire rope	Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers Washington, DC	Petition denied
77-B-76	657.20 (part)	Crab traps	Isaac Franklin Co. Baltimore, MD	Petition denied
77-B-76	657.2005	Paper clips	The Pin, Clip & Fastener Assoc. Hartford, CT	New TSUS item established as GSP eligible article
77-B-77	682.05 (part)	Transformers not over 40 va	Eastern Electronics Corp. Hialeah Gardens, FL	Petition denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences (con.)			
77-B-78	682.6050 (part)	Rectifying apparatus	Eastern Electronics Corp. Hialeah Gardens, FL	Petition denied
77-B-79	770.07 (part)	Laminated parts of footwear	American Footwear Ind. Assoc. Arlington, VA	Petition denied
77-B-80	770.10 (part)	Other parts of footwear	do.	do.
77-B-81	770.40 (part)	Parts of footwear, of polyurethane	do.	do.
77-B-82	770.80 (part)	Parts of footwear, other	do.	do.
77-B-84	790.55 (part)	Pressure sensitive tape	3M Company St. Paul, MN	Petition denied
77-B-85	791.20	Patent leather	American Footwear Ind. Assoc. Arlington, VA	Petition denied
77-B-87	791.76	Leather wearing apparel	National Outerwear & Sportswear Assoc., Inc. New York, NY	Petition denied
77-B-109	687.37	Television picture tubes	International Brotherhood of Electrical Workers Washington, DC	New TSUS item established as GSP eligible article
77-B-112	607.37	Ferromanganese	The Ferroalloys Assoc. Washington, DC	Petition denied
77-B-113	607.51	Ferrosilicon	do.	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
	C. Petitions to subdivide TSUS items currently designated as eligible articles for the Generalized System of Preferences.			
TT-10	685.2505	Hand-held transceivers, not over $7.50	Cox Hobbies, Inc. Santa Anna, CA	Petition granted
TT-8-88	774.60 (part)	Pet and aquarium supplies	Pets International, CTD Arlington Heights, IL	Petition denied
	D. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.			
TT-11	791.80	Plaques of snakeskin	Columbia Impex Corp. New York, NY	Petition denied
	E. Petitions to redesignate articles as eligible to receive duty-free treatment when imported from beneficiary developing countries which have lost duty-free treatment by reason of the provisions of section 504(c)(1)(B) of the Trade Act of 1974.			
TT-B-89	737.40	Toy figures of animate objects	Hasbro Industries, Inc. Pawtucket, RI	Petition granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed (Continued)

Part 2: Matters Being Considered on the TPSC's Own Motion

Case No.	TSUS or TSUSA 1/ item No.	Article	Action taken
	A. Articles being considered for possible designation as eligible articles for the Generalized System of Preferences.		
TT-B-90	705.35	Gloves of horsehide or cowhide	Item not designated
TT-B-91-TT-B-104	705.60-705.78	Women's and children's gloves of leather, lined and not lined	Items not designated
TT-B-105	706.10	Luggage and handbags, of bamboo	Item not designated
TT-B-106	706.11	Luggage and handbags, of willow	Item not designated
TT-B-107	706.12	Luggage and handbags, of rattan or palm leaf	Item not designated
TT-B-108	706.14	Luggage and handbags, other	Item not designated
	B. Possible determination of eligible articles as not like or directly competitive with any article produced in the customs territory of the United States on January 3, 1975, and therefore not subject to loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.		
TT-12	137.75	Chayote (Sechium edule)	Article found to be produced in the United States

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex II

Case Reviews Pending

Part 1: Petitions

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration]	
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
76-B-19		Ferroalloys:	Samicorp, Inc.
	607.65	Ferrotungsten and ferrosilicon tungsten	New York, NY
		Vegetables, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared or preserved):	
77-B-3	136.30	Garlic	Government of Chile
		Other edible nuts, shelled or not shelled, blanched, or otherwise prepared or preserved:	
		Shelled, blanched, or otherwise prepared or preserved:	
		Almonds:	
77-B-5	145.40	Shelled	do.
		Fruit pastes and fruit pulps:	
		[Apricot; cashew apple, maney coloredo, sapodilla, soursop and sweetsop; fig; guava; mango; tamarind; orange; papaya; banana and plantain]	
77-B-11	152.76	Other	do.
		Woven fabrics, of silk:	
		Wholly of silk:	
		Not Jacquard-figured:	
77-B-16	337.20	Degummed, bleached, or colored	Government of India
		Floor coverings composed of braids, cords, fabric strips, and similar materials in continuous lengths, sewn or otherwise bound together but not woven, of textile materials:	
		[Wholly or in part of braids (except tubular braids with a core)]	
		Other:	
		[With over 50 percent by weight of the fibers, exclusive of any core, being of wool]	
		[With over 50 percent by weight of the fibers, exclusive of any core, being cotton, man-made fibers, or cotton and man-made fibers]	
		Other:	
77-B-18	361.2020	Of vegetable fibers, except cotton	Government of Bangladesh
	or	or	
	361.2020pt.	Of jute	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex II (Continued)

Case Reviews Pending (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Men's or boys' lace or net wearing apparel, whether or not ornamented, and other men's or boys' wearing apparel, ornamented:	
		Of cotton:	
77-B-22	380.0001	Certified hand-loomed and folklore products	Guatemala Export Promotion Centre Guatemala City, Guatemala
		Of wool:	
77-B-23	380.0203	Certified hand-loomed and folklore products	do.
		[Of man-made fibers]	
		Other:	
		Not knit:	
77-B-24	380.0566	Not subject to cotton, wool, or man-made fiber restraints	Government of Bangladesh
	or	or	
	380.0566pt.	Of jute	do.
		Other men's or boys' wearing apparel, not ornamented:	
		Of cotton:	
		Not knit:	
		Coats:	
		Valued not over $4 each:	
77-B-25	380.0905	Certified hand-loomed and folklore products	Guatemala Export Promotion Centre Guatemala City, Guatemala
		Valued over $4 each:	
77-B-26	380.1205	Certified hand-loomed and folklore products	do.
		Dressing gowns, including bathrobes, and beach robes:	
		Valued not over $2.50 each:	
77-B-27	380.1505	Certified hand-loomed and folklore products	do.
		Valued over $2.50 each:	
77-B-28	380.1805	Certified hand-loomed and folklore products	do.
		[Pajamas]	
		Shirts:	
77-B-29	380.2705	Certified hand-loomed and folklore products	do.
		[Shirt collars and cuffs]	
		Vests:	
		Valued not over $2 each:	
77-B-30	380.3305	Certified hand-loomed and folklore products	do.
		Valued over $2 each:	
77-B-31	380.3605	Certified hand-loomed and folklore products	do.
		Other:	
77-B-32	380.3905	Certified hand-loomed and folklore products	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex II (Continued)

Case Reviews Pending (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Other men's or boys' wearing apparel, not ornamented (con.):	
		Of wool:	
		Not knit:	
77-B-33	380.6305	Valued not over $4 per pound: Certified hand-loomed and folklore products	Guatemala Export Promotion Centre Guatemala City, Guatemala
		Women's, girls', or infants' lace or net wearing apparel, whether or not ornamented, and other women's, girls', or infants' wearing apparel, ornamented:	
		Of cotton:	
77-B-34	382.0001	Certified hand-loomed and folklore products	do.
		Of wool:	
77-B-35	382.0202	Certified hand-loomed and folklore products	do.
		Other women's, girls', or infants' wearing apparel, not ornamented:	
		Of cotton:	
		Not knit:	
		Dressing gowns, including bathrobes, and beach robes:	
77-B-36	382.1510	Valued not over $2.50 each: Certified hand-loomed and folklore products	do.
		Valued over $2.50 each:	
77-B-37	382.1810	Certified hand-loomed and folklore products	do.
		[Pajamas]	
		Vests:	
77-B-38	382.2710	Valued not over $2 each: Certified hand-loomed and folklore products	do.
		Valued over $2 each:	
77-B-39	382.3010	Certified hand-loomed and folklore products	do.
		Other:	
77-B-40	382.3301	Certified hand-loomed and folklore products	do.
		Of wool:	
		Not knit:	
		Valued not over $4 per pound:	
77-B-41	382.6005	Certified hand-loomed and folklore products	do.
		Valued over $4 per pound:	
77-B-42	382.6305	Certified hand-loomed and folklore products	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

Annex II (Continued)

Case Reviews Pending (Continued)

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Articles not specially provided for, of textile materials:	
		Lace or net articles, whether or not ornamented, and other articles ornamented:	
		[Of cotton]	
77-B-43	386.05pt.	Other (except of wool)	Caritas Bangladesh Dacca, Bangladesh
		Other articles not ornamented:	
		Of vegetable fibers except cotton:	
		[Pile or tufted construction]	
77-B-46	387.30	Other	do.
	or	or	
	387.30pt.	Of jute	do.
		Locks and padlocks (whether key, combination, or electrically operated), luggage frames incorporating locks, all the foregoing, and parts thereof, of base metal; lock keys:	
		Padlocks:	
		Not of cylinder or pin tumbler construction:	
77-B-50	646.80	Not over 1.5 inches in width	Government of India
		Cabinet locks:	
77-B-51	646.89	Of cylinder or pin tumbler construction	do.
		Luggage and handbags, whether or not fitted with bottle, dining, drinking, manicure, sewing, traveling, or similar sets; and flat goods:	
		Of textile materials (except yarns, of paper), whether or not ornamented:	
		Pliers, nippers, and pincers, and hinged tools for holding and splicing wire; tin snips, bolt and chain nippers, and other metal cutting shears; pipe cutters and other pipe tools; spanners and wrenches; files (except nail files), and rasps, all the foregoing with are hand tools, and metal parts thereof:	
		Pliers, nippers, and pincers, and hinged tools for holding and splicing wire, and parts of the foregoing:	
77-B-53	648.81	Slip-joint pliers	do.
77-B-61	706.20pt.	Wholly or in part of braid (except of cotton)	Caritas Bangladesh Dacca, Bangladesh
	or	or	
	706.20pt.	Wholly or in part of braid of jute	do.
		Other:	
		Of vegetable fibers and not of pile or tufted construction:	
		[Of cotton]	
77-B-62	706.2340	Other: Handbags	Government of Bangladesh
	or	or	
	706.2340pt.	Handbags of jute	do.
		Bicycles:	
		Having both wheels over 25 inches in diameter:	
		If weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 1.625 inches:	
77-B-66	732.18	Valued over $16.66-2/3 each	Government of India

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Parts of bicycles:	
		Frames:	
77-B-67	732.30	Valued not over $4.16-2/3 each	Government of Brazil Government of India &c.
77-B-68	732.36	Other parts of bicycles	
		Jewelry and other objects of personal adornment not provided for in the foregoing provisions of this part (except articles excluded by headnote 3 of this part), and parts thereof:	
		Valued over 20 cents per dozen pieces or parts:	
		Watch bracelets:	
77-B-70	740.34	Valued not over $5 per dozen	Brite Industries Inc. Providence, RI
		Coconut meat (except copra), fresh, desiccated, or otherwise prepared or preserved:	
77-B-110	145.08	Shredded and desiccated, or similarly prepared	Government of Sri Lanka
		Other women's, girls', or infants' wearing apparel, not ornamented:	
		Of cotton:	
		Not knit:	
		Coats:	
		Valued not over $4 each:	
77-B-111	382.0901	Certified hand-loomed and folklore products	Guatemala Export Promotion Centre Guatemala City, Guatemala
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences.	
77-9		Other metal-bearing materials of a type commonly used for the extraction of metal or as a basis for the manufacture of chemical compounds: [Products provided for in items 603.05 through 603.15]	Refractory Metal Association Princeton, New Jersey
		Other:	
	603.45	Materials in chief value of tungsten	
		Tungsten, unwrought and wrought; tungsten waste and scrap:	
		Waste and scrap:	
	629.85	Containing by weight not over 50 percent of tungsten	
	629.86	Containing by weight over 50 percent of tungsten	
		Interchangeable tools for hand tools or for machine tools, including dies for wire drawing, extrusion dies for metal, and rock drilling bits:	
		[Files and rasps, including rotary files and rasps]	
	649.43	Cutting tools (except tools provided for in item 649.41) with cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium:	
		Other:	
		Not suitable for cutting metal:	
	649.48	Wire-drawing dies and extrusion dies	
	649.53	Tool tips and plates, blanks and other forms for making tool tips; all the foregoing, unmounted, of sintered metal carbides	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No	TSUS or TSUSA 1/ item No.	Article	Petitioner
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences (con.)	
		Articles not specially provided for, of rubber or plastics:	
		[Of shellac or copal, natural rubber, casein, or vulcanized fiber]	
		Other:	
77-B-83	774.60pt.	Parts of footwear	American Footwear Industries Assoc. Arlington, Va.
		Leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear:	
		[Patent leather]	
77-B-86	791.85	Other	do.

Part 2: Matters Being Considered on the TPSC's Own Motion

	TSUS or TSUSA 1/ item No.	Article
		A. Possible addition of products to the list of eligible articles for the Generalized System of Preferences.
	416.40	Inorganic acids: Tungstic
	417.40	Ammonium compounds: Tungstate
	418.30	Calcium compounds: Tungstate
	420.32	Potassium compounds: Tungstate
	421.56	Sodium compounds: Tungstate
		Tungsten compounds:
	422.40	Carbide
	422.42	Other
	423.92	Mixtures of two or more inorganic compounds: In chief value of tungsten
	601.54	Metal-bearing ores and the drods or residuum from burnt pyrites: Tungsten ore

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

[FR Doc. 78-7761 Filed 3-23-78; 8:45 am]

[3190-01]

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Rescheduled Meeting

The meeting of the Advisory Committee for Trade Negotiations originally scheduled to be held on Wednesday, March 29, 1978, (43 FR 10992, Thursday, March 16, 1978) has been rescheduled for Wednesday, April 19, 1978. For further information refer to the previous notice which appears at 43 FR 10992.

PHYLLIS O. BONANNO,
Executive Director, Advisory Committee for Trade Negotiations.

[FR Doc. 78-7899 Filed 3-23-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14571; SR-CBOE-77-29]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Extending Time Period Within Which the Commission Required To Act on Proposed Rule Change

MARCH 16, 1978.

The Chicago Board Options Exchange, Inc. ("CBOE"), LaSalle at Jackson, Chicago, Ill. 60604, has filed, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1), and Rule 19b-4 thereunder, 17 CFR 240.19b-4 a proposed rule change (SR-CBOE-77-29). The rule change would permit market-makers who are temporarily absent from the exchange floor to transmit option orders from off the exchange floor when such transactions hedge previously established options positions. Such transactions shall be deemed to be initiated on the floor of the exchange, and shall count as market-maker transactions for the purpose of Chapter VIII and Rule 3.1 of CBOE's Rules.

As a result of its preliminary review of the CBOE proposal, the Commission believes additional time is needed to evaluate the issues involved which raise a number of substantial questions which require further consideration before any determination is made to approve the rule proposals or to institute proceedings, pursuant to section 19(b)(2) of the Act, to determine whether they should be disapproved.

Accordingly, the Commission, pursuant to section 19(b)(2) of the Act, hereby extends to April 6, 1978, the time period within which the Commission must take action on the above-referenced proposed rule change. The Commission is also extending the time period for comments on the proposed rule change, and invites written submissions from all interested persons. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, by March 1, 1978.

Copies of all submissions, including the proposed rule changes, will be available for public inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the proposed rule change will also be available at the principal office of the MSE.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-7802 Filed 3-23-78; 8:45 am]

[8010-01]

[Release No. 10161; 812-4229]

DREYFUS MONEY MARKET INSTRUMENTS, INC.

Filing of Application for Order of Exemption and Order Granting Temporary Exemption Pending Final Determination of Application

MARCH 17, 1978.

Notice is hereby given, That Dreyfus Money Market Instruments, Inc. ("Applicant" or "Fund"), 767 Fifth Avenue, New York, N.Y. 10022, registered under the Investment Company Act of 1940 ("Act") as a no-load, open-end, diversified management company, filed an application on November 18, 1977, for an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of Rule 22c-1 thereunder, to the extent necessary to permit Applicant to compute its price per share in the manner set forth in the application, which generally would be accurate to the nearest one cent on a dollar. Applicant filed an amended application on December 8, 1977, and an amendment thereto on February 28, 1978, for an order granting the application on a temporary basis and subject to certain conditions set forth herein.

I

Applicant states that it was designed as an investment vehicle for investors with temporary cash balances or cash reserves, including banks acting in a fiduciary, advisory, agency or custodial capacity as well as savings institutions, corporations, labor unions, brokers and investment counselors. As of October 26, 1977, broker-dealers and investment advisers owned 56.40 percent of Applicant's shares, bank trust departments owned 18.92 percent and corporations and individuals owned 24.68 percent of Applicant's shares.

Applicant states that it is designed to provide current income consistent with stability of principal. Its portfolio may be invested in a variety of money market instruments, including U.S. Government securities, bank certificates of deposit, and other money market instruments. Applicant asserts that since its inception in 1975, its portfolio has been invested largely in certificates of deposit of banks which are among the 100 largest commercial banks in the United States. As of October 26, 1977, Applicant had net assets of approximately $45,000,000.

Applicant states that it has a fundamental investment policy that investments may only be made in instruments having a remaining maturity of one year or less. Applicant values its portfolio at market, and asserts that because of the short maturities of its portfolio, its price per share has not varied from its original offering price of $1 per share. Applicant asserts that these policies evolved from discussions between Applicant officers and personnel of bank trust departments and other institutional investors, wherein it became apparent that in order to attract investments from those investors, stability of principal and a steady flow of investment income would be helpful. Applicant asserts that these investors are concerned that the daily income declared by Applicant reflect income as earned and that the sales and redemption price not change.

Applicant asserts that its management has determined from experience that an average portfolio maturity of 120 days combined with a share price of $1 will meet the aims of its investors. Applicant states that its directors have determined in good faith that the use of $1 per share price is appropriate.

Applicant states that in order to maintain the $1 per share price it will take the following steps when necessary in extraordinary circumstances. In the event that the actual net asset value per share of Applicant declines to a value of $0.996. Applicant will cease paying out that amount of income as a dividend necessary to maintain the net asset value at $0.996 or more. In the event the actual net asset value of Applicant rises to more than $1.004 per share, the Applicant will, where possible, make a capital gains distribution or a return of capital sufficient to maintain the actual net asset value at $1.004 or less. In both instances the price per share for sales and redemptions would remain at $1 with this method of calculating net asset value to the nearest one cent on a dollar.

II

On May 31, 1977, the Commission issued an interpretation (Investment Company Act Release No. 9786) ("Release") of section 2(a)(41) of the Investment Comapny Act of 1940 ("Act") and Rule 2a-4 thereunder which, among other things, stated the Commission's views that: (1) it is inconsistent generally with the provisions of section 2(a)(41) of the Act and Rule 2a-4 thereunder for "money market" funds to value their assets on an amortized cost basis, ignoring market factors; (2) it is inconsistent with the provisions of Rule 2a-4 for such funds to "round off" calculations of their net asset values per share to the nearest one cent on a share value of $1; and (3) such funds should comply with the foregoing not later than November 30, 1977.

Several "money market" funds applied to the Commission, pursuant to section 6(c) of the Act, for exemptive orders, to the extent those orders might be necessary, either to permit them to value their assets on an amortized cost basis or to permit them to calculate their net assets to the nearest one cent on a $1 share.

On October 21, 1977, the Commission issued a notice of the filing of such and application by Money Market Management, Inc., et al. (Investment Company Act Release No. 9967). Subsequently, notices of other such applications were issued, pursuant to delegated authority, as follows: (1) Temporary Investment Fund, Inc., et al. (Investment Company Act Release No. 9983, November 1, 1977); (2) Scudder Cash Investment Trust (Investment Company Act Release No. 9992, November 4, 1977); (3) Daily Income Fund, Inc. (Investment Company Act Release No. 9998, November 8, 1977); (4) White Weld Money Market Fund, Inc., et al. (Investment Company Act Release No. 9999, November 8, 1977); (5) Institutional Liquid Assets, Inc. (Investment Company Act Release No. 10000, November 8, 1977); and (6) Fund for Government Investors, Inc. (Investment Company Act Release No. 10007, November 10, 1977). All of the aforementioned applications request exemptions from the provisions of section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit them to value their assets on an amortized cost basis, with the exception of Temporary Investment Fund, Inc., et al., which seek an exemption from Rule 2a-4 to permit them to caluclate their net asset values per share to the nearest one cent. Collectively, the applicants in the matters captioned above are referred to below as "the Funds."

The aforementioned notices gave interested persons an opportunity to request a hearing on the respective matters and stated, in each case, that an order disposing of that application would be issued as of course (following expiration of the various periods specified in the notices) unless the Commission should thereafter order a hearing thereon, either upon request or upon the Commission's own motion. Certain communications have been received by the Commission which raise questions as to whether hearings should be ordered in these matters, and the Commission has under consideration the question whether to order hearings on any or all of the applications herein. By letter dated November 17, 1977, Applicant requested, in the event that it be required to make the same representations as the Funds in the aforementioned notices, that a hearing be held to determine whether the facts presented in the other applications are representative of the money market industry as a whole and whether the conditions agreed to by the Funds are appropriate considering all the facts and circumstances in the industry.

Applicant opposes the amortized cost method proposed by the Funds which it asserts would permit an approximate purchase and redemption price. Applicant will continue to value its portfolio at market. Applicant opposes on a permanent basis the restrictions on trading agreed to by the Funds, as contrary to the public interest, and urges the Commission to adhere to its position in the Release.

In a notice dated November 28, 1977, Investment Company Act Release No. 10027, the Commission granted a temporary order of exemption to the Funds, subject to the conditions stated in their applications for permanent exemption. Said order is to remain in effect pending final disposition of the matter. The Funds had represented that a temporary order of exemption was necessary to avoid a disruption of their operations. Applicant herein has also requested a temporary order of exemption while continuing to oppose the applications for permanent exemption.

Applicant maintains that it needs the temporary order of exemption so that it may remain in a competitive position with the Funds that have received temporary orders of exemption. Applicant repesents that the Funds compete with Applicant for business from institutional investors. According to Applicant, these Funds have been able to obtain higher yields by purchasing 120 day average maturity securities, while Applicant is limited by the terms of the Release to a maximum of 60 days maturity securities in order to maintain a fixed price. Applicant asserts that in the period from November 30, 1977, to February 15, 1978, the Funds have grown 36.1 percent against an industry average for that period of 28.2 percent (excluding the Funds). In the same period Applicant has grown 11.3 percent. Applicant believes that it has lost up to seventeen of its institutional clients to the Funds.

III

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule, with estimates used where necessary or appropriate. In the Release, the Commission interprets Rule 2a-4 as requiring investment companies such as Applicant to calculate their net asset values to an accuracy of 1/10 of 1 percent.

Applicant asserts that it does not require relief from Rule 2a-4 as it values its portfolio securities at market value. Applicant submits that the only relief it needs is from Rule 22c-1 to the extent necessary to permit Applicant to compute its price per share as set forth above. Applicant believes that some institutional investors would seek to redeem their shares if there was even a small ($0.01) change in the price per share. Applicant further believes that it is important for its continued financial success that the use of $1 price per share be permitted.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that its request for exemption is made based upon its existing management policies, and has agreed that the permanent (and temporary) order it seeks may be conditioned upon the following:

1. That the Fund will continue its fundamental invest policy that investments will be made only in instruments having a remaining maturity of one year or less, and that its portfolio will be managed so that the average maturity of all instruments in the portfolio (on a dollar-weighted basis) will be 120 days or less.

2. That the Fund henceforth will offer its shares only to present shareholders and to institutional investors, including banks, savings institutions, corporations, labor unions, charitable and educational institutions, trusts with corporate fiduciaries, credit unions, hospitals, broker-dealers, investment counselors, insurance companies, municipalities, employee benefit plans and other institutional investors, with a required minimum initial purchase of $50,000. Sales by broker-dealers are expected to come from investors to whom such broker-dealers have specifically recommended the purchase of shares of the Fund. These shares will either be in the broker's name or, if in the investor's name, will be in accounts over which the broker-dealers represent that they have discretionary authority. It is expected that sales through investment counselors will result from such investment counselors exercising their investment discretion by purchasing shares of the Fund as an alternative to the direct purchase of the types of money market instruments purchased by the Fund or by specifically recommending the purchase of shares of the Fund to their clients in lieu of the direct purchase of the types of securities purchased by the Fund.

3. The Fund will follow the policies and practices set forth in Section I above and will disclose these policies and practices in its prospectus as set forth below and in addition will disclose in substantially the following language:

"It is the policy of the Fund to attempt to maintain a $1 price per share for purposes of sales and redemptions by rounding to the nearest cent. In order to effectuate this policy the Fund will maintain an average maturity for its portfolio securities of 120 days or less. Furthermore, in the event the net asset value per share declines to a value of $0.996 the Fund will not pay out the amount of income as dividends necessary to maintain the net asset value at $0.996. Conversely, if the net asset value per share increases to $1.004, the Fund will pay out a distribution of capital gain, if available, or a return of capital in an amount necessary to maintain a $1.004 net asset value. There cannot be, however, any absolute assurance that the Fund will at all times be able to maintain a stable price."

4. The Fund agrees that, as a condition to the granting of the requested exemption, it will have in effect a policy that all commercial paper and certificates of deposit purchased by it shall meet the following criteria at the time of purchase. Investments in bank certificates of deposit and bankers' acceptances are limited to domestic banks having total assets in excess of one billion dollars and subject to regulation by the U.S. Government. The commercial paper purchased by the Fund will consist only of obligations (a) rated Prime-1 by Moody's Investors Service, Inc. ("Moody's") or A-1 by Standard & Poor's Corporation ("S&P"), or (b) issued by companies having an outstanding unsecured debt issue currently rated Aa or better by Moody's or AA or better by S&P.

In addition to the conditions already set forth, Applicant agrees that the following conditions may be made conditions to the granting of a temporary order of exemption. Applicant agrees to conform to these temporary conditions until such time as the Commission has resolved the matters set forth in its application and request for hearing.

1. The fund will hold portfolio securities to maturity, unless earlier disposition is deemed to be necessary (a) to meet requests for redemption, or (b) as a result of a revised adverse credit evaluation of the issuer or of other extraordinary circumstances.

2. The Fund will have in effect a policy (a) that its portfolio shall be managed with the intention of maintaining liquidity adequate to meet anticipated redemptions, so as to minimize the possibility that portfolio securities will have to be sold prior to maturity to meet redemption requests, and (b) that redemption payments will be made in whole or part in kind (subject to the limitations of Rule 18f-1 under the Act), when its management determines that a sale of portfolio securities to raise funds for redemption payments would have a material adverse effect on its remaining shareholders. Such policies will be adopted as soon as practicable.

3. On a regular basis, the management of the Fund will review its determination that rounding net asset value per share to the nearest cent on a one dollar price is an appropriate method of "pricing," and will take steps to change the method of "pricing" upon determining that such method appears to be inappropriate.

Applicant submits that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The matter has been considered by the Commission, and it is found that, in view of the circumstances set forth above, the granting of an immediate interim order exempting Applicant from Rule 22c-1 under the Act until the final determination of this application by the Commission, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly,

It is ordered, Pursuant to section 6(c) of the Act, that the application for a temporary order be and hereby is granted, subject to the conditions which Applicant has agreed may be imposed upon such order as set forth in the application and summarized herein, effective immediately;

It is further ordered, That said temporary exemption shall continue to be in effect until there is issued an order disposing of the application in its entirety, including any court review of a Commission order in the matter, and shall thereafter cease to be in effect.

Notice is further given, That any interested person may, not later than April 10, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, 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 Applicant at the address stated above. Proof of such service (by affidavit, or in 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 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.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-7803 Filed 3-23-78; 8:45 am]

[8010-01]

[Release No. 20454; 70-6133]

HARTFORD ELECTIC LIGHT CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 17, 1978.

Notice is hereby given, That the Hartford Electric Light Co. ("HELCO"), Selden Street, Berlin, Conn. 06109, a wholly-owned subsidiary of Northeast Utilities, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the prosposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

HELCO proposes to issue and sell at competitive bidding up to $40,000,000 principal amount of its First Mortgage Bonds, 1978 Series, due April 1, 2008 (the "Bonds"). The interest rate, which shall be a multiple of ⅛ of 1 percent, and the price, which shall not be less than 99 percent nor more than 102.75 percent of the principal amount thereof, exclusive of accrued interest, to be paid to HELCO will be determined by the competitive bidding. HELCO will publicly invite written proposals for the purchase of the Bonds at least six days prior to entering into any contract or agreement for their sale.

The Bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of January 1, 1958, between HELCO and the first National Bank of Boston, Successor Trustee, as

heretofore supplemented and amended by various indentures supplemental thereto, and as to be further supplemented by a Sixteenth Supplemental Mortgage Indenture to be dated as of April 1, 1978, setting out the terms of the Bonds. The terms shall include a provision that no Bond shall be redeemed at the applicable general redemption price prior to April 1, 1983, if such redemption is for the purpose of or in anticipation of refunding such bond through the use, directly or indirectly, of funds borrowed by HELCO at an effecctive interest cost of less than the effective interest cost of the Bonds.

The net proceeds from the sale of the Bonds will be used to repay short-term borrowings estimated to total $40,000,000 at the time of such sale. Such short-term borrowings were used to finance HELCO's 1977-1978 construction program and in part to retire $15,000,000 of 3¼ percent bonds which matured in September 1977.

HELCO's 1978 construction program expenditures are expected to total about $49,900,000 which includes $100,000 for nuclear fuel. In addition to the sale of the Bonds, HELCO estimates that internal cash generation will be sufficient to finance the completion of the 1978 construction program and to pay at maturity $3,975,000 of 3 percent Bonds in 1978.

A statement of the fees, commissions, and expenses to be incurred in connection with the proposed transaction will be filed by amendment. The proposed issuance and sale of Bonds by HELCO is subject to the jurisdiction of the Connecticut Public Utilities Control Authority. It is stated that no other 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 April 10, 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 filling 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 receive 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. 78-7804 Filed 3-23-78; 8:45 am]

[8010-01]

[Release No. 14577; File No. SR-NYSE-77-24]

NEW YORK STOCK EXCHANGE, INC.

Order Extending Period for Commission Action

MARCH 17, 1978.

On February 2, 1978, the Commission issued a notice (Securities Exchange Act Release No. 14453) (43 FR 6187 (February 13, 1978)) announcing the filing of and inviting interested persons to comment on Amendment No. 1 (the "Amendment") to a proposed rule change (File No. SR-NYSE-77-24) which had been filed by the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, N.Y. 10005, under Rule 19b-4.[1] The proposal which was thus amended provides for the establishment of minimum levels of acceptable specialist performance and a non-disciplinary mechanism for cancelling specialist registration in individual assigned stocks upon a finding of substandard performance. The Amendment to SR-NYSE-77-24 does not modify the language of the proposed exchange rule (NYSE Rule 103A) but rather supplements the NYSE's original submission with regard to statement of purpose, statutory basis, comments received from members and burden on competition.

The Commission's decision to publish notice of the amended rule change reflects the substantive nature of the additional material submitted by the NYSE which material generally relates to the prospective operation and competitive impact of the proposed rule change. Moreover, the characterization of cancellation of specialist registration under the proposal as non-disciplinary action by a self-regulatory organization raises significant legal questions with respect to Sections 6(d) and 19(d) under the Act.

In view of the important legal questions raised by SR-NYSE-77-24 as amended, we believe that additional time is necessary to consider this matter before determining whether to order approval of the proposed rule change or institution of proceedings to determine whether the proposal should be disapproved. Accordingly, for the reasons cited above, we find it appropriate, pursuant to Section 19(b)(2) of the Act, to extend for fifty-five (55) days, from March 20, 1978, the period within which the Commission shall act on the amended, proposed rule change designated SR-NYSE-77-24.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-7805 Filed 3-23-78; 8:45 am]

[1] Notice of the original rule filing and the terms of substance of the rule proposed therein were published for public comment on September 9, 1977 (42 FR 45401) Securities Exchange Act Release No. 13915 (September 1, 1977).

[8010-01]

[Release No. 34-14575; File No. SR-PSE-78-4]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on March 10, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend its fee schedule to reduce the Order Book Official charges for cabinet transactions from 50 cents per contract to 10 cents per contract. This change constitutes the proposed rule change.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to reduce the Order Book Official charges for cabinet transactions so that the charges appropriately reflect the cost involved in connection with the transaction subject to the decrease.

The proposed rule change, by changing the fees chargeable for cabinet transactions relates to the equitable allocation of reasonable dues, fees, and other charges.

Comments on the proposed rule change have not been solicited, and none have been received.

The proposed rule change will not impose any burden on competition.

On or before April 28, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 24, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 17, 1978.

[FR Doc. 78-7806 Filed 3-23-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1441; Amdt. No. 1]

CALIFORNIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 9546), is amended in accordance with the President's declaration of February 15, 1978, to include Kings and Monterey Counties and adjacent counties within the State, and the Monterey County Flood Control District in San Luis Obispo County, Calif. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named counties, and is extending the filing date for applications for physical damage until the close of business on May 5, 1978, and for economic injury until the close of business on December 6, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-7854 Filed 3-23-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

OLEORESINS FROM SPAIN

Receipt of Countervailing Duty Petition and Initiation of Investigation

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

ACTION: Initation of investigation.

SUMMARY: This notice is to advise the public that a petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits granted by the Government of Spain to manufacturers or exporters of oleoresins constitute bounties or grants. A preliminary determination will be made not later than August 17, 1978, and a final determination not later than February 17, 1979.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Operation Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on February 17, 1978, alleging that payments made by the Government of Spain to manufacturers/exporters of oleoresins constitute the payment of bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). Imports covered by this investigation are classified under item 450.20 Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within 6 months of the receipt of a petition in proper form and a final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made not later than August 17, 1978, as to whether or not alleged payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than February 17, 1979.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47(c) of the Customs regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MARCH 20, 1978.

[FR Doc. 78-7809 Filed 3-23-78; 8:45 am]

[4810-35]

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 12]

BINFORD INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $40,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

Binford Insurance Company

545 Sansome Street

San Francisco, California 94111

New Mexico

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwiring limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: March 17, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc. 78-7827 Filed 3-23-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 618]

ASSIGNMENT OF HEARINGS

Office of Hearings

MARCH 21, 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 114132 (Sub-No. 4), Churns Truck Lines, Inc., is now assigned for hearing May 1, 1978 (1 week), at Norfolk, Va., in a hearing room to be later designated.

MC 125551 (Sub-No. 13), K & W Trucking Co., Inc., is now assigned for hearing May 15, 1978 (1 week), at Anchorage, Alaska, in a hearing room to be later designated.

MC 109689 (Sub-No. 17), W. S. Hatch Co., MC 139882 (Sub-No. 4), Glen M. Barney, d.b.a. Barney & Sons, MC 139885 (Sub-No. 4), Art Robinson, d.b.a. Art Robinson & Sons and MC 143379 (Sub-No. 2), Cox Transport Corp., now being assigned for continued hearing on May 2, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC119792 (Sub-No. 65), Chicago, Southern Transportation Co., now assigned April 19, 1978, at Chicago, Ill., is canceled and application dismissed.

MC 141871 (Sub-No. 6), WNI, Inc., is now assigned for hearing May 16, 1978 (3 days), at Salem, Oreg., at a location to be later designated.

MC 134477 (Sub-No. 167), Schanno Transportation, Inc., is assigned for hearing April 18, 1978, at St. Paul, Minn., and will be held at Courtroom No. 2, Federal Building, 316 North Robert Street.

MC 124692 (Sub-No. 179), Sammons Trucking, is assigned for hearing April 19, 1978, at St. Paul, Minn., and will be held at Courtroom No. 2, Federal Building, 316 North Robert Street.

MC 115331 (Sub-No. 429), Truck Transport, Inc., is assigned for hearing April 21, 1978, at St. Paul, Minn., and will be held at Courtroom No. 2, Federal Building, 316 North Robert Street.

MC 133330 (Sub-No. 10), Halvor Lines, Inc., is assigned for hearing April 20, 1978, at St. Paul, Minn., and will be held at Courtroom No. 2, Federal Building, 316 North Robert Street.

MC 106120 (Sub-No. 4), Badger Coaches, Inc., is assigned for hearing April 24, 1978, at Milwaukee, Wis., and will be held at City Hall Room 301-C, 200 East Wells.

MC 78400 (Sub-No. 53), Beaufort Transfer Co., now being assigned for continued hearing on May 2, 1978 (4 days), at Sedalia, Mo., in a hearing room to be later designated.

MC 41404 (Sub-No. 135), Argo-Collier Truck Lines Corp., now being assigned May 2, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 105566 (Sub-No. 152), Sam Tanksley Trucking, Inc., now being assigned May 8, 1978, at Chicago, Ill. (2 days), in a hearing room to be later designated.

MC 128270 (Sub-No. 25), Rediehs Interstate, Inc., now being assigned May 10, 1978 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 119789 (Sub-No. 380), Caravan Refrigerated Cargo, Inc., is now assigned for hearing June 6, 1978 (1 day), at Columbus, Ohio, at a location to be later designated.

MC 124947 (Sub-No. 71), Machinery Transports, Inc., is now assigned for hearing June 7, 1978 (1 day), at Columbus, Ohio, at a location to be later designated.

MC 95084 (Sub-No. 118), Hove Truck Line, and MC 119641 (Sub-No. 141), Ringle Express, Inc., are now assigned for hearing June 8, 1978 (2 days), at Columbus, Ohio, at a location to be later designated.

MC 36768, B & P Motor Express, Inc., and Shenango Steel Co., a corporation—investigation of practices, is now assigned for hearing June 12, 1978 (2 days), at Pittsburgh, Pa., at a location to be later designated.

MC 126516 (Sub-No. 7), Skyline Motors Air Cargo, Inc., is now assigned for hearing June 14, 1978 (3 days), at Pittsburgh, Pa., at a location to be later designated.

MC 113855 (Sub-No. 402), International Transport, Inc., is now assigned for hearing April 5, 1978 (1 day), at San Francisco, Calif., and will be held in Room 510, 211 Main Street.

MC-FC-77226, Burmen Co., Inc. Pittsburgh, Pa., transferee and Sullivan Lines, Inc. (the Union National Bank of Pittsburgh—successor in interest), Pittsburgh, Pa., transferor, now assigned April 24, 1978, at Pittsburgh, Pa., will be held in Room 2212, Federal Building, 1000 Liberty Avenue.

MC 143065, Mack D. Weatherford, d.b.a. Weatherford Transit, now assigned April 17, 1978, at Columbia, S.C., will be held in Courtroom 3, City Courthouse, Municipal Court, 811 Washington Street.

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

[FR Doc. 78-7867 Filed 3-23-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 21, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

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

FSA No. 43523, Pacific Westbound Conference's No. 101, on intermodal rates on general commodities, from rail carriers' terminals at Denver, Colo., Chicago, Ill., Minneapolis-St. Paul, Minn., Kansas City and St. Louis, Mo., and Milwaukee, Wis., to ports in the Orient, in its tariff No. 10, I.C.C. No. 3, to become effective April 16, 1978. Grounds for relief-rail-water competition.

By the Commission.

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

[FR Doc. 78-7868 Filed 3-23-78; 8:45 am]

[7035-01]

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MARCH 17, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 3, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

No. MC-61825 (Sub-No. E93), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 31, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. *General commodities,* except those of unusual value, Class A and B *explosives, livestock, household goods,* as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading between points in SC south of a line beginning at Charleston, SC, and extending along Interstate Hwy 26 to junction U.S. Hwy 601, to junction SC Hwy 12, to junction U.S. Hwy 1, to junction Interstate Hwy 20 to the Ga-SC State line, on the one hand, and, on the other, points in VA on and north of a line beginning at the York River and extending along VA Hwy 33 to junction Interstate Hwy 64, to junction U.S. Hwy 360, to junction Va Hwy 40, to junc-

tion VA Hwy 834, to junction VA Hwy 670, to junction Va Hwy 116, to junction U.S. Hwy 460, to junction VA Hwy 311, then northwest along VA Hwy 311 to the Va-WV State line. The purpose of this filing is to eliminate the gateway of Lynchburg, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC-61825 (Sub-No. E97), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 31, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. *Furniture factory machinery,* and *materials* used in the manufacture of furniture, from points in IN located north of a line beginning at the OH River and extending along Interstate Hwy 65 to junction IN Hwy 60, then to junction IN Hwy 37, to junction IN Hwy 54, to junction IN Hwy 157, to junction IN Hwy 59, to junction IN Hwy 46, to junction U.S. Hwy 40, to the IN-IL State line and on and south of a line beginning at the OH-IN State line and extending along on U.S. Hwy. 33 to junction IN Hwy 19, to the IN-MI State line to points in NC and VA bounded by a line beginning on the Atlantic Ocean near Carolina Beach, NC, then north on U.S. Hwy. 421 to junction NC Hwy 242, to junction NC Hwy 50 to junction U.S. Hwy. 70, to junction NC Hwy 86 to the NC-Va State line, then north on VA Hwy 86 to junction U.S. Hwy. 29, to junction U.S. Hwy. 60, to junction U.S. Hwy. 33, along the Chesapeake Bay to the Atlantic Ocean, then south along Atlantic Shore to point of beginning including points in Highways specified. The purpose of this filing is to eliminate the gateways of Martinsville and Lynchburg, VA.

NOTE.—The purpose of this correction is to state the gateway that was omitted on previous publication.

No. MC-61825 (Sub-No. E100), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 31, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. *Furniture factory machinery, and materials* used in the manufacture of furniture, from points in PA located on, north and west of a line beginning at the OH-PA State line near New Castle, PA and extending along U.S. Hwy 224 to junction US Hwy 42 to junction PA Hwy 108, to junction PA Hwy 8, to junction Interstate Hwy 80, to junction PA Hwy 68, to junction U.S. Hwy 322, to junction PA Hwy 66, to junction U.S. Hwy 6, to junction U.S. Hwy 219, to the PA-NY State line to points in NC and SC bounded by a line beginning on the Atlantic Ocean at the mouth of the Savannah River, thence north along the Savannah River to junction SC Hwy 119, to junction U.S. Hwy 321, to junction U.S. Hwy 301, to junction U.S. Hwy 15, to junction U.S. Hwy 76, to junction Interstate Hwy 95, to the SC-NC State line, thence north on Interstate Hwy 95 to junction NC State Hwy 211, to junction NC Hwy 41, to junction the SC-NC State line, thence south on SC Hwy 41 to junction SC Hwy 9, to junction SC Hwy 410, to junction U.S. Hwy 701, to junction U.S. Hwy 501, to the Atlantic Ocean, thence south along the Atlantic Shore to point of beginning including points on Highways specified. The purpose of this filing is to eliminate the gateways of Martinsville and Lynchburg, Va.

NOTE.—The purpose of this correction is to state the correct gateway which was omitted on previous publication.

No. MC-61825 (Sub-No. E 102), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 31, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. *Furniture factory machinery,* and *materials* used in the manufacture of furniture from points in OH bounded by a line beginning on the OH-KY State line, and extending along Interstate Hwy 75 to junction OH Hwy 4, to junction U.S. Hwy 25, to junction OH Hwy 47, to junction OH Hwy 739, to junction OH Hwy 423, to junction U.S. Hwy 35, to the OH River, thence west along the OH River to point of beginning to points in VA bounded by a line beginning at the NC-VA State line, and extending along U.S. Hwy 501 to junction U.S. Hwy 460, to junction VA Hwy 40, to junction VA Hwy 35 to junction U.S. Hwy 58 to the Atlantic Ocean, then south along the Atlantic Shore to the VA-NC State line to point of beginning, including points on highways specified. The purpose of this filing is to eliminate the gateways of Martinsville, and Lynchburg, Va.

No. MC 61825 (Sub-No. E109), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of August 12, 1975, and republished as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, DC 20036. *General commodities,* except those of unusal value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between points in MD on and west of U.S. Hwy 15 and on and east of U.S. Hwy 220, on the one hand, and, on the other, points in VA on and south of a line beginning at the KY-VA State line and extending south along U.S. Hwy 23 to junction U.S. Hwy 58 Alternate then along U.S. Hwy 58 Alternate to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction Blue Ridge Parkway, then along Blue Ridge Parkway to junction VA Hwy 130, then along VA Hwy 130 to junction VA Hwy 635, then along VA Hwy 635 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to junction VA Hwy 26, then along south VA Hwy 26 to junction U.S. Hwy 460, then east along U.S. Hwy 460 to junction VA Hwy 47, then south along VA Hwy 47 to junction U.S. Hwy 360, then along U.S. Hwy 360 to junction VA Hwy 646, then along VA Hwy 646 to junction VA Hwy 92, then along VA Hwy 92 to junction VA Hwy 707, then along VA Hwy 707 to junction VA Hwy 4, then along VA Hwy 4 to the VA-NC State line. The purpose of this filing is to eliminate the gateway of Lynchburg, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E112) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of August 12, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: Between points in WV on and north of a line beginning at the OH-WV State line and extending along WV Hwy 18 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 119, then north along U.S. Hwy 119 to the WV-PA State line on the one hand, and, on the other, points in VA on, east and south of a line beginning at the NC-VA State line and extending along VA Hwy 103 to junction VA Hwy 8, then along VA Hwy 8 to junction VA Hwy 57, then along VA Hwy 57 to junction VA Hwy 623, then along VA Hwy 623 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 122, then along VA Hwy 122 to junction U.S. Hwy 501, then along U.S. Hwy 501 to junction VA Hwy 130, then along VA Hwy 130 to junction VA Hwy 635, then along VA Hwy 635 to junction U.S.

Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 36, then along VA Hwy 36 to junction VA Hwy 10, then along VA Hwy 10 to junction VA Hwy 156, then north along VA Hwy 156 to the James River, then along the James River to the Chesapeake Bay, thence east along the Chesapeake Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E116) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of August 12, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: Between points in WV east of a line beginning at the MD-WV State line and extending along U.S. Hwy 219 to junction WV Hwy 32, then along WV Hwy 32 to junction U.S. Hwy 33 then along U.S. Hwy 33 to the WV-VA State line on the one hand, and, on the other, points in VA on and south of a line beginning at the NC-VA State line and extending along VA Hwy 653, then along VA Hwy 653 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction VA Hwy 626, then along VA Hwy 626 to junction VA Hwy 687, then along VA Hwy 687 to junction VA Hwy 57, then along VA Hwy 57 to junction VA Hwy 108, then along VA Hwy 108 to junction VA Hwy 890, then along VA Hwy 890 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 834, then along VA Hwy 834 to junction VA Hwy 122, then north along VA Hwy 122 to junction U.S. Hwy 501, then along U.S. Hwy 501 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S Hwy 60, then along U.S. Hwy 60 to junction VA Hwy 26, then along VA Hwy 26 to junction U.S. Hwy 460, thence along U.S. Hwy 460 to junction VA Hwy 47, then along VA Hwy 47 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 46, then along VA Hwy 46 to the VA-NC State line. The purpose of this filing is to eliminate the gateway of Lynchburg, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E148) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *New furniture*, from points in FL on and bounded by a line beginning at the GA-FL State line at U.S. Hwy 441 and extending along U.S. Hwy 441 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction FL Hwy 26, then along FL Hwy 26 to junction U.S. Hwy 129, then along U.S. Hwy 129 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction FL Hwy 24, then along FL Hwy 24 to the Gulf of Mexico, then along the Gulf of Mexico to junction FL Hwy 580, then along FL Hwy 580 to junction Interstate Hwy 4, then along Interstate Hwy 4 to the Atlantic Ocean, then along the Atlantic Ocean Shore to the GA-FL State line, then along the GA-FL State line to the point of beginning, to points in GA, ID, MN, NV, ND, OR, and WA on, north and west of a line beginning at the ND-CA International Boundary line at U.S. Hwy 83 and extending along U.S. Hwy 83 to junction ND Hwy 200, then along ND Hwy 200 to junction ND Hwy 8, then along ND Hwy 8 to junction U.S. Hwy 10, then along U.S. Hwy 10 to the ND-MN State line. Then along U.S. Hwy 10 to junction U.S. Hwy 12, then along U.S. Hwy 12 to junction U.S. Hwy 191, then along U.S. Hwy 191 to junction MN Hwy 289, then along MN Hwy 289 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction MN Hwy 287, then along MN Hwy 287 to junction MN Hwy 41, then along MN Hwy 41 to junction U.S. Hwy 91, then along U.S. Hwy 91 to junction MN Hwy 324, then along MN Hwy 324 to the ID-MN State line, then along ID Hwy 29 to junction ID Hwy 28, then along ID Hwy 28 to junction U.S. Hwy 93, then along U.S. Hwy 93 to junction ID Hwy 21, then along ID Hwy 21 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction ID Hwy 55, then along ID Hwy 55 to junction U.S. Hwy 95, then along U.S. Hwy 95 to the OR-ID State line, then along U.S. Hwy 95 to the NV-OR State line, then along U.S. Hwy 95 to junction NV Hwy 49, then along NV Hwy 49 to junction NV Hwy 34, then along NV Hwy 34 to junction NV Hwy 81, then along NV Hwy 81 to the CA-NV State line, then along CA Hwy 81 to junction CA Hwy 299, then along CA Hwy 299 to junction CA Hwy 89, then along CA Hwy 89, to junction CA Hwy 36, then along CA Hwy 36 to junction CA Hwy 32, then along CA Hwy 32 to junction CA Hwy 45, then along CA Hwy 45 to junction CA Hwy 20, then along CA Hwy 20 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E156) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *New furniture*, from points in NC on and bounded by a line beginning at the VA-NC State line and extending along U.S. Hwy 52 to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction U.S. Hwy 21, then along U.S. Hwy 21 to the VA-NC State line, then along VA-NC State line to the point of beginning to those points in TX, OK, and KS on and west of a line beginning at the U.S.-MX International boundary line and extending along the Gulf of Mexico to Lavaca Bay, then along Lavaca Bay to U.S. Hwy 87, then along U.S. Hwy 87 to junction U.S. Hwy 183, then along U.S. Hwy 183 to junction Interstate Hwy 35, then along Interstate Hwy 35 to junction Interstate Hwy 35E, then along Interstate Hwy 35E to the TX-OK State line, then along Interstate Hwy 35 to junction OK Hwy 33, then along OK Hwy 33 to junction U.S. Hwy 177, then along U.S. Hwy 177 to junction U.S. Hwy 77, then along U.S. Hwy 77 to the OK-KS State line, then along U.S. Hwy 77 to junction KS Hwy 96, to junction KS Hwy 99, then along KS Hwy 99 to junction KS Hwy 90, then along KS Hwy 90 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction Interstate Hwy 35, then along Interstate Hwy 35 to the KS-MO State line, then along the KS-MO State line to the KS-NE State line. The purpose of this filing is to eliminate the gateways of Martinsville, VA and Pulaski, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E158), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *New furniture*, from points in NC on and bounded by a line beginning at the NC-SC State line and extending along U.S. Hwy 321 to junction NC Hwy 73, then along NC Hwy 73 to junction U.S. Hwy 52, then along U.S. Hwy 52 to the NC-SC State line, then along NC-SC State line to the point of beginning to points in MN and those points in TX on and west of a line beginning at the US-MX International boundary line and extending along TX Hwy 118 to junction TX Hwy 17, then along TX Hwy 17 to junction U.S. Hwy 80, then along U.S.

Hwy 80 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the TX-NM State line, points in OK on and west of a line beginning at the TX-OK State line and extending along U.S. Hwy 385 to the OK-CO State line, points in KS on and west of a line beginning at the OK-KS State line and extending along U.S. Hwy 56 to junction U.S. Hwy 83, then along U.S. Hwy 83 to junction KS Hwy 96, then along KS Hwy 96 to junction U.S. Hwy 281, then along U.S. Hwy 281 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction KS Hwy 14, then along KS Hwy 14 to the KS-NE State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E167), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Materials* used in the manufacture of furniture, from points in OH bounded by a line beginning on the KY-OH State line and extending along U.S. Hwy 42 to junction U.S. Hwy 68, then along U.S. Hwy 68 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction Interstate Hwy 270, then along Interstate Hwy 270 to junction U.S. Hwy 23, then along U.S. Hwy 23 to junction U.S. Hwy 35, then along U.S. Hwy 35 to the OH River, then along the OH River to point of beginning, to points in VA located on, east, and south of a line beginning on the NC-VA State line, then along VA Hwy 8 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction VA Hwy 57, then along VA Hwy 57 to junction VA Hwy 623, then along VA Hwy 623 to junction VA Hwy 40, then along VA Hwy 40 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction VA Hwy 24, then along VA Hwy 24 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction U.S. Hwy 360, then along U.S. Hwy 360 to junction VA Hwy 33, then along VA Hwy 33 to the Chesapeake Bay, then across the Chesapeake Bay to Pungoteague, VA, then along VA Hwy 180 to Wachapreague, VA, then through the Wachapreague Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E168), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Materials*, used in the manufacture of furniture, from points in OH on and west of a line beginning on the IN-OH State line near Edon, OH, then along OH Hwy 34 to junction OH Hwy 15, then along OH Hwy 15 to junction OH Hwy 115, then along OH Hwy 115 to junction OH Hwy 65, then along OH Hwy 65 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction U.S. Hwy 68, then along U.S. Hwy 68 to junction U.S. Hwy 42, then along U.S. Hwy 42 to the OH-KY State line to points in VA on, east and south of a line beginning at the NC-VA State line and extending along VA Hwy 773 to junction VA Hwy 614, then along VA Hwy 614 to the Blue Ridge Parkway, then along the Blue Ridge Parkway to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction U.S. Hwy 221, then along U.S. Hwy 221 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction U.S. Hwy 360, then along U.S. Hwy 360 to junction VA Hwy 33, then along VA Hwy 33 to the Chesapeake Bay, then across the Chesapeake Bay to Pungoteague, VA, then along VA Hwy 180 to Wachapreague, VA, then through the Wachapreague Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E169), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW, Washington, D.C. 20036. *Materials*, used in the manufacture of furniture, from points in OH on and east of a line beginning at Lake Erie and extending along the Cuyahoga River to Interstate Hwy 90, then along Interstate Hwy 90 to junction OH Hwy 14, then along OH Hwy 14 to junction Interstate Hwy 480, then along Interstate Hwy 480 to junction OH Hwy 14, then along OH Hwy 14 to junction OH Hwy 183, then along OH Hwy 183 to junction OH Hwy 173, then along OH Hwy 173 to Westville, OH, then along unnumbered Hwy to East Rochester, OH, then along U.S. Hwy 30 to junction OH Hwy 644, then along OH Hwy 644 to junction OH Hwy 164, then along OH Hwy 164 to junction OH Hwy 42, then along OH Hwy 43 to junction OH Hwy 152, then along OH Hwy 152 to the junction OH Hwy 150, then along OH Hwy 150 to junction OH Hwy 647, then along OH Hwy 647 to the Ohio River to points in NC on, east, and south of a line beginning on the SC-NC State line and extending along the Jackson-Transylvania County line, to the Blue Ridge Parkway, then along the Blue Ridge Parkway to junction NC Hwy 151, then along NC Hwy 151 to junction Interstate Hwy 40, then along Interstate Hwy 40 to junction NC Hwy 18, then along NC Hwy 18 to junction NC Hwy 268, then along NC Hwy 268 to junction U.S. Hwy 601, then along U.S. Hwy 601 to junction NC Hwy 103, then along NC Hwy 103 to the NC-VA State line and points located on, south and west of a line beginning on the VA-NC State line near Roanoke Rapids, NC, then along NC Hwy 46 to junction U.S. Hwy 158, then along U.S. Hwy 158 to junction NC Hwy 805, then along NC Hwy 805 to junction U.S. Hwy 258, then along U.S. Hwy 258 to junction NC Hwy 308, then along NC Hwy 308 to junction U.S. Hwy 13, then along U.S. Hwy 13 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction U.S. Hwy 264, then along U.S. Hwy 264 to Swan Quarter, NC, then across Swan Quarter Bay and Pamlico Sound to the Ocracoke Inlet, then to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 61825 (Sub-No. E172), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW, Washington, D.C. 20036. *New furniture*, between points in WV bounded by a line beginning at the PA-WV State line at WV Hwy 69 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction WV Hwy 18, then along WV Hwy 18 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the KY-WV State line, then along the KY-WV State line to junction VA-WV State line, then along VA-WV State line to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction U.S. Hwy 219, then along U.S. Hwy 219 to the WV-MD State line, then along the WV-MD State line to the WV-PA State line, then along the WV-PA State line to the point of beginning, on the one hand, and, on the other, points in AZ, CA, CO, ID, MN, NV, NM, OR, UT, and WA, on and west of a line beginning at the NM-TX State line at U.S. Hwy 285, then along U.S. Hwy 285 to junction U.S. Hwy 82, then along U.S. Hwy 82 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction U.S. Hwy 380, then along U.S. Hwy 380 to junction Interstate Hwy 25, then along Interstate Hwy 25

to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction NM Hwy 32, then along NM Hwy 32 to junction U.S. Hwy 666, then along U.S. Hwy 666 to the CO–NM State line, then along U.S. Hwy 666 to the CO–UT State line, then along U.S. Hwy 666 to junction U.S. Hwy 163, then along U.S. Hwy 163 to junction UT Hwy 95, then along UT Hwy 95 to junction UT Hwy 24, then along UT Hwy 24 to junction UT Hwy 119, then along UT Hwy 119 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 91, then along U.S. Hwy 91 to the UT–ID State line, then along U.S. Hwy 91 to the ID–MN State line, then along U.S. Hwy 91 to the US–CA International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E181) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, NW., Washington, D.C. 20036. *New furniture*, from points in VA on and bounded by a line beginning at the NC–VA State line at U.S. Hwy 220 and extending along U.S. Hwy 220 to junction VA Hwy 57, then along VA Hwy 57 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction VA Hwy 6, then along VA Hwy 6 to junction VA Hwy 45, then along VA Hwy 45 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 47, then along VA Hwy 47 to junction VA Hwy 615, then along VA Hwy 615 to junction VA Hwy 600, then along VA Hwy 600 to junction U.S. Hwy 501, then along U.S. Hwy 501 to the VA–NC State line, then along the VA–NC State line to the point of beginning, to points in SC on, south and west of a line beginning at the NC–SC State line at U.S. Hwy 601 and extending along U.S. Hwy 601 to the junction of SC Hwy 151, then along SC Hwy 151 to junction U.S. Hwy 52, then along U.S. Hwy 52 to junction U.S. Hwy 76, then along U.S. Hwy 76 to junction U.S. Hwy 501, then along U.S. Hwy 501 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E200) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, NW., Washington, D.C. 20036. *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in WI on, north and west of a line beginning at the IA–WI Hwy 82 to junction WI Hwy 33, then along WI Hwy 33 to junction WI Hwy 22, then along WI Hwy 22 to junction U.S. Hwy 41, then along U.S. Hwy 41 to the Menominee River, then along the Menominee River to Green Bay to points in NC on and east of a line beginning on the SC–NC State line extending along U.S. Hwy 321 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction U.S. Hwy 601, then along U.S. Hwy 601 to junction U.S. Hwy 52, then along U.S. Hwy 52 to the NC–VA State line west of a line beginning on the SC–NC State line and extending along U.S. Hwy 601 to junction NC Hwy 49, then along NC Hwy 49 to junction NC Hwy 109, then along NC Hwy 109 to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction U.S. Hwy 311, then along U.S. Hwy 311 to junction NC Hwy 68, then along NC Hwy 68 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the NC–VA State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E205) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 21, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, NW., Washington, D.C. 20036. *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in MI on and north of a line beginning on Lake Michigan and extending along U.S. Hwy BR 94 to junction Interstate Hwy 94, then along Interstate Hwy 94 to junction MI Hwy 39, then along MI Hwy 39 to the US—CA International Boundary line to points in VA bounded by a line beginning at the NC–VA State line, then along the Henry-Pittsylvania County line to the Franklin-Pittsylvania County line, then along the Franklin-Pittsylvania County line to junction VA Hwy 40, then along VA Hwy 40 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction VA Hwy 43, then along VA Hwy 43 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction VA Hwy 56, then along VA Hwy 56 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction VA Hwy 13, then along VA Hwy 13 to junction VA Hwy 681, then along VA Hwy 681 to junction VA Hwy 38, then along VA Hwy 38 to junction VA Hwy 153, then along VA Hwy 153 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 627, then along VA Hwy 627 to junction VA Hwy 703, then along VA Hwy 703 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 35, then along VA Hwy 35 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction VA Hwy 653, then along VA Hwy 653 to junction VA Hwy 616, then along VA Hwy 616 to junction U.S. Hwy 13, then along U.S. Hwy 13 to the VA–NC State line, then along VA–NC State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Lynchburg, VA.

No. MC 61825 (Sub-No. E206) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 21, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points im MI on, north, and west of a line beginning at Lake Michigan and extending along the Black River to U.S. Hwy 21, then along U.S. Hwy 21 to junction U.S. Hwy 131, then along U.S. Hwy 131 to junction MI Hwy 20, then along MI Hwy 20 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction MI Hwy 61, then along MI 61 to junction U.S. Hwy 23, then along U.S. Hwy 23 to Tawas City, MI, then across the Tawas Bay to Lake Huron to points in VA bounded by a line beginning at the NC–VA State line and extending along the Patrick Henry County line to VA Hwy 57, then along VA Hwy 57 to junction VA Hwy 623, then along VA Hwy 623 to junction VA Hwy 40, then along VA Hwy 40 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the Blue Ridge Parkway, then along the Blue Ridge Parkway to junction VA Hwy 664, then along VA Hwy 664 to junction VA Hwy 151, then along VA Hwy 151 to junction VA Hwy 6, then along VA Hwy 6 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction VA Hwy 238, then along VA Hwy 238 to junction U.S. Hwy 17, then along U.S. Hwy 17 to the York River, then along the York River and Chesapeake Bay to the Atlantic Ocean, then along the Atlantic shore to the VA–NC State line, then along the VA–NC State line to U.S. Hwy 13, then along U.S. Hwy 13 to junction VA Hwy 616, then along VA Hwy 616 to junction VA Hwy 653,

then along VA Hwy 653 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction VA Hwy 35, then along VA Hwy 35 to junction VA Hwy 40, then along VA Hwy 40 to junction U.S. Hwy 301, then along U.S. Hwy 301 to the junction of VA Hwy 703, then along VA Hwy 703 to junction VA Hwy 627, then along VA Hwy 627 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 153, then along VA Hwy 153 to junction VA Hwy 38, then along VA Hwy 38 to junction VA Hwy 681, then along VA Hwy 681 to junction VA Hwy 13, then along VA Hwy 13 to the junction of U.S. Hwy 60, then along U.S. Hwy 60 to junction VA Hwy 56, then along VA Hwy 56 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 43, then along VA Hwy 43 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction VA Hwy 40, then along VA Hwy 40 to the Franklin-Pittsylvania County line, then along the Franklin-Pittsylvania County line to the Henry-Pittsylvania County line, then along the Henry-Pittsylvania County line to the VA-NC State line, then along the VA-NC State line to the point of beginning. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, VA.

NOTE.-The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E517) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 1, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. *New furniture*, from points in SC on, north and west of a line beginning at the SC-NC State line at U.S. Hwy 25 and extending south along U.S. Hwy 25 to junction Interstate Hwy 85, then along southwest on Interstate Hwy 85 to the SC-GA State line, to points in MN on, north and west of a line beginning at the WI-MN State line at U.S. Hwy 63, and extending south along U.S. Hwy 63 to junction U.S. Hwy 61, then west along U.S. Hwy 61 to junction MN Hwy 19, then west along MN Hwy 19 to junction U.S. Hwy 65, then south along U.S. Hwy 65 to the MN-IA State line. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

NOTE.—The purpose of this correction is to state the correct gateway.

No. MC 61825 (Sub-No. E531) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 25, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. *Materials* used in the manufacture of furniture, from points in OH on and east of a line beginning at Lake Erie near Toledo, OH, then along the Maumee River to Interstate Hwy 75, then along Interstate Hwy 75 to junction Interstate Hwy 80/90, then along Interstate Hwy 80/90 to junction OH Hwy 420, then along OH Hwy 420 to junction U.S. Hwy 23, then along U.S. Hwy 23 to junction OH Hwy 423, then along OH Hwy 423 to junction U.S. Hwy 23, then along U.S., Hwy 23 to junction OH Hwy 56, then along OH Hwy 56 to junction OH Hwy 327, then along OH Hwy 327 to junction OH Hwy 93, then along OH Hwy 93 to junction OH Hwy 233, then along OH Hwy 233 to junction OH Hwy 141, then along OH Hwy 141 to junction OH Hwy 775, then along OH Hwy 775 to the OH River and points located west of a line beginning at Lake Erie near Lorain, OH, then along OH Hwy 57 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction OH Hwy 301, then along OH Hwy 301 to junction OH Hwy 302, then along OH Hwy 302 to junction OH Hwy 83, then along OH Hwy 83 to junction U.S. Hwy 62, then along U.S. Hwy 62 to junction OH Hwy 60, then along OH Hwy 60 to junction OH Hwy 93, then along OH Hwy 93 to junction OH Hwy 13, then along OH Hwy 13 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction OH Hwy 7, then along OH Hwy 7 to junction U.S. Hwy 35, then along U.S. Hwy 35 to junction OH Hwy 160, then along OH Hwy 160 to the OH River, to points in GA on, east, and south of a line beginning at the FL-GA State Line near Bainbridge, GA, then along the Flint River to GA Hwy 37, then along GA Hwy 37 to junction GA Hwy 91, then along GA Hwy 91 to junction U.S. Hwy 82, then along U.S. Hwy 82 to junction GA Hwy 257, then along GA Hwy 257 to junction U.S. Hwy 23, then along U.S. Hwy 23 to junction GA Hwy 96, then along GA Hwy 96 to junction GA Hwy 18, then along GA Hwy 18 to junction GA Hwy 243, then along GA Hwy 243 to junction GA Hwy 29, then along GA Hwy 29 to junction GA Hwy 22, then along GA Hwy 22 to junction GA Hwy 16, then along GA Hwy 16 to junction U.S. Hwy 278, then along U.S. Hwy 278 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction GA Hwy 43, then along GA Hwy 43 to the GA-SC State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E539) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 25, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. *Materials* used in the manufacture of furniture, from points in OH on and west of a line beginning on Lake Erie near Toledo, OH, then along the Maumee River, to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 25, then along U.S. Hwy 25 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction OH Hwy 15 then along OH Hwy 15 to junction U.S. Hwy 68, then along U.S. Hwy 68 to junction OH Hwy 72, then along OH Hwy 72 to junction U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 23, then along U.S. Hwy 23 to the OH River, to points in FL on, east, and south of a line beginning at the Atlantic Ocean near Daytona Beach, FL, then along U.S. Hwy 92 to junction Interstate Hwy 4, then along Interstate Hwy 4 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction FL Hwy 544, then along FL Hwy 544 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction FL Hwy 64, then along FL Hwy 64 to junction Myakka Head, then along unnumbered highway to Myakka City, FL, then along FL Hwy 70 to Verna, FL, then along unnumbered highway to junction FL Hwy 780, then along FL Hwy 780 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E547) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 7, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. *Materials* used in the manufacture of furniture, from points in NJ west and south of a line beginning on the Delaware River near Trenton, then east along U.S. Hwy 1 to junction U.S. Hwy 206, then along U.S. Hwy 206 to junction NJ Hwy 68, then along NJ Hwy 68 to junction NJ Hwy 528 Spur, then east along NJ Hwy 528 Spur to the Burlington-Ocean County line, then south along the Burlington-Ocean County line to junction Garden State Parkway, then south along the Garden State Parkway to junction NJ Hwy 585, then w—st along NJ Hwy 585 to junction NJ Hwy 47, then along NJ Hwy 47 to Dennis Creek, then west along Dennis Creek to the Delaware Bay to points in NC on and west of a line beginning at the Atlantic Ocean and extending along NC Hwy 133, to junction NC Hwy 87, then north along

NC Hwy 87 to junction NC Hwy 141, then north along NC Hwy 141 to junction NC Hwy 210, then north along NC Hwy 210 to junction NC Hwy 242, then north along NC Hwy 272 to junction NC Hwy 24, then west along NC Hwy 24 to junction NC Hwy 82, then north along NC Hwy 82 to junction NC Hwy 55, then north on NC Hwy 55 to junction U.S. Hwy 70, then west on U.S. Hwy 70 to junction NC Hwy 86, then along NC Hwy 86 to junction NC Hwy 119, then north along NC Hwy 119 to the NC-VA State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E599) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 20, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. *New furniture,* from points in NC on and bounded by a line beginning at the NC-VA State line and extending along U.S. Hwy 220 to junction NC Hwy 770 to the NC-VA State line to the point of beginning, to points SC on and south of a line beginning at the NC-SC State line and extending along U.S. Hwy 221 to junction SC Hwy 215 then along to junction SC Hwy 34, to junction U.S. Hwy 52, to junction Interstate Hwy 95 to the NC-SC State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 107515 (Sub-No. E632), filed February 13, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. *Frozen fruits and vegetables* (except in bulk), in vehicles equipped with mechanical refrigeration (1) from points in VA, DE, NJ, CT, RI, MA, and DC and points in MD on, south or east of Interstate Hwy 81, points in NY on, south or east of Interstate Hwy 81, points in PA on, south or east of a line commencing at the MD-Pa State line and extending over Interstate Hwy 81 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 222, then over U.S. Hwy 222 to junction PA Hwy 61, then over PA Hwy 61 to junction Interstate Hwy 78, then over Interstate Hwy 78 to junction PA Turnpike to junction Interstate Hwy 81, then over Interstate Hwy 81 to the NY-PA State line, to Kansas City and Topeka, KS, (2) from points in VA on or south of a line commencing at the Chesapeake Bay and extending over U.S. Hwy 360 to junction U.S. Hwy 250, then over U.S. Hwy 250 to the VA-WV State line, and points in VA on the DE-MD-VA Peninsula, to Springfield, IL, (3) from points in VA on or south of a line commencing at the VA-WV State line and extending over U.S. Hwy 460 to junction U.S. Hwy 360, then over U.S. Hwy 360 to the Chesapeake Bay, and points in VA on the DE-MD-VA Peninsula, to St. Paul, MN, (4) from the territory in VA described in (3) above, to Des Moines and Burlington, IA, (5) from points in that part of VA on or south of a line commencing at the VA-WV State line and extending over U.S. Hwy 460 to junction VA Hwy 24, then over VA Hwy 24 to junction U.S. Hwy 460, then over U.S. Hwy 460 to junction VA Hwy 36, then over VA Hwy 36 to junction VA Hwy 10, then over VA Hwy 10 to junction VA Hwy 31, then over VA Hwy 31 to Colonial National Historical Parkway, then over Colonial National Historical Parkway to Chesapeake Bay at or near Yorktown, to Dubuque, IA. Restrictions: (1) All authority sought herein is restricted to the transportation of shipments which originate at or are destined to points in NY, CT, MA, RI, NJ, PA, MD, DE, VA, DC, KY, NC, SC, TN, GA, AL, FL, MS, AR, LA, OK, TX, AZ, CA, and NM, (2) all of the authority herein shall expire on December 18, 1978, unless on or prior to that date the Commission shall renew the Certificate issued to carrier in MC 107515 (Sub-No. 799). The purpose of this filing is to eliminate the gateway of Nashville, TN.

No. MC 107515 (Sub-No. E633), filed February 13, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, NE., Atlanta, GA 30326. *Frozen foods* (except in bulk) in vehicles equipped with mechanical refrigeration from New Orleans and Chalmette, La., to points in MA, CT, NJ, DE, MD, DC, that portion of VA on or east of a line beginning at the NC-VA State line and extending over U.S. Hwy 501 to junction U.S. Hwy 29, then over Hwy 29 to junction VA Hwy 6, then over VA Hwy 6 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to the VA-WV State line; points in that part of PA on or east of a line commencing at the PA-WV State line and extending over U.S. Hwy 219 to junction PA Hwy 56, then over PA Hwy 56 to junction U.S. Hwy 119, then over PA Hwy 119 to junction PA Hwy 236, then over PA Hwy 236 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 36, then over PA Hwy 36 to junction PA Hwy 899, then over PA Hwy 899 to junction PA Hwy 66, then over PA Hwy 66 to junction PA Hwy 948, then over PA Hwy 948 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 62, then over U.S. Hwy 62 to the NY-PA State Line, and points in NY on or east of a line commencing at the PA-NY State Line and extending over U.S. Hwy 219 to junction NY Hwy 39, then over NY Hwy 39 to junction NY Hwy 98, then over NY Hwy 98 to Lake Ontario at or near Port Breeze, NY. Restrictions: (1) All authority sought herein is restricted to the transportation of shipments which originate at or are destined to points in NY, CT, MA, RI, NJ, PA, MD, DE, VA, DC, KY, NC, SC, TN, GA, AL, FL, MS, AR, LA, OK, TX, AZ, CA, and NM. (2) All of the authority herein shall expire on December 18, 1978, unless on or prior to that date the commission shall renew the Certificate issued to carrier in MC-107515 (Sub-No. 799). The purpose of this filing is to eliminate the gateway of Rocky Mount, NC.

No. MC 107515 (Sub-No. E634), filed February 13, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, NE., Atlanta, GA 30326. *Foodstuffs* (except sugar, bananas and commodities in bulk) in vehicles equipped with mechanical refrigeration (1) from points in that portion of VA on, south or east of a line beginning at the VA-WV State line and extending over U.S. Hwy 33 to junction U.S. Hwy 29 then over U.S. Hwy 29 to junction U.S. Hwy 17 then over U.S. Hwy 17 to junction U.S. Hwy 360, then over U.S. Hwy 360 to the Chesapeake Bay and points in Northampton County, VA, to points in IL, MN and WI. (2) From points in VA, DE, MD, NJ, CT, RI, MA, Washington, DC, that part of PA on, east or south of a line beginning at the WV-PA State line and extending over Interstate Hwy 70 to junction U.S. Hwy 19 then over U.S. Hwy 19 to junction PA Hwy 8, then over PA Hwy 8 to Junction PA Hwy 68, then over PA Hwy 68 to junction PA Hwy 66, then over PA Hwy 66 to junction U.S. Hwy 219, then over U.S. Hwy 219 to the NY-PA State line and that portion of NY, on, or east of a line beginning at Lake Erie near Athol Springs and extending over NY Hwy 75 to junction NY Hwy 391 then over NY Hwy 391 to junction U.S. Hwy 219, then over U.S. Hwy 219 to the PA-NY State line to points in MO. (3) From all points in NY and PA to all points in MO on or south of U.S. Hwy 36. (4) From Washington, D.C., all points in VA, DE and RI, points in MD on or east of Interstate Hwy 81, points in PA on, south, or east of a line beginning at the PA-MD State line and extending over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to the

PA-NJ State line, points in NJ, on, south or east of NJ Hwy 94, points in NY, on, south, or east of U.S. Hwy 202; points in that part of CT on south or east of a line beginning at the NY-CT State line and extending over Interstate Hwy 84 to junction Interstate Hwy 86 then over Interstate Hwy 86 to the CT-MA State line, and that portion of MA, on south or east of a line beginning at the CT-MA State line and extending over Interstate Hwy 86 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction MA Hwy 12, then over MA Hwy 12 to junction Interstate Hwy 290, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction MA Hwy 38, then over MA Hwy 38 to the NH-MA State line to points in IA and MN. (5) From points in that part of VA on, south or east of a line commencing at the Chesapeake Bay at or near Diggs, VA and extending over VA Hwy 198 to junction U.S. Hwy 17 then over U.S. Hwy 17 to junction Colonial Historic Parkway, then over Colonial Historic Parkway to Williamsburg, then over VA Hwy 31 to junction U.S. Hwy 460, then over U.S. Hwy 460 to junction VA Hwy 40, then over VA Hwy 40 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction U.S. Hwy 58, then over U.S. Hwy 58 to South Boston, then over U.S. Hwy 501 to VA-NC line to Cincinnati, OH and points in OH on or east of U.S. Hwy 27, and those in IN on or west of U.S. Hwy 35 and South Bend, IN.

(6) From Washington, DC, to points in that part of IN on, south or west of a line beginning at the KY-IN State line and extending over U.S. Hwy 50 to junction IN Hwy 37, then over IN Hwy 37 to junction IN Hwy 46, then over IN Hwy 46 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction IN Hwy 55, then over IN Hwy 55 to junction IN Hwy 26, then over IN Hwy 26 to IN-IL State line; that portion of IL on, south or west of a line beginning at IL-IN State line and extending over IL Hwy 9 to junction U.S. Hwy 51, then over U.S. Hwy 51 to U.S. Hwy 52, then over U.S. Hwy 52 to junction State Hwy 84, then over IL Hwy 84 to the IL-WI State line; and that portion of WI on, south or west of a line beginning at the WI-IL State line and extending over WI Hwy 78 to WI Hwy 39, then over WI Hwy 39 to WI Hwy 69, then over WI Hwy 69 to U.S. Hwy 151, then over U.S. Hwy 151 to Madison, then over Interstate Hwy 94 to WI Hwy 53, then over WI Hwy 53 to the MN-WI State line. (7) From that portion of VA in (1) above to points in that part of IN on or west of a line beginning at the KY-IN State line at or near Madison, IN and extending over IN Hwy 421 to junction U.S. Hwy 31 to the IN-MI State line and points in MI on or west of a line beginning at the IN-MI State line and extending over MI Hwy 51 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Lake Michigan at or near Petoskey. (8) From all points in VA to points in that part of IN on or west of a line beginning at the IN-KY State line and extending over IN Hwy 7 to junction U.S. Hwy 50, then over U.S. Hwy 50 to IN Hwy 37, then over IN Hwy 37 to IN Hwy 46, then over IN Hwy 46 to junction U.S. Hwy 36, then over U.S. Hwy 36 to U.S. Hwy 41, then over U.S. Hwy 41 to Interstate Hwy 74, then over Interstate Hwy 74 to the IL-IN State line; points in that part of IL on, south or west of Interstate Hwy 74; and points in that part of WI on, north or west of U.S. Hwy 151 (except Madison, WI) and points in MN, IA and MO. (9) From points in DE and that portion of MD on, south or east of U.S. Hwy 15 to the destinations in (8) above (except those in WI). (10) From points in DE and that portion of MD on, south or east of Interstate Hwy 95 to that portion of WI in (8) above. (11) From points in that portion of PA on, south or east of a line beginning at the NY-PA State line and extending over U.S. Hwy 202 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction PA Hwy 10, then over PA Hwy 10 to junction U.S. Hwy 1, then over U.S. Hwy 1 to PA-MD State line, to the destination territory in paragraph (8) above. (12) From Philadelphia, PA, Camden, NJ, and points in NJ on, south or west of the Atlantic City Expressway, to points in IN on, south or west of a line beginning at the IN-KY State line and extending over U.S. Hwy 31 to junction U.S. Hwy 52, then over U.S. Hwy 52 to IL-IN State line; points in IL on, south or west of a line beginning at the IL-IN State line and extending over U.S. Hwy 24 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction IL Hwy 78, then over IL Hwy 78 to U.S. Hwy 20, then over U.S. Hwy 20 to the IL-IA State line; and points in WI on, north or west of U.S. Hwy 151, except Madison, WI.

(13) From points in MA, RI, CT, NJ, and points in that part of NY on, south or east of NY Hwy 7; and points in that part of PA on, south or east of a line beginning at the OH-PA State line and extending over Interstate Hwy 70 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 45, then over PA Hwy 45 to junction PA Hwy 642, then over PA Hwy 642 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 11, then over U.S. Hwy 11 to the NY-PA State line; to that portion of IN on or south of a line beginning at the KY-IN State line and extending over U.S. Hwy 150 to junction U.S. Hwy 50, then over U.S. Hwy 50 to IL-IN State line; points in IL on, south or west of a line beginning at the IL-IN State line and extending over U.S. Hwy 50 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 29, then over U.S. Hwy 29 to junction IL Hwy 125, then over IL Hwy 125 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction IL Hwy 9, then over IL Hwy 9 to IL-IA State line; that portion of IA on, west or south of a line beginning at the IL-IA State line and extending over IA Hwy 2 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction IA Hwy 163, then over IA Hwy 163 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction IA Hwy 7, then over IA Hwy 7 to junction U.S. Hwy 59, then over U.S. Hwy 59 to IA-MN State line; and points in MN on, north or west of a line commencing at the MN-IA State line and extending over U.S. Hwy 59 to junction MN Hwy 23, then over MN Hwy 23 to Lake Superior at or near Duluth, MN. (14) From all points in PA and NY to points in that portion of IA on or south of U.S. Hwy 150 and points in that part of IL on and south of a line beginning at the IL-IN State line and extending over U.S. Hwy 50 to junction IL Hwy 127, then over IL Hwy 127 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction IL Hwy 104, then over IL Hwy 104 to the IL-MO State line at or near Quincy, IL. (15) From points in that part of PA on, south or east of a line beginning at the NJ-PA State line and extending over U.S. Hwy 202 to junction PA Hwy 309, then over PA Hwy 309 to junction PA Hwy 113, then over PA Hwy 113 to junction U.S. Hwy 422, then over U.S. Hwy 422 to junction PA Hwy 100 at or near Pottstown, PA, then over PA Hwy 100 to the PA-DE State line and Pottstown, PA, to destination territory in (8) above.

(16) From New York, NY, and points in CT on, south or east of CT Hwy 15; points in RI and points in MA on, south or east of a line beginning at the CT-MA State line and extending over State Hwy 15 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction MA Hwy 12, then over MA Hwy 12 to junction Interstate Hwy 290, then over interstate Hwy 290 to Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 93, then over Interstate Hwy 93 to the NH-MA State line; to points in WI on, north or west of a line beginning at Green Bay, and extending over U.S. Hwy 41 to junction WI Hwy 44, then over WI Hwy 44 to junction WI Hwy 23, then over WI Hwy 23 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction WI Hwy 78, then over WI Hwy 78 to junction WI Hwy 39, then over WI Hwy 39 to junction U.S.

Hwy 151, then over U.S. Hwy 151 to the WI-IL State line; points in MN and IA; points in that part of IL on, south or west of a line beginning at the IL-IA State line and extending over U.S. Hwy 20 to junction IL Hwy 84, then over IL Hwy 84 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 17, then over IL Hwy 17 to IL-IN State line, and points in that part of IN on, south or west of a line commencing at the IL-KY State line and extending over IN Hwy 129 to junction U.S. Hwy 421, then over U.S. Hwy 421 to Indianapolis, then over U.S. Hwy 52 to junction U.S. Hwy 41, then over U.S. Hwy 41 to IN Hwy 114, then over IN Hwy 114 to IN-IL State line. (17) From points in CT, MA and RI and that portion of NY on, south or east of a line commencing at the NY-PA State line and extending over NY Hwy 7 to junction NY Hwy 30, then over NY Hwy 30 to junction NY Hwy 8, then over NY Hwy 8 to junction Interstate Hwy 87, then over Interstate Hwy 87 to the U.S.-Canada International Boundary line at or near Champlain, NY, to points in IN on, south or west of a line beginning at the KY-IN State line and extending over IN Hwy 7 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction Interstate Hwy 74, then over Interstate Hwy 74 to IL-IN State line; that portion of IL on, south or west of a line beginning at the IL-IN State line and extending over Interstate Hwy 74 to junction IL Hwy 116, then over IL Hwy 116 to IL-IA State line; that portion of IA on, south or west of a line commencing at the IL-IA State line and extending over U.S. Hwy 34 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction IA Hwy 163, then over IA U.S. 163 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 18, then over U.S. Hwy 18 to U.S. Hwy 59, then over U.S. Hwy 59 to the MN-IA State line; and points in that part of MN on, north or west of a line beginning at the IA-MN State line and extending over MN Hwy 60 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction MN Hwy 23, then over MN Hwy 23 to Lake Superior at or near Duluth, MN.

(18) From points in NY on, south or east of a line beginning at the NY-PA State line and extending over U.S. Hwy 11 to junction NY Hwy 12, then over NY Hwy 12 to junction NY Hwy 8, then over NY Hwy 8 to junction Interstate Hwy 87, then over Interstate Hwy 87 to U.S.-Canada line at or near Champlain, NY, to points in IL and IN described in (17) above; points in IA on or south or west of a line beginning at the IA-IL State line and extending over U.S. Hwy 34 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 59, then over U.S. Hwy 59 to IA-MN State line; that portion of MN on, north or west of a line commencing at the MN-IA State line and extending over MN Hwy 60 to junction U.S. Hwy 71, then over U.S. Hwy 71 to U.S.-Canada border at or near International Falls, MN. (19) From points in NY on or east of a line beginning at Lake Ontario and extending over NY Hwy 104 to junction NY Hwy 38, then over NY Hwy 38 to junction NY Hwy 34, then over NY Hwy 34 to junction NY Hwy 13, then over NY Hwy 13 to junction NY Hwy 14, then over NY Hwy 14 to PA-NY State line, to points in MO; points in IN on, south or west of a line commencing at the IN-KY State line and extending over IN Hwy 7 to junction In Hwy 46, then over IN Hwy 46 to IN-IL State line; points in that part of IL commencing at the IL-IN State line and extending over U.S. Hwy 36 to junction IL Hwy 125, then over IL Hwy 125 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction IL Hwy 9, then over IL Hwy 9 to IL-IA State line; and points in that part of IA on, south or west of a line commencing at the IA-IL State line and extending over U.S. Hwy 34 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 29, then over Interstate Hwy 29 to IA-SD State line at or near Sioux City, IA. Restrictions: (1) All authority sought herein is restricted to the transportation of shipments which originate at or are destined to points in NY, CT, MA, RI, NJ, PA, MD, DE, VA, DC, KY, NC, SC, TN, GA, AL, FL, MS, AR, LA, OK, TX, AZ, CA, and NM. (2) All of the authority herein shall expire on December 18, 1978, unless on or prior to that date the Commission shall renew the Certificate issued to carrier in MC 107515 (Sub-No. 799). The purpose of this filing is to eliminate the gateway of Lousiville, KY.

No. MC 112304 (Sub-No. E271), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in MO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E272), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in IA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65), unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E273), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in NE. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65), unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E274), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in SD. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E275), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in CO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E276), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING,

1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in WY. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E277), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in MT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E278), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in AZ. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E279), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in UT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E280), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in ID. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E281), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in NV. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E282), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in WA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E283), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbia, OH 43215. *Iron and steel guard rail* from points in MD to points in OR. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E284), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in CA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E285), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbia, OH 43215. *Iron and steel guard rail* from points in MD to points in ND. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E286), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in MN. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E287), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in MD to points in AR. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E288), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative:

Charles Tell, Suite 1800 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E289), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in OK. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E290), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in KS. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E291), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in NM. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E292), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in MO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E293), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in IA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E294), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in NE. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E295), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in SD. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E296), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in CO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E297), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in WY. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E298), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in MT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E299), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in AZ. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E300), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East

Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in UT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E301), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in ID. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E302), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in NV. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E303), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in WA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E304), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in OR. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E305), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in CA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E306), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in ND. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, and Clarksburg, WV.

No. MC 112304 (Sub-No. E307), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in MN. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E308), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Iron and steel guard rail* from points in DC to points in AR. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH and Clarksburg, WV.

No. MC 112304 (Sub-No. E309), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* (except commodities in bulk), from the facilities of Jones & Laughlin Steel Corp., at Putnam County, IL, to points in NY, restricted to the transportation of traffic originating at the named facilities. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E310), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* (except commodities in bulk), from the facilities of Jones & Laughlin Steel Corp., at Putnam County, IL, to points in NJ, restricted to the transportation of traffic originating at the named facilities. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E311), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* from points in

IL to points in Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, Boyd, Lawrence, and Carter Counties, KY. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E312), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in OH on and east of a line beginning at the northern OH State line and extending along OH Hwy 534 to junction OH Hwy 173, then along OH Hwy 173 to junction OH Hwy 45, then along OH Hwy 45 to junction the OH-WV State line, to points in VA on and west of U.S. Hwy 220. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Clarksburg, WV and points within 50 miles of Clarksburg.

No. MC 112304 (Sub-No. E313), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bar, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in WI on, south and west of a line beginning at the MN-WI State line and extending along Interstate Hwy 94 to junction Interstate Hwy 90, and then along Interstate Hwy 90 to the WI-IL State line, to points in MI on, south and east of a line beginning at the OH-MI State line and extending along U.S. Hwy 23 to junction MI Hwy 21, and then along MI Hwy 21 to the MI-Ontario Border. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E314), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bar, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in OH to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in Davies County, KY.

No. MC 112304 (Sub-No. E315), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bar, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in WV to points TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in Davies County, KY.

No. MC 112304 (Sub-No. E316), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in WV to points in St. Louis and St. Charles Counties, MO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in Daviess County, KY.

No. MC 112304 (Sub-No. E317), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in PA to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH and Daviess County, KY.

No. MC 112304 (Sub-No. E318), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in PA to points in St. Louis and St. Charles Counties, MO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH and Daviess County, KY.

No. MC 112304 (Sub-No. E319), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NY to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH and Daviess County, KY.

No. MC 112304 (Sub-No. E320), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NY to points in St. Louis and St. Charles Counties, MO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH and Daviess County, KY.

No. MC 112304 (Sub-No. E321), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NJ to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH and Daviess County, KY.

No. MC 112304 (Sub-No. E322), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NJ to points in St. Louis and St. Charles Counties, MO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH and Daviess County, KY.

No. MC 112304 (Sub-No. E323), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* (except commodities in bulk), from the facilities of Jones & Laughlin Steel Corp., at Putnam County, IL, to points in NY, restricted to the transportation of traffic originating at the named facilities. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E324), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* (except commodities in bulk), from the facilities of Jones & Laughlin Steel Corp., at Putnam County, IL, to points in PA, restricted to the transportation of traffic originating at the named facilities. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E325), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* (except commodities in bulk), from the facilities of Jones & Laughlin Steel Corp., at Putnam County, IL, to points in NJ, restricted to the transportation of traffic originating at the named facilities. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 112304 (Sub-No. E326), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils* (except commodities in bulk), from the facilities of Jones & Laughlin Steel Corp., at Putnam County, IL, to points in WV, restricted to the transportation of traffic originating at the named facilities. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of points in OH.

No. MC 114552 (Sub-No. E91), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in SC, on and east of a line commencing at the SC-NC State line, then along U.S. Hwy 76 to its intersection with SC Hwy 41, then along SC Hwy 41 to its intersection with U.S. Alternate Hwy 17, then along U.S. Alternate Hwy 17 to its intersection with U.S. Hwy 52, then along U.S. Hwy 52 to the Atlantic Ocean, to points in WV, on and north of a line commencing at the WV-VA State line, then extending along WV Hwy 39 to its intersection with U.S. Hwy 19, then along U.S. Hwy 19 to the WV-PA State line. The purpose of this filing is to eliminate the gateway to points in Wayne County, NC.

No. MC 114552 (Sub-No. E95), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from those points in SC on and east of a line beginning at the SC-NC State line, then extending along SC Hwy 150 to junction SC Hwy 18, then along SC Hwy 18 to junction U.S. Hwy 176, then along U.S. Hwy 176 to junction SC Hwy 121, then along SC Hwy 121 to junction U.S. Hwy 25, then along U.S. Hwy 25 to the SC-GA State line, to those points in MD on and east of U.S. Hwy 15. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC.

No. MC 114552 (Sub-No. E128), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from Washington, DC to points in SC, AL, FL, AR, MS, LA, GA, those points in TN, on and west of a line beginning at the TN-MS State line, then extend-

ing along TN Hwy 22 to junction TN Hwy 77, then along TN Hwy 77 to junction TN Hwy 69, then along TN Hwy 69 to junction U.S. Hwy 641, then along U.S. Hwy 641 to the TN-KY State line. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC.

No. MC 114552 (Sub-No. E130), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from those points in NC, on and south of a line beginning at the Atlantic Ocean, then extending along U.S. Hwy 264 to junction U.S. Hwy 401, then along U.S. Hwy 401 to the NC-SC State line, to points in DE. The purpose of this filing is to eliminate the gateway of Wayne County, NC.

No. MC 114552 (Sub-No. E244), filed September 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, VA 22210. Such *composition boards* as are also materials, supplies, and accessories used in the manufacture and installation of composition boards, except commodities in bulk, from points in WV, to points in FL, on and south of FL Hwy 84. The purpose of this filing is to eliminate the gateway of Roaring River, NC, and points in Wayne County, NC.

No. MC 114552 (Sub-No. E245), filed September 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, VA 22210. Such *composition boards* as are also materials, supplies and accessories used in the manufacture and installation of composition boards, except commodities in bulk, from points in ME, to points in LA. The purpose of this filing is to eliminate the gateway of Roaring River, NC and points in Wayne County, NC.

No. MC 117574 (Sub-No. E79), filed July 16, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinery, attachments and parts* when moving with such implements, machinery or tractors, except commodities requiring special equipment, between points in the counties of Davidson, Forsyth and Stokes in NC on the one hand and on the other, points in CA, ID, MT, NV, ND, OR, SD, UT, WA, WY, and points in AZ west of a line commencing at AZ-Mexico State line along South Hwy 85 in a northerly direction then to its junction with U.S. Hwy 80, then along U.S. Hwy 80 in an easterly direction to its junction with U.S. Hwy 89, then along U.S. Hwy 89 in a northwesterly direction to its junction with Interstate Hwy 40, then along Interstate Hwy 40 in an easterly direction to its junction with U.S. Hwy 89, then along U.S. Hwy 89 in a northerly direction to its junction with U.S. Hwy 160, then along U.S. Hwy 160 in an easterly direction to CO-AZ State line; points in CO west of a line commencing at CO-AZ State line along U.S. Hwy 160, then in a northeasterly direction to U.S. junction with U.S. Hwy 550, then in a northerly direction along U.S. Hwy 550 to its junction with U.S. Hwy 50 then along U.S. Hwy 50 in an easterly direction to its junction with U.S. Hwy 85, then along U.S. Hwy 85 in a northerly direction to its junction with U.S. Hwy 24 then along U.S. Hwy 24 in an easterly direction to its junction with U.S. Hwy 385 then along U.S. Hwy 385 to CO-NE State line; points in NE north and west of a line commencing at CO-NE State line along U.S. Hwy 385 to U.S. Hwy 30, then in an easterly direction to NE-IA State line; points in IA north of a line commencing at NE-IA State line along U.S. Hwy 30 in a northeasterly direction to its junction with U.S. Hwy 169 then along U.S. Hwy 169 in a northerly direction to its junction with U.S. Hwy 20 then along U.S. Hwy 20 in an easterly direction to its junction with U.S. Hwy 65 then along U.S. Hwy 65 in a northerly direction to its junction with State Hwy 9 then along State Hwy 9 in an easterly direction to its junction with U.S. Hwy 63 then along U.S. Hwy 63 to IA-MN State line, points in MN west and north of a line commencing at IA-MN State line along U.S. Hwy 63 in a northerly direction to its junction with U.S. Hwy 14 then along U.S. Hwy 14 in an easterly direction to its junction with State Hwy 42 then along State Hwy 42 in a northeasterly direction to MN-WI State line; points in WI north of a line commencing at MN-WI State line along State Hwy 25, then in a northerly direction to its junction with State Hwy 29 to State Hwy 27 then in a northerly direction along State Hwy 27 to its junction with U.S. Hwy 8, then along U.S. Hwy 8 in an easterly direction to its junction with State Hwy 17, then along State Hwy 17 in a northerly direction to its junction with State Hwy 70, then along State Hwy 70 in an easterly direction to its junction with U.S. Hwy 2, then along U.S. Hwy 2 in an easterly direction to WI-MI State line; points in MI north of a line commencing at WI-MI State line along U.S. Hwy 2 in an easterly direction to Lake Michigan, beginning at Traverse City on Lake Michigan, along State Hwy 72 in an easterly direction to its junction with State Hwy 65 then along State Hwy 65 to its termination at Tawas City on Lake Huron; points in Ohio, north of a line commencing at Lake Erie at Fairport Harbor, OH along State Hwy 44 in a southerly direction to its junction with U.S. Hwy 422 then along U.S. Hwy 422 in a southeasterly direction to the OH-PA State line. The purpose of this filing is to eliminate the gateway of Carlisle, Shadygrove or Waynesboro, PA. Restrictions: (1) Restricted against transportation between Racine, WI, Burlington and Bettendorf, IA, Rockford and Rock Island, IL, and (2) the authority granted herein to the extent that it duplicates any authority heretofor granted to or now held by carrier shall not be construed as conferring more than one operating right.

No. MC 117574 (Sub-No. E82), filed June 29, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Sewage, water, and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, which is also industrial or processing machinery, and tools, materials and supplies used in connection with the erection and construction of sewage, water, and refuse systems (except commodities in bulk), which are also attachments, accessories and parts of industrial or processing machinery (1) between points in Delaware County, OH, on the one hand, and, on the other, points in CT, DE, ME, MA, NH, NJ, RI, VT, WA, DC, Key West, FL, points in that portion of MD on and east of Interstate Hwy 81, points in that portion of NY on and east of a line beginning at the United States-Canadian International Boundary Line and extending along Interstate Hwy 87 to junction with NY Hwy 7, then along NY Hwy 7 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the NY-PA State line, points in that portion of NC on and east of a line beginning at the VA-NC State line and extending along U.S. Hwy 258 to junction NC Hwy 24, then along NC Hwy 24 to the Atlantic Ocean; points in that portion of PA on and east of Interstate Hwy 81; points in that portion of VA on and east of a line beginning at the MD-VA State line and extending along Interstate Hwy 81 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction Interstate Hwy 95, then along Interstate Hwy 95 to junction U.S. Hwy 460, then along U.S. Hwy

460 to junction with U.S. Hwy 258, then along U.S. Hwy 258 to the VA-NC State line; points in that portion of WV on and east of Interstate Hwy 81, and (2) between points in Marion and Morrow Counties, OH, on the one hand, and, on the other, points in CT, DE, ME, MA, NH, NJ, RI, VT, WA, DC, points in that portion of FL on and south of a line beginning at Fort Myers and extending along FL Hwy 867 to junction FL Hwy 82, then along FL Hwy 82 to junction FL Hwy 29, then along FL Hwy 29 to junction FL Hwy 84, then along FL Hwy 84 to its termination at the Atlantic Ocean, points in that portion of MD on and east of Interstate Hwy 81, points in that portion of NY on and east of a line beginning at the United States-Canadian International Boundary Line and extending along Interstate Hwy 87 to junction NY Hwy 7, then along NY Hwy 7 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the NY-PA State line, points in that portion of NC on and east of a line beginning at the VA-NC State line and extending along U.S. Hwy 258 to junction U.S. Hwy 17, then along U.S. Hwy 17 to Wilmington, and then to the Atlantic Ocean; points in that portion of PA on and east of Interstate Hwy 81, points in that portion of VA on and east of a line beginning at the MD-VA State line and extending along Interstate Hwy 81 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction Interstate Hwy 95, then along Interstate Hwy 95 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction with U.S. Hwy 258, then along U.S. Hwy 258 to the VA-NC State line, points in that portion of WV on and east of Interstate Hwy 81, and (3) between points in Erie and Huron Counties, OH, on the one hand, and, on the other, points in DE, points in that portion of CA west of a line beginning at Lonipoc on the Pacific Ocean and extending along CA Hwy 246 to CA Hwy 1, then along CA Hwy 1 to junction Interstate Hwy 101, then along Interstate Hwy 101 to junction with Interstate Hwy 405, then along Interstate Hwy 405 to junction Interstate Hwy 5, then along Interstate Hwy 5 to termination at the United States-Mexican International Boundary Line, points in that portion of FL east of a line beginning at Chiefland at the Gulf of Mexico and extending along FL Hwy 24 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction FL Hwy 16 then along FL Hwy 16 to junction FL Hwy 210 then along FL Hwy 210 to its termination at the Atlantic Ocean, points in that portion of GA on and east of a line beginning at the Atlantic Ocean at Brunswick and extending along U.S. Hwy 50 to junction U.S. Hwy 17, then along U.S. Hwy 17 to the GA-SC State line, points in that portion of MD on and east of a line beginning at WV Interstate and extending along Interstate Hwy 81 to the MD-PA State line; points in that portion of NC on and east of a line beginning at SC-NC State line and extending along U.S. Hwy 301 to junction NC Hwy 87, then along NC Hwy 87 to junction U.S. Hwy 29, then along U.S. Hwy 29 to NC-VA State line, points in that portion of SC on and east of a line beginning at the Atlantic Ocean at Brunswick, GA, and extending along U.S. Hwy 15 to junction U.S. Hwy 301, then along U.S. Hwy 301, to the SC-NC State line, points in that portion of VA on and east of a line beginning at the VA-NC State line and extending along U.S. Hwy 29 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the VA-WV State line; points in that portion of WV on and east of a line commencing at the VA-WV State line and extending along Interstate Hwy 81 to the WV-MD State line. The purpose of this filing is to eliminate the gateway of Carlisle, Shady Grove and Waynesboro, PA.

No. MC 117574 (Sub-No. E-93), filed July 1, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Agricultural implements and machinery,* tractors with or without attachments, cranes, industrial and processing machinery, which are also agricultural, industrial or construction machinery, and equipment, or farm and logging equipment, or machinery (except tractors with vehicle beds, bed frames and fifth wheels, and such commodities which because of size or weight require the use of special equipment), (1) from points in Aiken and Lexington Counties, SC, to points in CT, ME, MA, NH, NY, RI, VT, WA, points in that portion of CA north of a line beginning at Santa Rosa at the Pacific Ocean and extending along U.S. Hwy 101 to its junction with Interstate Hwy 80, then along Interstate Hwy 80 to the CA-NV State line, points in that part of ID north of a line beginning at the OR-ID State line and extending along ID Hwy 52 to its junction with U.S. Hwy 93, then along U.S. Hwy 93 to the ID-MT State line, points in that portion of MT north of a line beginning at the ID-MT State line and extending along Interstate Hwy 15 to its junction with MT Hwy 200, then along MT Hwy 200 to the MT-ND State line, points in that portion of NV north and west of a line beginning at the CA-NV State line and extending along Interstate Hwy 80 to its junction with U.S. Hwy 95, then along U.S. Hwy 95 to the NV-OR State line, points in that portion of NJ north of a line beginning at the PA-NJ State line and extending along NJ Hwy 70 to its junction with NJ Hwy 37, then along NJ Hwy 37 to the Atlantic Ocean, points in that portion of ND west of a line beginning at the MT-ND State line and extending along U.S. Hwy 85, then along U.S. Hwy 85 to its termination at the United States-Canadian International Boundary line, points in that portion of OH east of a line beginning at Ashtabula and extending along OH Hwy 11 to its junction with Interstate Hwy 76, then along Interstate Hwy 76 to the OH-PA State line, and points in that portion of PA north of a line beginning at the OH-PA State line and extending along Interstate Hwy 76 to the PA-NJ State line, (2) from Abbeville and Anderson Counties, SC, to points in WA, points in that portion of CA north and west of a line beginning at the CA-OR State line and extending along U.S. Hwy 97 to its junction with Interstate Hwy 5, then along Interstate Hwy 5 to its junction with CA Hwy 36, then along CA Hwy 36 to its junction with U.S. Hwy 101 to Eureka and the Pacific Ocean, points in that portion of ID on or north of a line beginning at the ID-MT State line and extending along U.S. Hwy 12 to the ID-WA State line, then along the ID-WA State line to its junction with the OR-WA State line, then along the OR-WA State line to its junction with U.S. Hwy 97, points in that portion of OR on and west of U.S. Hwy 97, points in that portion of MT on and east of a line beginning at the United States-Canadian Boundary Line and extending along MT Route 233 to its junction with U.S. Hwy 87, then along U.S. Hwy 87 to its junction with MT Hwy 200, then along MT Hwy 200 to its junction with U.S. Hwy 12, then along U.S. Hwy 12 to the MT-ID State line. The purpose of this filing is to eliminate the gateway of Shady Grove, Waynesboro, and Belleville, PA.

By the Commission.

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

[FR Doc. 78-7874 Filed 3-23-78; 8:45 am]

[7035-01]

[Notice No. 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-7726. By application filed March 10, 1978, BURMEN COMPANY, INC., 57th Floor, 600 Grant Street, Pittsburgh, PA 15219, seeks temporary authority to transfer the operating rights of the Union National Bank of Pittsburgh, successor in interest to Sullivan Lines, Inc., Fourth

Avenue & Wood Street, Pittsburgh, PA 15222, under section 210a(b). The transfer to Burmen Co., Inc., of the operating rights of the Union National Bank of Pittsburgh, the successor in interest to Sullivan Lines, Inc., is presently pending.

By the Commission.

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

[FR Doc. 78-7869 Filed 3-23-78; 8:45 am]

[7035-01]

[Notice No. 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 C.R.F. Part 1132:

No. MC—FC-77496. By application filed March 9, 1978, HVH TRANSPORTATION, INC., d.b.a. THACKER TRANSPORTATION, 3110 South Wadsworth Boulevard, Denver, CO 80227, seeks temporary authority to transfer a portion of the operating rights of Robert L. Harris, an individual, d.b.a. Las Animas Transfer Co., 242 Bent Avenue, Las Animas, CO 81054, under section 210a(b). The transfer to HVH Transportation, Inc., d.b.a. Thacker Transportation, of a portion of the operating rights of Robert L. Harris, an individual, d.b.a. Las Animas Transfer, is presently pending.

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-7870 Filed 2-23-78; 8:45 am]

[7035-01]

[Notice No. 9]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC-FC-77529. By application filed February 28, 1978, WINSTON COACH CORP., 41 Pembrook Drive, Stony Brook, NY, seeks temporary authority to transfer the operating rights of Four Seasons Coach Lines, Inc., receiver—Robert E. Goldstein, 8 West 40th Street, New York, NY 10018, under section 210a(b). The transfer to Winston Coach Corp., of the operating rights of Four Seasons Coach Lines, Inc., receiver—Robert E. Goldstein, is presently pending.

By the Commission.

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

[FR Doc. 78-7871 Filed 3-23-78; 8:45 am]

[7035-01]

[Notice No. 10]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC-FC 77555. By application filed March 13, 1978, VALLEY TRUCKING, INC., Box 55, Route 2, Fargo, ND 58102, seeks temporary authority to transfer the operating rights of Ronald Fitzgerald, an individual, d.b.a. G & M Carriers, Sabin, MN 56580, under section 210a(b). The transfer to Valley Trucking, Inc., of the operating rights of Ronald Fitzgerald, an individual, d.b.a. G & M Carriers, is presently pending.

By the Commission.

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

[FR Doc. 78-7872 Filed 3-23-78; 8:45 am]

[7035-01]

[Notice No. 11]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77576. By application filed March 14, 1978, FUGAZY CONTINENTAL CORP. OF NEW JERSEY INC., 645 Madison Avenue, New York, NY 10022, seeks temporary authority to transfer the operating rights of Jay Scott MacNeill, Trustee, for Airport Limousine Service, Inc., 555 Westfield Avenue, Westfield, NJ 07090, under section 210a(b). the transfer to Fugazy Continental Corp. of New Jersey Inc., of the operating rights of Jay Scott MacNeill, Trustee for Airport Limousine Service, Inc., is presently pending.

By the Commission.

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

[FR Doc. 78-7873 Filed 3-23-78; 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).

CONTENTS

	Item
Federal Election Commission	1
Federal Energy Regulatory Commission	2, 3, 4
Federal Maritime Commission	5
Federal Reserve System	6
Securities and Exchange Commission	7

[6715-01]

1

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, March 29, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audits, Compliance, Personnel.

• • •

DATE AND TIME: Thursday, March 30, 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.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO 1978-15. AO 1978-18.
IV. Procedures for handling internally generated complaints.
V. Debt settlement procedures.
VI. FOIA regulations.
VII. Appropriations and budget.
VIII. Pending legislation.
IX. Pending litigation.
X. Liaison with other Federal agencies.
XI. Classification actions.
XII. Routine administrative matters.

Portions closed to the public (executive session):

Audits. (If not concluded March 29, 1978.)
Compliance Matters. (If not concluded March 29, 1978.)
Personnel. (If not concluded March 29, 1978.)

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-641-78 Filed 3-22-78; 3:25 pm]

[6740-02]

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 11656, published March 20, 1978.

PREVIOUSLY ANNOUNCED AND DATE OF MEETING: 10 a.m., March 22, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

DI-2A.—CI77-621, et al., Atlantic Richfield Co., et al.
CI-2B.—CI77-802, et al., Canadian Superior Oil (U.S.) Ltd., et al.

KENNETH F. PLUMB,
Secretary.

[S-640-78 Filed 3-22-78; 3:25 pm]

[6740-02]

3

MARCH 22, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 29, 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—83RD MEETING, MARCH 29, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket Nos. E-8641, et al., New England Power Co.

ER-2.—Docket No. E-9609, *Connecticut Municipal Electric Energy Cooperative*, Complainant v. *Power Authority of the State of New York*, Respondent.

ER-3.—Docket No. E-7777 (PHASE II), Pacific Gas and Electric Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 349, Alabama Power Co.
P-2.—Project No. 2596, Rochester Gas and Electric Co.
P-3.—Project No. 460, City of Tacoma, Wash.

POWER AGENDA—83RD MEETING, MARCH 29, 1978, REGULAR MEETING

CAP-1.—Docket No. ER77-510, Commonwealth Edison Co.
CAP-2.—Docket No. ER78-231, Union Electric Co.
CAP-3.—Docket No. ER78-233, Illinois Power Co.
CAP-4.—Docket No. E-8074, Alabama Power Co.
CAP-5.—Docket No. ER77-514, Central Power & Light Co.
CAP-6.—Docket No. ES78-23, Idaho Power Co.
CAP-7.—Project No. 2370, Pennsylvania Electric Co.
CAP-8.—State Director, Bureau of Land Management, Cheyenne, Wyo. (W-60721).
CAP-9.—(A) *Jersey Central Power & Light Co.* v. *F.E.R.C.* 3rd Cir. No. 78-1185 (Docket No. ER78-813). (B) *Wisconsin Electric Power Co.* v. *F.E.R.C.* D.C. Cir. Nos. 77-1777 (Docket Nos. ER76-303 and ER76-399). (C) *The City of Groton, et al.* v. *F.E.R.C.*, D.C. Cir. No. 77-1635 (Docket No. E-7743).

MISCELLANEOUS AGENDA— 83RD MEETING MARCH 29, 1978, Regular Meeting

M-1.—Docket No. RM75-25, Policy with respect to certification of pipeline transportation agreements.

GAS AGENDA—83RD MEETING, MARCH 29, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. Pipeline rates

RP-1.—Docket Nos. RP72-154 (PGA78-1), RP76-115 (AP78-1) and RP72-74 (DCA78-1), Northwest Pipeline Corp.
RP-2.—Docket Nos. RP72-155 and RP77-18 (PGA78-1 and AP78-1), El Paso Natural Gas Co.
RP-3.—Docket No. RP78-42, Transcontinental Gas Pipe Line Corp.
RP-4.—Docket No. RP78-43, Western Gas Interstate Co.
RP-5.—Docket No. RP78-48, Eastern Shore Natural Gas Co.
RP-6.—Docket No. RP77-140, Consolidated Gas Supply Corp.
RP-7.—Docket No. RP73-43 (PGA77-2), Mid Louisiana Gas Co. Docket No. CI77-273, Gulf Oil Corp. Docket No. CP77-352, Grand Bay Co.

II. PRODUCER MATTERS

A. Producer certificates

CI-1.—Docket No. CI77-119, Cities Service Oil Co.
CI-2.—Docket No. CS73-96, Mullins & Prichard.

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1.—Docket No. CP78-123, Alcan Pipeline Co. Docket No. CP78-124, Northern Border Pipeline Co. Docket No. CP78-125, Pacific Gas Transmission Co.
CP-2.—Reserved.
CP-3.—Reserved.
CP-4.—Reserved.

B. Section 2.79 applications

CP-5.—Docket No. CP77-517, Texas Gas Transmission Corp. Docket No. CP78-59, Columbia Gas Transmission Corp.
CP-6.—Docket No. CP77-200, Columbia Gas Transmission Corp.
CP-7.—Reserved.
CP-8.—Reserved.
CP-9.—Reserved.

C. Liquefied natural gas

CP-10.—Docket No. CP71-290, Consolidated System LNG Co.
CP-11.—Docket No. CP77-579, Southern Natural Gas Co. Docket No. CP78-66, Chattanooga Gas Co., a division of Jupiter Industries, Inc.
CP-12.—Reserved.
CP-13.—Reserved.
CP-14.—Reserved.

D. Storage

CP-15.—Docket No. CP77-636, Columbia Gas Transmission Corp.
CP-16.—Docket No. CP77-337, Algonquin Gas Transmission Co.
CP-17.—Reserved.
CP-18.—Reserved.
CP-19.—Reserved.

E. Curtailment

CP-20.—Docket No. RP72-6. El Paso Natural Gas Co.
CP-21.—Docket No. RP75-79, *Lehigh Portland Cement Company,* v. *Florida Gas Transmission Company.*
CP-22.—Docket No. RP76-52, et al., Northern Natural Gas Co.

GAS AGENDA—83RD MEETING, MARCH 29, 1978, REGULAR MEETING

CAG-1.—Docket No. RP77-139, Texas Gas Transmission Corp.
CAG-2.—Docket No. RP72-157 (PGA 78-6), Consolidated Gas Supply Corp.
CAG-3.—Docket No. RP73-65 (PGA 78-2A), Columbia Gas Transmission Corp.
CAG-4.—Docket No. CP76-118, U-T Offshore System.
CAG-5.—Docket No. G-2712, et al., Cities Service Co. (successor to Cities Service Oil Co.), et al.
CAG-6.—Docket No. CI72-440, et al., AMOCO Production Co., et al.
CAG-7.—Docket No. CP74-322, et al., Michigan Gas Storage Co., et al.
CAG-8.—Docket No. CP78-54, Northern Natural Gas Co.
CAG-9.—Docket No. CP78-109, United Gas Pipe Line Co.
CAG-10.—Docket No. CP78-154, Columbia Gulf Transmission Co.
CAG-11.—Docket No. CP68-166, et al., Tennessee Gas Pipeline Co, a Division of Tenneco Inc.
CAG-12.—Docket No. CP72-181, Panhandle Eastern Pipeline Co., Docket No. CP73-44, Colorado Interstate Gas Co.
CAG-13.—Docket No. CP74-126, El Paso Natural Gas Co., Docket No. CP74-162, Natural Gas Pipeline Co. of America.
CAG-14.—Docket No. CP76-502, United Gas Pipe Line Co. and Chandeleur Pipe Line Co.
CAG-15.—Docket No. CP77-545, Northern Natural Gas Co.
CAG-16.—Docket No. RP76-52, et al., Northern Natural Gas Co.
CAG-17.—Docket No. CP74-192, Florida Gas Transmission Co.
CAG-18.—(A) *Consolidated Gas Supply Corp.* v. *F.E.R.C.*, D.C. Cir. No. 78-1136. (B) *Public Service Commission of Kentucky* v. *F.E.R.C.*, 6th Cir. No. 78-3100. (C) *Elizabethtown Gas Company* v. *F.E.R.C.*, D.C. Cir. No. 77-1666.

KENNETH F. PLUMB,
Secretary.

[S-639-78 Filed 3-22-78; 3:25 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 11656, published March 20, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 22, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

M-2.—EA78-1, Proposed Exemptions of Gasoline.

KENNETH F. PLUMB,
Secretary.

[S-638-78 Filed 3-22-78; 9:10 pm]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., March 29, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly report of actions taken pursuant to delegated authority by the Managing Director.
2. Agreement No. 10267-2: Application for extension of the Container Carriers Discussion Agreement for a one-year period.
3. Agreement No. 10320: Brazil-U.S. Gulf Pool Agreement.
4. Agreement No. 10321: Third-flag quota agreement in the Brazil-U.S. Gulf trade.
5. Agreement No. 10027-6: Extension through December 31, 1980, of the Brazil-U.S. Atlantic Pool Agreement.
6. Agreement No. 10064-2: Application for extension of the Colombian Equal Accesss Agreement for a two-year period.
7. Agreement No. 8640-3: Application for extension of Venezuelan pooling agreement for a two-month period.
8. Outport rates of Pacific Westbound Conference to Naha, Okinawa.
9. Agreement No. 10140-8: Extension of rate agreement between the Gulf-United Kingdom Conference, Seatrain International S.A. and United States Lines, Inc.
10. Amendment of free time and demurrage provisions by Sea-Land Service, Inc., in the Puerto Rico trades.
11. Docket No. 77-62: *L. Braverman & Company* v. *The Lykes Brothers Steamship Company, Inc.*—Review of Order of Discontinuance.
12. Special Docket No. 460: *U.S. Department of Agriculture* v. *Waterman Steamship Corporation,* and Special Docket No. 461—*U.S. Department of Agriculture* v. *Waterman Steamship Corporation*—Review of Initial Decision.
13. Special Docket No. 521: *Texas Fibers, Inc.* v. *Lykes Bros. Steamship Co., Inc.*—Review of Initial Decision.
14. Special Docket No. 524: *Pai Tai Industrial Co. Ltd.* v. *Sea-Land Service, Inc.;* Special Docket No. 525: *Yah Sheng Chong Yung Kee Co. Ltd.* v. *Sea-Land Service, Inc.;* and Special Docket No. 526: *JTH Teng Printing Ink Factory* v. *Sea-Land Service, Inc.*—Review of Initial Decision.
15. Special Docket No. 536: *The A.W. Fenton Co.* v. *Europe Canada Lakes Line*—Review of Initial Decision.
16. Informal Docket No. 429(F): *National Starch & Chemical Corp.* v. *Lykes Bros.*—Consideration of the record.
17. Docket No. 69-57: Agreement No. T-2336—New York Shipping Association Cooperative Working Arrangement—Satisfaction of remaining claims.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-636-78 Filed 3-22-78; 9:01 am]

[6210-01]

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, March 29, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed report to the Comptroller of the Currency regarding the competitive factors involved in the proposed merger of First National Bank of South Jersey, Egg Harbor Township, N.J., with First National State Bank of Central Jersey, Trenton, N.J.

2. Proposed policy on the granting of credit for checks deposited by Government agencies.

DISCUSSION AGENDA

1. Request by a member bank for reconsideration of a Board interpretation (1970 Federal Reserve Bulletin 343) relating to prepayment, in the form of merchandise, of interest on deposits.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: March 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-637-78 Filed 3-22-78; 9:01 am]

[8010-01]

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 11038, March 16, 1978.

TIME AND DATE: 10 a.m., March 22, 1978.

CHANGES IN THE MEETING: Additional items to be considered.

The following items will be considered by the Commission at the open meeting scheduled for Wednesday, March 22, 1978, at 10 a.m., in addition to the previously announced agenda:

1. Proposed transmittal of comments to Senator Harrison A. Williams, Jr., Chairman of the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs concerning Title II of S. 1815, the Small Business Venture Capital Act of 1977.
2. Proposed order extending the effective date of withdrawal from listing and registration in the matter of Pacific Resources, Inc. on the Pacific Stock Exchange, Inc.

The following items will be considered by the Commission at a closed meeting, immediately following the open meeting on March 22, 1978.

1. Offer of settlement.
2. Consideration of regulatory matter bearing enforcement implications.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8) (9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

MARCH 21, 1978.

[S-635-78 Filed 3-22-78; 9:01 am]

federal register

FRIDAY, MARCH 24, 1978
PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or 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 rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Florida.—FL78-1025.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are lested with each State.

Alabama:	
AL77-1140	Nov. 25, 1977.
AL78-1003	Feb. 3, 1978.
Louisiana:	
LA78-4001	Jan. 6, 1978.
LA78-4013	Feb. 17, 1978.
Michigan:	
MI78-2010; MI78-2013; MI78-2014; MI78-2015	Mar. 10, 1978.
Minnesota:	
MN77-2048	May 20, 1977.
Mississippi:	
MS78-1018; MS78-1019; MS78-1020; MS78-1021; MS78-1022	Mar. 3. 1978.
New Jersey:	
NJ77-3092	Oct. 7, 1977.
New York:	
NY77-3120	Sept 9, 1977.
Pennsylvania:	
PA77-3043	Apr 8, 1977.
PA77-3078	June 4, 1977.
PA77-3107	Aug. 26, 1977.
Puerto Rico	
PR77-3096; PR77-3097; PR77-3098	July 8, 1977.
Texas:	
TX77-4289	Oct 21, 1977.
TX78-4003	Jan. 13, 1978.
TX78-4005	Jan. 20, 1978.
TX78-4014; TX78-4015	Feb. 17, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL77-1112(AL78-1026)	Oct. 14, 1977.
Florida:	
FL77-1098(FL78-1146)	Aug. 5, 1977.
FL77-1099(FL78-1150)	Aug. 12, 1977.
Guam:	
GU77-5098(GU78-5021)	Oct. 28, 1977.
Illinois:	
IL76-2141(IL78-2042)	Oct. 10, 1976.
IL76-2142(IL78-2043); IL76-2143 (IL78-2044	Nov. 12, 1976.
IL76-2144(IL78-2045); IL76-2153 (IL78-2048)	Nov. 26, 1976.
IL76-2145(IL78-2046; IL76-2154 (IL78-2050)	Dec. 3, 1976.
IL76-2149(IL78-2047)	Dec. 19, 1976.
IL77-2116(IL78-2049)	Aug. 12, 1977.
Indiana:	
IN77-2085(IN78-2052)	May 13, 1977.
IN77-2101(IN78-2051)	June 24, 1977.
IN77-2134(IN78-2029)	Sept. 30, 1977.
Mississippi:	
MS76-1004(MS78-1028)	Jan. 9, 1976.
North Carolina:	
NC75-1115(NC78-1027)	Dec. 19, 1975.
Pennsylvania:	
PA77-3061(PA78-3014)	June 10, 1977.
Virgin Islands:	
VI76-3167(VI78-3010); VI76-3167 (VI78-3011)	May 7, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

This is to advise all interested parties that the Department of Labor intends to withdraw 4 weeks from the date of this notice, Tehama County, from General Wage Determination No. CA78-5003 dated February 24, 1978, in 43 FR 7899, applicable to Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

Signed at Washington, D.C., this 17th day of March 1978.

RAY J. DOLAN,

Assistant Administrator, Wage and Hour Division.

NEW DECISION

STATE: Florida

COUNTIES: Clay, Flagler, Putnam, St. Johns

DECISION NUMBER: FL78-1025

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction(does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	6.50				
Asbestos workers & insulators	10.99	.45	.55		.08
Bricklayers	8.00				
Carpenters	6.00				
Cement masons	7.00				
Electricians:					
Clay & St. Johns Counties	9.25	.40	3% + .81	.81	.07
Flagler County:					
Electricial Contracts under $100,000	7.50	.45	3% + .48		1%
Electrical Contracts over $100,000	8.74				
Putnam County	9.05	.35	3%		.1%
Glaziers	8.00		.20		.01
Ironworkers	4.50				
Laborers:					
Mason tenders	3.50				
Pipelayers	5.00				
Plasterer tenders	5.55				
Unskilled	3.45				
Lathers	7.85	.25	.10		.025
Painters	5.50				
Plasterers	7.33	.40	.30		
Plumbers	8.52				
Roofers	6.95				
Sheet metal workers	6.87				
Tile & Terrazzo workers	7.00				
Tile & Terrazzo finishers	4.00				
Truck drivers	3.91				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.20				
Backhoe	5.50				
Bulldozer	5.00				
Crane	5.00				
Concrete pump	4.25				
Motor grader	6.00				
Oiler	4.00				
Scraper	4.50				
Tractor	4.49				
Trenching machine	4.25				

MODIFICATIONS P. 1

DECISION #AL77-1140 - Mod. #2 (42 FR 60551 November 25, 1977) Tuscaloosa County, Alabama	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters	$ 7.95				.015
Ironworkers	10.00	.60	.815		.06
Tile Setters	9.10		.40		.05

DECISION #AL78-1003 - Mod. #3 (43 FR 4805 February 3, 1978) Statewide Alabama	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	Basic Hourly Rates
Omit:					
Tractors & Loaders (over 80 H.P. or less) (draw bar capacity)	$3.10	$3.40	$3.00	$3.00	
Tractors & Loaders (over H.P.)	4.00	4.00	4.00	4.00	
Add:					
Tractors & Loaders (80 H.P. or less) (draw bar capacity)	3.10	3.40	3.00	3.00	
Tractors and Loaders (over 80 H.P.)	4.00	4.00	4.00	4.00	

DECISION #LA78-4001 - Mod. #5 (43 FR 1276 - January 6, 1978) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$10.55	.80	1.00		.02
Marble, tile & terrazzo workers & finishers:					
Zone 1 - Tile & terrazzo worker	9.10	.25			
DECISION #LA78-4013 - Mod. #1 (43 FR 7125 - February 17, 1978) Bossier, Caddo & Calcasieu Pars., Louisiana					
Change:					
Boilermakers	10.55	.80	1.00		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI78-2010 - Mod. #1					
(43 FR 10193 - March 10, 1978)					
Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Lee-Lanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan					
CHANGE:					
Power Equipment Operators:					
Building & Heavy Construction					
Class A	$11.90	.80	1.00		.05
Class B	11.65	.80	1.00		.05
Class C	11.40	.80	1.00		.05
Class D	10.85	.80	1.00		.05
Class E	10.65	.80	1.00		.05
Class F	9.45	.80	1.00		.05
Class G	8.75	.80	1.00		
Power Equipment Operators:					
Steel Erection					
Remaining Counties					
Class A	11.40	.55	.75		.05
Class B	11.15	.55	.75		.05
Class C	10.90	.55	.75		.05
Class D	10.55	.55	.75		.05
Class E	9.30	.55	.75		.05
Class F	8.25	.55	.75		
DECISION #MI78-2013 - Mod. #1					
(43 FR 10202 - March 10, 1978)					
Allegan, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo Counties, Michigan					
CHANGE:					
Power Equipment Operators:					
Building & Heavy Construction					
Class A	11.90	.80	1.00		.05
Class B	11.65	.80	1.00		.05
Class C	11.40	.80	1.00		.05

DECISION #MI78-2013 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class D	$10.85	.80	1.00		.05
Class E	10.65	.80	1.00		.05
Class F	9.45	.80	1.00		.05
Class G	8.75	.80	1.00		
Power Equipment Operators:					
Steel Erection					
Remaining Counties					
Class A	11.40	.55	.75		.05
Class B	11.15	.55	.75		.05
Class C	10.90	.55	.75		.05
Class D	10.55	.55	.75		.05
Class E	9.30	.55	.75		.05
Class F	8.25	.55	.75		
DECISION #MI78-2014 - Mod. #1					
(43 FR 10208 - March 10, 1978)					
Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola Counties, Michigan					
CHANGE:					
Power Equipment Operators:					
Building & Heavy Construction					
Remaindor of Counties					
Class A	11.90	.80	1.00		.05
Class B	11.65	.80	1.00		.05
Class C	11.40	.80	1.00		.05
Class D	10.85	.80	1.00		.05
Class E	10.65	.80	1.00		.05
Class F	9.45	.80	1.00		.05
Class G	8.75	.80	1.00		
DECISION MI78-2015 - Mod. #1					
(43 FR 10214 - March 10, 1978)					
Genesee, Lapeer, Saginaw, St. Clair & Shiawassee Counties, Michigan					
CHANGE:					
Power Equipment Operators:					
Remainder of Counties					
Regular Equipment Operator; Scraper; Dozer; Grader; Front-End-Loader	$11.40	.80	1.00		.05
Bob Cat & Similar Type Equipment	10.85	.80	1.00		.05
Air Compressors; Generators	9.45	.80	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NM77-2048 - Mod. #6 (42 FR 26157 - May 20, 1977) Aitken, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Dakota, Dodge, Fairbault, Fillmore. Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Kanabec, Koochiching, Lake, LeSueur, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmstead, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steel, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota					
OMIT: Under Counties: Isanti County					
DECISION #MS78-1018 - Mod. #1 (43 FR -9079-March 3, 1978)					
Area IV Counties: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston Counties, Mississippi					
Change: Laborers: Unskilled	$ 2.65				
Power Equipment Operators: Scales (All Types)	2.65				
Add: Laborers: Mason Tenders	3.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MS78-1019 - Mod. #1 (43 FR 9080 March 3, 1978)					
Area I Counties Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, and Webster Counties, Mississippi					
Add: Truck Drivers	$ 3.10				
DECISION #MS78-1020 - MOD. #1 (43 FR-9081- March 3, 1978)					
Area II Counties: Bolivar, Carroll, Coahoma, DeSoto, Grenada, LeFlore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha Counties, Mississippi					
ADD: Laborers: Mason Tenders	$ 3.50				
DECISION #MS78-1021 - Mod. #1 (43 FR 9082 -dated March 3, 1978)					
Area V Counties: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson Counties, Mississippi					
ADD: Laborers Mason Tenders	$ 3.50				

MODIFICATIONS P. 6

DECISION #MS78-1022 - Mod. #1 (42 FR 9083 - March 3, 1978)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area VI Counties: George, Hancock, Harrison, Jackson, Pearl River and Stone Counties, Mississippi					
ADD:					
Laborers:					
Mason Tenders	$4.00				
DECISION #NJ77-3092 - Mod. #4 (42 FR-54726 - October 7, 1977) Bergen, Essex, Hudson, & Passaic Counties, New Jersey					
Change:					
Boilermakers	$11.57	8%	20% + .25	10%	.01
Boilermakers Helpers	11.04	8%	20% + .25	10%	.01
Bricklayers, Stonemasons, Cement Masons, & Plasterers:					
Area 2	10.50	1.97	.95		.03
Electricians & Cable Splicers:					
Family residence construction not to exceed 4 unit apartments (Note: Firewalls alone are not a determinative criteria):	7.32	6%	3%		.05
Other residential construction:					
Essex County	13.24	7%	10%		
Bergen & Hudson Counties	12.68	6%	8% + .58		½ of 1%
Passaic County	13.33	6%	8%		
Plumbers:					
Area 3	12.45	.75	1.35		.20

MODIFICATIONS P. 7

DECISION NO. 77NY-3120-Mod. #1 (42FR 45064-September 9, 1977) Orange County, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers and Steamfitters: Twps., Villages, and Hamlets and/or portions thereof: Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Park, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury Station, Central Valley, and the Palisades Interstate Park and Bear Mountain Park:					
Building	$9.74	2.03	1.56	1.17	.10
Refrigeration Work	7.45	.87	.82	.745	.03
Repair and alteration where the contract value is under $200,000	9.00	.70	.50		
Total contract value is less than $20,000	7.79	1.62	1.25	.935	.10
Remainder of County:					
Plumbers and Steamfitters	10.70	1.07	1.33	.64	.11
DECISION #PA77-3043 - Mod. # 10 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania					
Change:					
Truck Drivers:					
Class I	$8.47				
Class II	8.54				
Class III	9.03				
DECISION #PA77-3078 - Mod. # 5 (42 FR 32478 - June 4, 1977) Lawrence & Mercer Counties, Pennsylvania					
Change:					
Sheet metal workers					
Lawrence County	10.90	.90	1.23		.14
DECISION #PA77-3107 - Mod. # 8 (42 FR 43353 - August 26, 1977) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
Omit:					
From Counties:					
Chester County (Residential Construction Only)					

DECISION NO. PR77-3096 - Mod. #1 (42 FR 35601 - July 8, 1977) Puerto Rico, Island Wide	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers, Reinforcing	$ 2.50				
Laborers	2.50				
Painters	2.50				
Plumbers	2.50				
Roofers	2.50				
Truck Drivers	2.50				
DECISION NO. PR77-3097 - Mod. #1 (42 Fr 35601 - July 8, 1977) Puerto Rico, Island Wide					
Change:					
Laborers	2.50				
Roofers	2.50				
DECISION NO. PR77-3098 - Mod. #1 (42 Fr 35602 - July 8, 1977) Puerto Rico, Island Wide					
Change:					
Cement Masons	2.50				
Ironworkers	2.50				
Laborers	2.50				
Pipelayers	2.50				

DECISION #TX77-4789 - Mod. #4 (42 FR 56311 - October 21, 1977) Harrison County, Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$10.55	.80	1.00		.02
DECISION #TX78-4003 - Mod. #2 (43 FR 2126 - January 13, 1978) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Boilermakers	10.55	.80	1.00		.02
DECISION #TX78-4005 - Mod. #3 (43 FR 3029 - January 20, 1978) Bowie County, Texas					
Change:					
Boilermakers	10.55	.80	1.00		.02
DECISION #TX78-4014 - Mod. #2 (43 FR 7132 - February 17, 1978) Gregg County, Texas					
Change:					
Boilermakers	10.55	.80	1.00		.02
DECISION #TX78-4015 - Mod. #2 (43 FR 7133 - February 17, 1978) Galveston & Harris Cos., Texas					
Change:					
Asbestos workers	10.60	1.30	.80		.06
Boilermakers	10.55	.80	1.00		.02
Soft floor layers	9.92	.35	.45		.14

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: Jefferson & Shelby
DECISION NUMBER: AL78-1026 DATE: Date of Publication
Supersedes Decision No.: AL77-1112 dated October 14, 1977 in 42 FR 55408
DESCRIPTION OF WORK: Building Construction, (does not include 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	10.86	.45	.60		.05
Boilermakers	9.95	1.05	1.05		.02
Bricklayers:					
Bricklayers; pointers, caulkers; stonemasons	9.80	.35	.40		.12
Cleaners	8.70	.35	.40		.12
Carpenters:					
Carpenters, soft floor layers	8.95	.55	.30		.07
Millwrights	10.55				.07
Piledrivermen	9.15	.55	.30		.07
Cement masons	7.33	.50			
Electricians:					
Electricians	10.65	.55	3%+.40		½%
Cable splicers	10.90	.55	3%+.40		½%
Elevator constructors	9.74	.545	.35	a+b	.02
Glaziers	8.93	.50	.50		.01
Ironworkers	10.00	.60	.815		.06
Linemen:					
Linemen	9.38	.35	3%		½%
Groundmen under one year	4.21	.35	3%		½%
Groundmen one year and over	4.97	.35	3%		½%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	7.97	.35	3%		½%
Tractor with towing machine truck with winch only	6.57	.35	3%		½%
Truck without winch	5.63	.35	3%		½%
Marble setters	8.20		.40		
Painters:					
Brush (Commercial)	8.65		.60		
Spray; Structural steel	9.15		.60		
Paperhangers	8.80		.60		
Plumbers and Pipefitters	11.45	.58	.65		.09
Roofers	8.35	.	.20		.10
Sheet metal workers	10.05	.69	.82		.09
Sprinkler fitters	10.35	.65	.70		.08
Terrazzo workers, Tile setters	8.20		.40		
Tile, Marble terrazzo finishers	6.30				

AL78-1026 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Up to but not including 1½ tons	6.60	.35			
1½ to but not including 3 tons	6.80	.35			
3 tons but not including 5 tons	7.05	.35			
5 tons and over including special equipment	7.20	.35			
Heavy Duty - off the road trucks	7.30	.35			
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers, and riveters are incidental.					

PAID HOLIDAYS:
A-New Year's Day: B-Memorial Day: C-Independence Day; D-Labor Day: E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 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.

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.40	.30	.35		.03
GROUP B	6.35	.30	.35		.03
GROUP C	6.30	.30	.35		.03
GROUP D	6.25	.30	.35		.03
GROUP E	6.65	.30	.35		.03
GROUP F	7.10	.30	.35		.03
GROUP G	7.00	.30	.35		.03
GROUP H	7.05	.30	.35		.03
GROUP I	6.95	.30	.35		.03
GROUP J	6.80	.30	.35		.03
GROUP K	7.75	.30	.35		.03

GROUP A
Air or electric tool operators and asphalt rakers

GROUP B
Vibrator operators, chain saw ops. of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, conc. & clay and muckers

GROUP C
Plasterers' tenders and hod carriers

GROUP D
Mason tenders, building laborers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller (10' Dia)

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

GROUP K
Oxygen operator

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	9.34	.40	.30		.10
GROUP B	8.91	.40	.30		.10
GROUP C	7.94	.40	.30		.10
GROUP D	10.04	.40	.30		.10
GROUP E	9.43	.40	.30		.10
GROUP F	8.07	.40	.30		.10

GROUP A
Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges; fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B
Air compressor (over 125), asphalt spreaders, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)

GROUP C
Air compressor (125 & under), oilers-firemen, conveyor (1) tended by oiler), pumps (under 4 inches), welding machines (3 or under).

GROUP D
ON STEEL ERECTION: Crane, dragline, derrick, hoist, piledriver, winch truck, fork lift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E
Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less), air compressor 125 and under (2 or less), oiler, fireman, small boat

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Orange
DECISION NUMBER: FL77-1146 DATE: Date of Publication
Supersedes Decision No.: FL77-1098 dated August 5, 1977 in 42 FR 39871
DESCRIPTION OF WORK: Building construction (Does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$10.53	.50	.35		.06
Boilermakers	10.05	.95	1.05		.02
Bricklayers:					
Bricklayers	8.70	.50	.40		.03
Stonemasons	8.70	.50	.40		.03
Marble masons	8.70	.50	.40		.03
Plasterers	8.70	.50	.40		.03
Cement masons	8.70	.50	.40		.03
Carpenters; Soft Floor Layers	8.55	.50	.50		.05
Electicians:					
Electrical contracts less than $20,000	7.50	.55	3%		1%
All other work	10.30	.55	3%		1%
Elevator constructors:					
Mechanics	9.41	.745	.56	4%+a&b	.025
Helpers	6.59	.745	.56	4%+a&b	.025
Probationary helpers	4.705				
Glaziers	7.60	.25	.20		.01
Ironworkers:					
Structural & ornamental	9.33	.65	.60	.65	.05
Reinforcing	9.33	.65	.60	.65	.05
Laborers:					
Air tool operators	6.70	.25	.10		
Laborers	6.55	.25	.10		
Mason tenders	6.70	.25	.10		
Mortar mixers	6.70	.25	.10		
Pipelayers (concrete & clay)	6.70	.25	.10		
Plasterers tenders	6.70	.25	.10		
Lathers	8.88	.35	.25		.15
Linemen:					
Linemen	9.61	.40	3%		½ of 1%
Cable splicers	10.31	.40	3%		½ of 1%
Groundmen:					
Up to 1 year experience	3.92	.40	3%		½ of 1%
Over 1 year experience	5.55	.40	3%		½ of 1%

FL77-1146 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen (Cont'd):					
Heavy equipment operator	9.61	.40	3%		½ of 1%
Winch truck operator	7.68	.40	3%		½ of 1%
Pick up or flat bed operator	6.28	.40	3%		½ of 1%
Millwrights	9.42	.55	.70		.08
Painters:					
Brush	7.65	.40	.40		.06
Spray	8.15	.40	.40		.06
Paperhangers	8.15	.40	.40		.06
Sandblasters	8.15	.40	.40		.06
Piledrivers	8.85	.50	.50		.05
Plumbers	9.26	.50	.22+.40	.50	.12
ROOFERS:					
Roofers	7.40	.35	.25		.15
Kettlemen	5.95	.35	.25		.15
Sheet metal workers	10.24	3%+.30	.30	.50	.04
Sprinkler fitters	10.16	.65	.95		.10
Tile & terrazzo workers	8.45	.25	.40		.03
Welders - receive rate for craft to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, 2% of regular hourly rate for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FL77-1146 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.48	.50	.35		.05
GROUP II	8.30	.50	.35		.05
GROUP III	7.32	.50	.35		.05
GROUP IV	6.21	.50	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machines for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60 2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy. cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 tons cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under) highlift or fork-lift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (labber & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2cy or less not used as hosit, mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type, maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck drivers, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine, conveyor (motor operated), welding machine op (3 or more combustion type), pulver mixer, compressor (1 to and including 3 compressors within 3 cu. ft. radius).

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTY: Duval
DECISION NUMBER: FL77-1150 DATE: Date of Publication
Supersedes Decision No.: FL77-1099 dated August 12, 1977 in 42 FR 41060
DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$10.99	.45	.55		.08
Boilermakers	10.05	.95	1.05		.02
Bricklayers; Stonemasons	8.92	.45	.50		.06
Carpenters; Acoustical ceiling; Drywall Installers	8.92	.52	.50		.05
Cement Masons	7.61	.45	.40		.01
ELECTRICIANS:					
Wiremen	9.55	.50	3%+.81	.81	.07
Cable Splicers	9.90	.50	3%+.81	.81	.07
ELEVATOR CONSTRUCTORS:					
Mechanics	9.785	.745	.56	4%+a+b	.025
Helpers	6.85	.745	.56	4%+a+b	.025
Probationary Helpers	4.89				
Glaziers	8.00		.20		
Ironworkers	8.95	.55	.85		.02
LABORERS:					
Gunnite workers; Mechanical Tool Operators; Power Buggy Operators; Pipelayers	5.39	.20	.20		
Unskilled	5.32	.20	.20		
Lathers	7.85	.25	.10		.025
LINEMEN:					
Linemen	9.00	.40	5%+3%		0.75%
Cable Splicers	9.20	.40	5%+3%		0.75%
Heavy Equipment Operators	8.75	.40	5%+3%		0.75%
Winch Truck Operators	6.98	.40	5%+3%		0.75%
Groundmen - 1st Class	4.85	.40	5%+3%		0.75%
Groundmen - 2nd Class	4.46	.40	5%+3%		0.75%
Millwrights	9.23	.52	.50		.05

FL77-1150 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$ 8.10	.40	.60		
Paperhangers	8.50	.40	.60		
Roller	8.51	.40	.60		
Spray; Sandblast	8.62	.40	.60		
Piledrivers	8.92	.52	.50		.05
Plasterers	7.33	.40	.30		.05
Plumbers; Pipefitters; Steamfitters	10.95	.55	.55		.08
ROOFERS:					
Roofers	8.71	.50	.25		.025
Kettlemen	6.53	.50	.25		.025
Sheet Metal Workers	9.08	3% + .80	.44		.125
Soft Floor Layers	8.47	.52	.50		.05
Sprinkler Fitters	10.16	.65	.95		.10
Tile & Terrazzo Workers	7.29	.40	.50		.02
Welders - Rate for craft to which welding is incidental					

PAID HOLIDAYS: (Where Specified)

A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Six paid hilidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

FL77-1150 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.48	.50	.35		.05
GROUP II	8.30	.50	.35		.05
GROUP III	7.32	.50	.35		.05
GROUP IV	6.21	.50	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scraper), front end loaders, (over 4 cu, cap.,) , side boom cats, mult-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (moblie), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bidge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging),including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer, (mobile plant), pavement breakers, street sweeping machines.

GROUP IV: Tractor operated sweeper, trenching machine, (ladder & wheel type maximum cut 6' maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps with a 300 ft. raduis), self-propelled sweepers, combination pump, compressor & combustion type welding machine.

SUPERSEDEAS DECISION

STATE: Guam
DECISION NUMBER: GU78-5021 DATE: Date of Publication
Supersedes Decision No. GU77-5098 date October 28, 1977, in 42 FR 56945
DESCRIPTION OF WORK: Building, Residential, Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers and hod carriers	$ 3.65				
Asphalt heater tenders	4.00				
Asphalt mixing machine tenders	4.00				
Asphalt rakers, including black top rakers	4.00				
Masons tenders	4.00				
Finegraders, including slopers	4.00				
Floor sanding machine operators, including floor sanders, floor scrapers, floor finishers	4.00				
Oilers	4.00				
Truck mechanics	4.50				
Truck operators, including concrete mixing truck drivers, dump truck drivers	4.50				
Fork lift operators	4.50				
Concrete mixer operators, including batching and mixing plant operators, mixing machine operators	4.50				
Dredge dipper tenders, including bucket operators	4.50				
Dredge pipe installers	4.50				
Pipelaying fitters, including spacers	4.50				
Air hammer operators, including airbreaker operators, air gun air tool operators	4.50				
Asphalt plant drier operators	4.50				
Asphalt plant operators	4.50				
Fence erectors, including ironworkers, wirefence erectors wirefence builders	4.50				
Form tamper operators and/or tamping machine operators, including road form tamping machine operators	4.50				
Metal road form setters, including metal road form fitters	4.50				
Reinforcing iron workers, including iron workers, reinforcing bar setters	4.50				

DECISION NO. GU78-5021

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing steel erectors, reinforcing rod tiers	$ 4.50				
Structural steel workers, including bridgers, iron erectors, steel erectors, structural steel erectors	4.50				
Millwrights, including machine erectors	4.50				
Lathers, including metal lathers rockboard lathers	4.50				
Dry wall applicators, including dry wall nailers, sheetrockers	4.50				
Tapers, including drywall finishers, wall board and plasterboard finishers, sheet rock tapers, tapers and bedders tapers and floaters	4.50				
Glaziers	4.50				
Painters, including structural steel painters, finish painters	4.50				
Plasterers	4.50				
Portable pump pumpers	4.50				
Pile driving jetters	4.50				
Cement Masons	4.90				
Dredge operators, including dredge pumpers	4.90				
Pipelayers	4.90				
Asbestos and insulation workers	4.90				
Bricklayers	4.90				
Carpenters, including hardwood floor layers, framing carpenters	4.90				
Soft floorlayers	4.90				
Line maintainers, including high tension line maintainers	4.90				
Plumbers and/or pipefitters including steamfitters, sprinkler installers	4.90				
Roofers, including aluminum shingle roofers, composition roofers	4.90				
Terrazzo workers	4.90				
Tile setters	4.90				
Sheet metal workers	4.90				

DECISION NO. GU78-5021

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Crane operators	$ 5.15				
Derrick operators and hoist operators	5.15				
Boilermakers	5.15				
Electricians, including wirers, residential wirers	5.15				
Asphalt paving machine operators	5.15				
Blade grader operators	5.15				
Bulldozer operators	5.15				
Concrete paver operators and/or concrete paving machine ops	5.15				
Dragline operators	5.15				
Water well drillers	5.15				
Earth boring machine operators	5.15				
Elevating grader operators	5.15				
Form grader operators	5.15				
Foundation drill operators	5.15				
Heater planer operators	5.15				
Horizontal earth boring machine operators	5.15				
Motor grader operators	5.15				
Mucking machine operators	5.15				
Pile driver operators	5.15				
Power shovel operators	5.15				
Road mixer operators	5.15				
Road roller operators	5.15				
Rock drill operators	5.15				
Scraper operators	5.15				
Sheet-pile-hammer operators	5.15				
Shield runners	5.15				
Subgrader operators	5.15				
Sweeper operators	5.15				
Tower-excavator operators	5.15				
Trench digging machine operators	5.15				
Utility tractor operators	5.15				
Cable tool well drill operators	5.15				
Rotary drill well drill operators	5.15				

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Boone, DeKalb, Dupage, Kane, Kendall, Lake, McHenry and Will

DECISION NUMBER: IL78-2042

DATE: Date of Publication

Supersedes Decision No. IL76-2141 dated October 10, 1976, in 41 FR 47733

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HII-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
Dupage & Lake Cos.	$10.55	.78	.88		.06
Will County	11.43	.70	.85		
Remainder of Counties	11.13	.65	.62		.01
Piledrivermen					
Dupage & Lake Cos.	10.55	.78	.88		.06
Will County	11.43	.70	.85		
Remainder of Counties	11.38	.65	.62		.01
CEMENT MASONS:					
Boone County	10.48	.40	.45		
DeKalb County	10.85	.30			
DuPage County	10.90	.68	.70		.06
Kane, Kendall and McHenry Cos.	11.60	.65	.70		
Lake County	11.25	.75	.95		.03
Will County	11.02	.65	1.28		.05
ELECTRICIANS:					
Boone and DeKalb Counties	11.65	.50	3%+.40		½%
DuPage County	12.50	4%	9%	8%	.5%
Kendall County; Townships of Aurora, Sugar Grove, Big Rock, Kaneville, Blackberry, Batavia, Geneva and the City of St. Charles in Kane County; Sandwich Township in DeKalb County	13.15	5%	9%		.5 of 1%
McHenry County; Kane County: (that portion North of St. Charles, Geneva and Blackberry Townships) excluding St. Charles School for Boys; Townships of Hamhsire, Rutland, Dundee, Burlington, Plato, Elgin, Virgin and Compton	13.30	5%	9%		.5 of 1%
Lake County	12.64	.65	3%+.90		.03
Will County	13.43	.50	3%+.50		.2 of 1%
IRONWORKERS:					
Boone County; DeKalb County, (excluding S.E. 2/3, including Sycamore and DeKalb) and the N.W. half of McHenry County	12.60	.65	.375		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:- (Cont'd)					
Kane County; DeKalb County (S.E. 2/3, including Sycamore and DeKalb), DuPage County, (excluding Argonne and Vicinity) the Northern half of Kendall County; and the S.E. ¼ of McHenry County	$12.95	.65	.525		.08
Lake County; Hebron and Woodstock and E. thereof in McHenry County	11.80	1.14	1.13		.09
Will County; Argonne and Vicinity in DuPage County; and southern half of Kendall County	12.00	2.65	.525		.02
LABORERS:					
DeKalb County:					
Common, Landscaping and Carpenter Tenders	9.11	.40	.54		.035
Mortar Mixers, Mason and Plasterer Tenders, Vibrator Operator	9.31	.40	.54		.035
Bottom Sewer Workers, Jackhammer Operator, Cofferdam, Caisson Workers, Gunnite Nozzleman	9.35	.40	.54		.035
LINEMEN:					
Boone, DeKalb. DuPage, Kane, Kendall, Lake and McHenry Cos.					
Linemen, Crane Operator (15 ton or over); Digger Operator	11.85	.45	3%		.50%
Equipment Operator	10.08	.45	3%		.50%
Truck Driver	8.02	.45	3%		.50%
Groundman	7.75	.45	3%		.50%
Will County:					
Linemen and Equipment Operators	12.47	.50	1%+.50		.2%
Cable Splicers	13.83	.50	3%+.50		.2 of 1%
LANDSCAPE WORK:					
DuPage & Lake Counties					
Landscape Plantsmen	5.63				
Maintenance Men	5.32				
Truck Driver - Tractor Trailer (3 Axle or more) and Equipment Operator	6.11				
Truck Driver - 2 Axle	5.69				

DECISION NO. IL78-2042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Kane, Kendall, DeKalb, DuPage and McHenry Counties:					
Brush and Spray	$ 9.34	.60	.70		.06
Lake County:					
Brush	9.65	.575	.45		.013
Boone County:					
Brush and Roller	10.35	.40			
Open Structural and Sandblasting	10.10	.40			
Spray	10.40	.40			
Will County:					
Brush	10.24	.52	.45		.04
Bridges;					
Butt Plates and Handrails	10.74	.52	.45		.04
W/Superstructures	11.24	.52	.45		.04
WO/Superstructures	10.74	.52	.45		.04
TRUCK DRIVERS:					
Boone County:					
2-3 Axle Trucks	9.75	.40	.90		
4 Axle Trucks	9.90	.40	.90		
5 Axle Trucks	10.10	.40	.90		
6 Axle Trucks	10.30	.40	.90		
Lake County					
2-3 Axle Trucks	9.725	a29.00	a30.00		
4 Axle Trucks	9.875	a29.00	a30.00		
5 Axle Trucks	10.075	a29.00	a30.00		
6 Axle Trucks	10.275	a29.00	a30.00		
Remainder of District #1:					
2-3 Axle Trucks	9.80	a26.00	a30.00		
4 Axle Trucks	9.95	a26.00	a30.00		
5 Axle Trucks	10.15	a26.00	a30.00		
6 Axle Trucks	10.35	a26.00	a30.00		
Well Drillers:					
Driller, Pump Installer, Welder and Mechanic	8.75	.50	.50	b	

FOOTNOTES:

a. Per week per employee

b. Six (6) Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

DECISION NO IL78-2042

ILL-3-LAB-2-3

LABORERS: Boone, Kane, Kendall & McHenry	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
Common Laborers, Asphalt Laborers & Helpers, Asphalt Plant Laborers, Stripping Laborers, Concrete Saw, Self-Propelled Saw, Laser Beam	$8.55	.57	1.10		
CLASS 2					
Air Tampers & Vibrators	8.60	.57	1.10		
CLASS 3					
Mortar Concrete Mixers	8.65	.57	1.10		
CLASS 4					
Stringline & Form Setters, Torchman, Sheeting & Cribbing Men, Black Top Rackers, Lutemen, Machine Screwmen	8.70	.57	1.10		
CLASS 5					
Chain Saw Men, Jackhammermen, Drillmen, Concrete Breaker, Air Spade, Dynamite Handlers (Helpers)	8.80	.57	1.10		
CLASS 6					
Tunnel Men, Tile Layers & Bottom Men	8.90	.57	1.10		
CLASS 7					
Caisson Diggers, Dynamiters	9.05	.57	1.10		

DECISION NO IL78-0242

ILL-9-LAB-1-2-3

LABORERS: DUPAGE & WILL COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$ 8.55	.57	1.10		
CLASS 2					
Cement Gun Laborers	8.625	.57	1.10		
CLASS 3					
Scaffold Laborers & Chimney Laborers over 40'	8.65	.57	1.10		
CLASS 4					
Windlass & Cement Gun Nozzle Laborers - Gunnite	8.70	.57	1.10		
CLASS 5					
Stone Handlers & Derrickmen	8.75	.57	1.10		
CLASS 6					
Jackhammermen	8.775	.57	1.10		
CLASS 7					
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	8.80	.57	1.10		
CLASS 8					
Firebrick & Boiler Setters' Laborers	8.87	.57	1.10		
CLASS 9					
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	8.90	.57	1.10		
CLASS 10					
Boiler Setter Plastic Laborers	9.00	.57	1.10		
CLASS 11					
Jackhammer on Firebrick Only	9.125	.57	1.10		

DECISION NO. IL78-2042

ILL-49A-LAB-2-3

LABORERS: LAKE COUNTY SEWER & WATER MAIN EXTENSIONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
General Laborers; Top Laborers & Flagmen	$8.55	.57	1.10		
CLASS 2					
Second Bottom Men	8.775	.57	1.10		
CLASS 3					
Well Point System-Jackhammer Men (Tampers & Vibrators) Bottom Men, Pipelayers on Drains & Pipelayer Men; All Tunnel Work	8.90	.57	1.10		
LABORERS: STREET PAVING & GRADE SEPARATION					
CLASS 1					
General, Asphalt & Asphalt Plant Laborers; Flagmen	8.55	.57	1.10		
CLASS 2					
Laborers on Apsco, Birch Overman & Similar Spreader Equipment, Machine Screwmen, Mitre B Spreaders	8.825	.57	1.10		
CLASS 3					
Form Setters; Well Point; Jackhammer (Tampers & Vibrators); Bottom Men; Pipelayers on Drains; Catch Basin Diggers & Manhole; Power Driven Concrete Saw	8.90	.57	1.10		

DECISION NO. IL78-2042

ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.50	.75	.85	.40	.05
CLASS II	10.95	.75	.85	.40	.05
CLASS III	10.20	.75	.85	.40	.05
CLASS IV	9.10	.75	.85	.40	.05
CLASS V	8.10	.75	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ran (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside and Winnebago

DECISION NUMBER: IL78-2043

DATE: Date of Publication

Supersedes Decision No. IL76-2142 dated November 12, 1976, in 41 FR 50126

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Bureau County	$10.98	.65	.60		.03
Carroll, Stephenson and JoDaviess Counties	9.685	.30	.35		
Lee County	9.885	.45			
Whiteside County	9.635	.35	.35		
Rock Island and Henry Counties; Oregon and south thereof in Ogle County	10.815	.45	.70		
Winnebago County; North of Oregon in Ogle County	10.33	.40	1.25		
CEMENT MASONS:					
Bureau County	11.00		1.00		
Carroll, JoDaviess, Lee, Ogle and Stephenson Counties; Whiteside County excluding Erie and S.W. thereof	10.15	.40	.70		
Rock Island County; Western half of Henry County and Erie and S.W. thereof in Whiteside County	10.17	.60	.60		
Eastern half of Henry County	11.24		.20		
Winnebago County	10.48	.40	.45		
ELECTRICIANS:					
Winnebago, Ogle, Lee and Stephenson Counties; Townships of Warren, Rush, Nora, Stockton, Wards Grove, Pleasant Valley and Berrenman in JoDaviess County; Townships of Cherry Grove, Shannon, Rock Creek, Lima, Wysox and Elkhorn Grove in Carroll County, Townships of Genesee, Jordan, Hopkins, Sterling. Whiteside County; Townships of Hune, Montomery, Tampico and Hahnaman	11.65	.50	3%+.40		½%
Remainder of JoDaviess County	10.90	.35	3%+.35		3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Bureau County; Townships of Walnut, Ohio, Lamoille, Clarion, Bureau, Dover, Berlin and Westfield	$13.43	.50	3%+.50		.2 of 1%
Henry County; Townships of Annawan, Burns, Cambridge, Galva, Kawanee, Weller and Whethersfield; Bureau County; Townships of Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indianatown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Shelby, Wheatland and Wyanet	11.05	.50	3%+.30		.25%
Rock Island and Whiteside Counties; Cities of Chadwick, Nt. Carroll, Savanna and Thompson in Carroll County, Savanna Ord. Plant in JoDaviess County, and remainder of Henry County	11.69	.55	7.5%		.03
IRONWORKERS:					
Bureau County	11.54	.65	.375		.02
Henry and Rock Island Counties; Thompson and Savanna and Vicinity in Carroll County; E. Dubugue, Galena and Hanover and Vicinities in JoDaviess County, and the western half of Whiteside County	12.07	.65	.375		.11
Lee, Ogle, Stephenson and Winnegago Counties; Eastern half of Whiteside County, and Remainder of Carroll and JoDaviess Counties	12.60	.65	.375		.10
LABORERS:					
Henry County:					
Unskilled	9.22	.40	.42		.035
Semi-skilled	9.42	.40	.42		.035
Skilled	9.62	.40	.42		.035
LINEMEN:					
Bureau County					
Linemen	12.39	.45	3%		.5%
Groundman Equipment Operator - Class 1	11.56	.45	3%		.5%
Groundman Truck Driver:					
W/winch	8.65	.45	3%		.5%
WO.winch	8.24	.45	3%		.5%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN: (Cont'd)					
Bureau County: (Cont'd)					
Groundman Class "A"	$ 7.86	.45	3%		.5%
Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside and Winnebago Counties					
Linemen - Digger Operator - Crane Operator (15 ton or over)	11.85	.45	3%		.50%
Equipment Operator	10.08	.45	3%		.50%
Truck Drivers	8.02	.45	3%		.50%
Groundman	7.75	.45	3%		.50%
PAINTERS:					
Winnebago and Stephenson Counties:					
Brush and Roller	10.35	.40			
Open Structural	10.10	.40			
Spray	10.40	.40			
Rock Island, Bureau, JoDaviess and Henry Counties:					
Brush and Roller	9.82	.45	.65		.12
Structural Steel and Spray	10.07	.45	.65		.12
Bridges	10.82	.45	.65		.12
Lee, Carroll, Ogle and Whiteside Counties:					
Brush	9.00				
Structural Steel and Spray	9.35				
PILEDRIVERMEN:					
Bureau County	10.98	.65	.60		.03
Carroll, Stephenson, JoDaviess Counties	10.71	.45	.70		.04
Lee County	11.15	.45			
Whiteside County	8.48	.35	.35		
Rock Island and Henry Counties; Oregon and South thereof in Ogle County	10.71	.45	.70		.04

DECISION NO. IL78-2043

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRVIERS:					
Stephenson and Winnebago Counties; JoDaviess County (W. of Rt. #28) and Carroll County, (S. of Rt. #72 and W. of Rt. #78):					
2-3 Axle Trucks	$ 9.75	.40	.90		
4 Axle Trucks	9.90	.40	.90		
5 Axle Trucks	10.10	.40	.90		
6 Axle Trucks	10.30	.40	.90		
Lee County; Ogle County, (east of Rt. #51)					
2-3 Axle Trucks	9.80	a26.00	a30.00		
4 Axle Trucks	9.95	a26.00	a30.00		
5 Axle Trucks	10.15	a26.00	a30.00		
6 Axle Trucks	10.35	a26.00	a30.00		

FOOTNOTES:
a. Per week per employee

DECISION NO. IL78-2043

ILL-50-LAB-1-2-3

LABORERS: BUREAU COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED	$ 9.45	.40	.42		.035
SEMI-SKILLED	9.65	.40	.42		.035
SKILLED	9.85	.40	.42		.035

LABORERS:

UNSKILLED: Common Laborers; Carpenter tenders; tool cribmen; firemen or salamander tenders; flagmen, gravel box men; dumpmen & spotters; form handlers; material handlers; fencing laborers; cleaning lumber; pit men; material checkers; dispatchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickets; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & housemovers; driving of stakes; stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any other foreign material, track laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers & rebars; concrete tenders & material wheelers; kettlemen & tarmen; tnak cleaners; plastic installers; scaffold workers; motorized buggies or motorized unite used for wet concrete or handling of building materials; laborers w/dewatering systems; all sewer workers plus depth; rod & chairmen with land surveyors; vibrator operators; mortar mixer operator; cement silica, clay, fly ash, lime & pasters; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/machine; asphalt raker; grade checker

SKILLED: Dynamit man or blasters; caisson workers puls depth; gunnite nozzle men; leadman on sewer work; welders; cutters; burners; torchmen; Chain saw operator; jackhammer & drill operators; layout man; steel form setters (street & hihgway); air tamping hammerman; signal man on crane, concrete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used; multiple concrete duct-leadmen; lutemen; curb asphalt machine operator; ready-mex scalemen; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

DECISION NO. IL78-2043

ILL-81-LAB-1-2-3

LABORERS: ROCK ISLAND COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
UNSKILLED	$ 9.17	.40	.60		.035
SEMI-SKILLED	9.42	.40	.60		.035
SKILLED	9.67	.40	.60		.035

LABORERS:

UNSKILLED Common Laborer; Carpenter Tender; Rod & Chain Man; Flagman; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees, Removal of Trees, Asphalt Plant Laborers; Wrecking Laborers; Writers of Scale Ticket, Scaleman (Permanent-Portable or Temporary Plant); Deck Hand

SEMI-SKILLED Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Form setter Helper; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete ; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any mechanical devise taking the place of concrete buggy or wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting hammer Drivers (2-Men) Backup Man or Joint Man with Pipelayer; Laborer in ditch or tunnel on sewer and water main & telephone conduit Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Maine Line; Handling of Materials treated with oil, creosote, asphalt and/or any foreign material harmfull to skin or clothing Chloride Handlers; the Unloading & Laborers w/steel Workers and Re-Bars; Tunnel Helpers in Free Air; Batch Dumpers; Tank Cleaners; Coffordam Workers; Bankmen on Floating Plant

SKILLED String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

DECISION NO. IL78-2043

ILL-101-LAB-1-2-3

LABORERS: REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.11	.40	.54		.035
CLASS II	9.31	.40	.54		.035
CLASS III	9.41	.40	.54	--	.035

LABORERS:

CLASS I Common Laborers, Carpenter Tenders, Tool Cribmen, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Dumpmen & Spotters, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Asphalt Plant Laborers, Wrecking Laborers, Writer of Scale Tickets, Fire Shop Laborers, Fireproofing Laborers, Janitors, Driving of Stakes, Stringlines for all machinery, Rod & Chainmen with Techinical Engineers, with Land Surveyors, Asphalt Workers with Machine & Layers, Grade Checker, Singal Man on Crane, Coring Machine Operator, Concrete Workers (Wet), On Concrete Paving, Placing,Cutting and Tying or Reinforcing Steel Form Setters-Street & Highway

CLASS II Scaffold Workers, Handling of materials treated with any foreign matter harmful to skil or loothing, Bulk Cement Handlers, Unloading of Re-bars, Tunnel Helpers in Free Air, Batch Dumpers, Mason Tenders, Kettle and Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay Fly Ash, Line & Plasters, Handlers (Bulk or Bag) Deck Hand, Dredge Hand & Shore Laborers, Bankmen on Floating Plant, Power Tools, Material Selector (Firebrick or Castable Material) Chain saw Operators, Air Tamping Hammerman, Concrete Saw Operator, Front End Man on Chip Spreader, Luteman, Asphalt Raker

CLASS III Jackhammer and Drill Operators, Laborers with De-Watering Systems, Bottom Sewer Workers Plus Depth, Cofferdam Workers plus depth, Caisson Workers pu plus depth, Gunnite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners and Torchmen, Layout Man and/or Tile Layer, Screenman on Asphalt Pavers, Laborers Tending Masons with Hot Material, Multiple Concrete Duct-Leadman, Curb Asphalt Machine Operator, Ready-Mix Scalemen, Permanant, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine Operator, Underpinning and Shoring of Building, Pump Men

DECISION NO IL78-2043 ILL-15-PEO-1-2-3

POWER EQUIPMENT OPERATORS: ROCK ISLAND CO., & THE WESTERN ½ OF HENRY COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$11.15	.65	.60		.08
CLASS 2	11.15	.65	.60		.08
CLASS 3	9.75	.65	.60		.08
CLASS 4	9.75	.65	.60		.08
CLASS 5	8.70	.65	.60		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (Hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman Trew-L- Plant or similar machines, CMI autograder or similar machine, slip form paver, caisson augering machine, mucking, asphalt heater-planer unit hydraulic cranes, Mine hoists

CLASS 2 - Athey, Barber-Green, euclid or hasis loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneapull and similar machine, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3ork), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading spread), asphalt spreader screed operator apsco spreader or similar machine, slusher, forklift (over 6,000 lb. cap. or working at heights above 28 ft.) conveyors

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS 3 - Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (40 H. P. and under), power sub grader (on forms), or similar machines, Forklift (6000 or less cap.) Gypsum pump, conveyor over 20 H. P.

CLASS 4 - Air compressor (275 c.f.m. or over) driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small backhoes or endloaders0 self-propelled curing machine

CLASS 5 - Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

DECISION NO. IL78-2043

ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS:

EASTERN ½ OF HENRY COUNTY & REMAINDER OF BUREAU COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.05	.45	.80		.05
GROUP 2	10.85	.45	.80		.05
GROUP 3	10.27	.45	.80		.05
GROUP 4	10.00	.45	.80		.05
GROUP 5	8.56	.45	.80		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqoeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pusheats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO IL78-2043

POWER EQUIPMENT OPERATORS:

REMAINDER OF COUNTIES

IIL-10-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.50	.75	.85	.40	.05
CLASS II	10.95	.75	.85	.40	.05
CLASS III	10.20	.75	.85	.40	.05
CLASS IV	9.10	.75	.85	.40	.05
CLASS V	8.10	.75	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caissen rigs, central redinix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

DECISION NO. IL78-2043

ILL-82-TD-1-2-3

TRUCK DRIVERS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportaion purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam and Woodford

DECISION NUMBER: IL78-2044

DATE: Date of Publication

Supersedes Decision No. IL76-2143 dated November 12, 1976, in 41 FR 50133

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Iroquois and Kankakee Counties; (N. of Garver and Guthrie) in Ford County	$11.04	.65	.80		.01
Remainder of Ford County	11.015	.45	.90		.08
Woodford County	11.11	.40	.50		.05
Marshall and Putnam Counties; (Peru, Ottawa and Streator and Vicinities in LaSalle County)	10.98	.65	.60		.03
Grundy County; Marseilles and Vicinity in LaSalle County	11.83	.65	.75		.04
McLean County	11.11	.40	.50		.05
Livingston County	11.11	.40	.50		.05
CEMENT MASONS:					
LaSalle and Putnam Counties	11.00		1.00		
Livingston and McLean Counties; E. of Roanoke in Woodford Co.	11.63	.55			
Marshall County, and remainder of Woodford County	10.60	.70	.80		.05
Iroquois and Kankakee Counties	10.80	.80	.75		
Ford County	11.125	.45			.025
Grundy County	11.02	.65	1.28		.05
ELECTRICIANS:					
Townships of Fountain Creek, Love Joy and Prairie Green in Iroquois County	11.42	.50	3%+.50		.25%
Kankakee County; Remainder of Ford and Iroquois Counties	11.67	.50	3%+.50		.2 of 1%
Grundy County; Northern half of Central Southern part of LaSalle County; Walnut, Ohio, MaMoille, Clarion, Bureay, Dover, Berlin and Westville Townships in Bureau County	13.43	.50	3%+.50		.2 of 1%

ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vicinity of LaSalle S.W. part of County; Remainder of Putnan County; Townships of Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown,, Leepertown, Macon, Manilus, Milo, Mineral, Neposet, Princeton, Selby, Wheatland and Wyanet in Bureau County	$11.55	.50	1%+.30		.25%
Areas west of Bell Plaine and Roberts Townships in Marshall County; Area West of but not including Linn, Kansas, Palestine, Roanoke, Cazenovis and Metamora Townships in Woodford County	11.67	.50	3%+.50		1%
Livingston County; Vicinity of Streator - S.E. part of County south of Eden in LaSalle County; Magnolia Townships in Putnam County; Area east of Cazenovia and Metromora Townships including Linn, Clayton, Minak Roanoke, Green and Panola Townships in Woodford County; Area south of Roberts Township in Ford County; Townships of Artesia, Pigeon Grove and Loda in Iroquois County; Cropsey, Anchor, Cheney Grove and Belle Flower Townships in McLean County	11.70	.50	3%+.30		.3%
Remainder of McLean County; (Townships of Elpaso, Kansas and Palestine - S.E. corner) Woodford County	11.20	.50	3%+.40		.002
IRONWORKERS:					
Iroquois and Kankakee Counties	10.85	.65	.65		.05
Grundy County	11.07	2.65	.525		.02
Ford County; Livingston County; Eastern part of McLean County	10.80	.65	1.00		.08

IRONWORKERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Woodford County; S.W. corner of Marshall County	$11.075	.65	.925		.025
LaSalle and Putnam Counties; Remainder of Marshall County	11.54	.65	.375		.02
LINEMEN:					
Iroquois County:					
Linemen, Groundman Equipment Operator	11.57	.40	3%+.30		.5%
Groundman Truck Driver:					
W/winch	9.47	.40	3%+.30		.5%
WO/winch	8.87	.40	3%+.30		.5%
Groundman	8.42	.40	3%+.30		.5%
Kankakee County:					
Linemen, Equipment Operators	11.80	5%	6%	8.50%	.25%
Groundman	9.05	5%	6%	8.50%	.25%
Grundy County:					
Linemen and Equipment Operators	12.47	.50	1%+.50		.2%
Cable Splicer	13.83	.50	3%+.50		.2 of 1%
Ford, LaSalle, Livingston, McLean, Marshall, Putnam, and Woodford Counties:					
Linemen	12.39	.45	3%		.5%
Groundman Equipment Operator Class 1	10.56	.45	3%		.5%
Groundman Truck Drivers:					
W/winch	8.65	.45	3%		.5%
WO/winch	8.24	.45	3%		.5%
Groundman Class "A"	7.86	.45	3%		.5%
PAINTERS:					
Putnam County; Townships of Mendota, Ogelsby, Utica and Peru in LaSalle County:					
Industrial and Structural Steel					
Brush	9.00	.45	.45		
Spray and Sandblasting	10.00	.45	.45		
Remainder of LaSalle County:					
Industrial; Structural Steel and Bridges					
Brush	10.50	.45	.15		
Spray	12.50	.45	.15		
McLean County:					
Brush	10.35	.45			.06
Structural Steel & Spray	10.85	.45			.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Grundy County:					
Bridges w/butt plates and hand rails only	$10.24	.52	.45		.04
Bridges w/o superstructures	10.74	.52	.45		.04
Bridges w/superstructures and Lift type	11.24	.52	.45		.04
Kankakee and Iroquois Counties:					
Brush and Roller	9.40	.45	.50		
Spray	10.90	.45	.50		
Marshall and Woodford Counties:					
Brush	10.30	.55	.30		.03
Structural Steel, Bridge & Spray	10.80	.55	.30		.03
TRUCK DRIVERS:					
Grundy, Kankakee, Iroquois; Remainder of Livingston and Woodford Counties:					
2-3 Axle Trucks	9.80	a26.00	a30.00		
4 Axle Trucks	9.95	a26.00	a30.00		
5 Axle Trucks	10.15	a26.00	a30.00		
6 Axle Trucks	10.35	a26.00	a30.00		

FOOTNOTE:
A-per week per employee

DECISION NO. IL78-2044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
LaSalle and Putnam Counties:					
Unskilled	$ 9.45	.40	.42		.035
Semi-skilled	9.65	.40	.42		.035
Skilled	9.85	.40	.42		.035
Ford, Livingston, Iroquois, Kankakee, Marhall and Woodford Counties:					
Unskilled	9.11	.40	.42		.035
Semi-skilled	9.31	.40	.42		.035
Skilled	9.55	.40	.42		.035
McLean County:					
Unskilled	9.30	.55	.42		.035
Semi-skilled	9.50	.55	.42		.035
Skilled	9.70	.55	.42		.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of scale trickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of stakes; Stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or and other foreign material, Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/steel workers and rebars; Concrete workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for wet concrete of handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving) placing, cutting and trying or reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Caisson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signal Man on crane, concrete saw operator; Screenman on asphalt pavers; Laborers tending Masons w/hot materials are used; Multiple Concrete Duck-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Sclaemen; Portable or temporary plant; Laborers handling masterplate or similar mateirals; Laser Beam Operator; Coring Machine Operator

DECISION NO IL78-2044

ILL-9-LAB-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$8.55	.57	1.10		
CLASS 2					
Cement Gun Laborers	8.625	.57	1.10		
CLASS 3					
Scaffold Laborers & Chimney Laborers over 40'	8.65	.57	1.10		
CLASS 4					
Windlass & Cement Gun Nozzle Laborers - Gunnite	8.70	.57	1.10		
CLASS 5					
Stone Handlers & Derrickmen	8.75	.57	1.10		
CLASS 6					
Jackhammermen	8.775	.57	1.10		
CLASS 7					
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	8.80	.57	1.10		
CLASS 8					
Firebrick & Boiler Setters' Laborers	8.87	.57	1.10		
CLASS 9					
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	8.90	.57	1.10		
CLASS 10					
Boiler Setter Plastic Laborers	9.00	.57	1.10		
CLASS 11					
Jackhammer on Firebrick Only	9.125	.57	1.10		

DECISION NO IL78-2044

ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS: LaSALLE, GRUNDY, KANKAKEE, LIVINGSTON COS; E. OF THE ILL. RIVER IN PUTNAM CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.50	.75	.85	.40	.05
CLASS II	10.95	.75	.85	.40	.05
CLASS III	10.20	.75	.85	.40	.05
CLASS IV	9.10	.75	.85	.40	.05
CLASS V	8.10	.75	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27S cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grador, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper. tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

DECISION NO. IL78-2044

ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.05	.45	.80		.05
GROUP 2	10.85	.45	.80		.05
GROUP 3	10.27	.45	.80		.05
GROUP 4	10.00	.45	.80		.05
GROUP 5	8.56	.45	.80		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, gradall, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuncluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL78-2044 ILL-82-TD-1-2-3

TRUCK DRIVERS:
LaSALLE, McLEAN, FORD, PUTNAM COS; LONG POINT, NEWTON, READING & SUNBURY TOWNSHIPS IN LIVINGSTON COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO.: IL78-2045
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. IL76-2144, dated November 26, 1976, in 41 FR 52247
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-4

COUNTIES: Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peroia, Stark, Tazwell & Warren	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Western 2/3 of Hancock County:					
Carpenters	$10.05	.60	.85		.04
Piledrivermen	10.73	.60	.85		.04
McDonough County & the Eastern 1/3 of Hancock County:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
Knox, Henderson & Warren Cos:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
Mercer County:					
Carpenters	10.815	.45	.70		.025
Piledrivermen	10.71	.45	.70		.04
Stark Co; Peoria Co., excluding area south of Rt. #116, West of US Rt. #34, & East Peoria in Tazewell County:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
Fulton County & Peoria County south of Rt. #116 & west of US #24; Remainder of Tazeweel Co:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
CEMENT MASONS:					
Fulton, Peoria & Tazewell Cos.	10.60	.70	.80		.05
Hancock & McDonough Counties	11.65				
Mercer Co., Northern ½ of Henderson County	10.17	.50	.60		
Southern ½ of Henderson County	11.15				
Knox & Warren Counties	11.00	.50	.25		
Stark County	11.24		.20		
ELECTRICIANS:					
Peoria & Tazewell Cos; Twps. of Essex Valley & W. Jersey in Stark Co., Remainder of Fulton County	11.67	.50	3%+.50		1%
Remainder of Stark County	11.05	.50	3%+.30		.25%

DECISION NO. IL78-2045

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Knox, Warren & Henderson Cos., Twps of Ohio Grove, Suez & N. Henderson in Mercer Co; Twps. of Blandinsville, Prarie City, Emment, Tennessee, Scottland, Scoita, Bushnell, Macomb, Colchester, New Salem, Walnut Gove, Hire, Mounf & Chalmers in McDonough Co., Twps. of Union, Lee, Cass, Ellisville, Deerfield, Young, Kickory & Harris in Fulton County	$11.15	.50	3%+.50		.25%
Hancock Co., & Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	11.00	.50	3%+.50		1%
Remainder of Mercer County	11.69	.55	7.5%		.03
IRONWORKERS:					
Fulton Co., Vic of Astoria, Marbleton & Summum	11.10	.55	.90		.08
Knox Co., within Galesburg & all area north of city	12.07	.65	.375		.11
Peoria, Stark & Tazewell Cos; Remainder of Fulton, Knox Cos.	11.075	.65	.925		.025
Hancock, Henderson, McDonough, Mercer & Warren Cos; all area W. & SW of Galesburg in Knox County	10.75	.55	.65		
LABORERS:					
Hancock, Henderson, Knox, Stark McDonough & Warren Counties:					
Unskilled	9.45	.40	.42		.035
Semi-skilled	9.65	.40	.42		.035
Skilled	9.85	.40	.42		.035
LINEMEN:					
Peoria, Tazewell, Stark, Fulton Hancock, Henderson, Knox, McDonough & Warren Cos.:					
Linemen	12.39	.45	3%		.5%
Groundman Equip. Opr. Class 1	11.56	.45	3%		.5%
Groundman Truck Driver:					
W/Winch	8.65	.45	3%		.5%
WO/Winch	8.24	.45	3%		.5%
Groundman Class "A"	7.86	.45	3%		.5%

DECISION NO. IL78-2045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Peoria, Stark, Tazewell & Fulton Counties:					
Brush	$10.30	.55	.30		.03
Bridge Work, Spray & Structural Steel	10.80	.55	.30		.03
Warren & Mercer Counties:					
Brush & Roller	9.82	.45	.65		.12
Structural Steel & Spray	10.07	.45	.65		.12
Bridges	10.82	.45	.65		.12
Knox & Henderson Counties:					
Brush	8.90	.55	.15		
Structural Steel	9.15	.55	.15		
McDonough & Hancock Counties:					
Brush	9.85				
Spray-Bridge & Structural Steel	10.35				

DECISION NO. IL78-2045

ILL-5-LAB-2-3

LABORERS:
FULTON COUNTY & THE REMAINDER OF TAZEWELL COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED LABORERS	$9.40	.60	.60		.035
SEMI-SKILLED LABORERS	9.60	.60	.60		.035
SKILLED LABORERS	9.80	.60	.60		.035

CLASSIFICATIONS

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oiling Machinery & Tools, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Piledriver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Men Helpers, Janitors, Unloading & Carrying of Rebars, Caission Top Man Helper, Mason Tenders, Scaffold Workers, Laborers w/dewatering systems, Plaster Tenders & Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/oil & creosote, Asphalt and/or Foreign Material harmful to skin & clothing handled by any mode or method, Track Laborers, Cement Handlers, Signaling & Spotting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials, Sewer Workers (excluding Pipe Layer & Helper), Vibrator Operators, Mortar Mixer Opr., Cement Silicia, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men on Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen & Spotter where Grade is to be established, Power Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter, Digging Bell Holes, Driving or Stakes & Setting Stringlines for all Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Welders, Cutters, Burners & Torchmen, Tile or Pipelayers & Helpers, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screenman on Asphalt pavers, Front-End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or/where Foreign Matter or Materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready Mix Scalemen, Permanent Portable or Temporary Plant, Laborers handling Master-Plate or similar Materials, Laser Beam Opr., Concrete Burning Machine Opr., Coring Mach. Opr., Underpinning & Shoring of Buildings, Dynamite Shooter, Cribbing & Jackman in Trench & Hydraulic Jackman.

DECISION NO. IL78-2045

ILL-20-LAB-2-3

LABORERS:
PEORIA COUNTY & CITY OF EAST PEORIA IN TAZEWELL COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROADS, DRIVEWAYS & ALLEY CONST.					
Bricklayer tender, Carpenter tender, Cement Mason Tender, Flagman, Concrete Form Dismantler, Piledriver Tender, Surveyor Helper, Tool Cribmen, Water carrier, Expansion joint assemblers, all other excavating work & labor, curing all concrete by hand method, Drive stakes, stringlines for all machinery, waterproofing w/cold stuff	$9.78	.40	.42		.035
Stripping Concrete forms with composite crew of carpenters and laborers	9.93	.40	.42		.035
All Power operated tools, Asphalt kettlemen & carriers, Cement men & Sack shakers, Chipping hammermen, Jackhammer & drill operator (open), Powderman Helper, Power form tampers, Power concrete saw, Rigmen, Signalling & spotting rigs & equipment, waterproofing w/hot stuff	9.905	.40	.42		.035
Power Wheelbarrows or Buggies	10.055	.40	.42		.035
Gunnite Pump Man, Puddlers, Vibrator Man, Wire Fabric Placer, Sandblasting pump man, Strike off, Unloading, handling & carrying of any creosoted material concrete burning bars	10.03	.40	.42		.035
Asphalt raker, Bricksetters, Cutting torch, Setting lines to level forms, Form setters, Gunnite nozzleman, Sandblasting Nozzleman, Powderman, Rip-rapping, Cutting Torchman (elec. & acetylene)	10.155	.40	.42		.035

DECISION NO. IL78-2045

ILL-20-LAB-2-3

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TUNNEL & SUBWAYS (FREE AIR):					
Top Laborer	$ 9.78	.40	.42		.035
Bell Men (top & bottom), all Laborers in Tunnel	9.905	.40	.42		.035
Drill & Powder Men, Gunnite Operator (Tunnel), Operator Cement Placement	10.155	.40	.42		.035
Muckers	10.155	.40	.42		.035
Tunnel Miners	9.905	.40	.42		.035
COFFERDAMS & CAISSON (FREE AIR):					
Caisson & Cofferdam Top Man	9.905	.40	.42		.035
Caisson & Cofferdam Miners & Muckers	10.255	.40	.42		.035
OPEN SEWER OR TRENCHES:					
Top Man & all other excavating	9.78	.40	.42		.035
Bottom man who does immediate grading, Batter Board Men, Laser Beam Equipment	9.905	.40	.42		.035
Tile Layer & Caulker	10.155	.40	.42		.035
Cribbing, Jackman & Hydraulic Jackman in Trench	10.255	.40	.42		.035
LEVEE & HEAVY GRADING:					
All other Laborers	9.78	.40	.42		.035
Spotters, Dump Man & Cut Man	9.905	.40	.42		.035
PIPELINE:					
All other Laborers, Rollers, Scalers & Spotters	9.78	.40	.42		.035
Signal Men on Rigs, Rig-men, Kettlemen & Carriers, Men handling hotstuff, Men who do immediate grading for laying of pipe or digging bell holes	9.905	.40	.42		.035

DECISION NO. IL78-2045

ILL-81-LAB-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROCK ISLAND & MERCER COUNTIES					
UNSKILLED	$ 9.17	.40	.60		.035
SEMI-SKILLED	9.42	.40	.60		.035
SKILLED	9.67	.40	.60		.035

LABORERS - ROCK ISLAND & MERCER COUNTIES

UNSKILLED

Common Laborer; Carpenter Tender; Rod & Chain Man; Flagman; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writers of Scale Tickets, Scaleman (Permanent-Portable or Temporary Plant); Deck Hand.

SEMI-SKILLED

Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Mechanical Tamper and Air Spade; Wagon & Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Form Setter Helper; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any mechanical devise taking the place of concrete buggy or wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2-Men) Back up Man or Joint Man with Pipelayer; Laborer in ditch or tunnel on sewer and water main & telephone conduit Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Main Line; Handling of Materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; the Unloading & Laborers w/Steel Workers and Re-Bars; Tunnel Helpers in Free Air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant.

SKILLED

String on Wireline (1-man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners & Torchman; Screedman on Asphalt Pavers; Lutemen; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man.

DECISION NO. IL78-2045

ILL-15-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MERCER COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 11.15	.65	.65		.08
CLASS 2	11.15	.65	.65		.08
CLASS 3	9.75	.65	.65		.08
CLASS 4	9.75	.65	.65		.08
CLASS 5	8.70	.65	.65		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (Hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman Trav-L- Plant or similar machines, CMI autograder or similar machine, slip form paver, caisson augering machine, mucking, asphalt heater-planer unit hydraulic cranes, Mine hoists

CLASS 2 - Athey, Barber-Green, euclid or hasis loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneapull and similar machine, IW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3or4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading spread), asphalt spreader screed operator apsco spreader or similar machine, slusher, forklift (over 6,000 lb. cap. or working at heights above 28 ft.) conveyors

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS 3 - Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (40 H. P. and under), power sub grader (on forms), or similar machines, Forklift (6000 or less cap.) Gypsum pump, conveyor over 20 H. P.

CLASS 4 - Air compressor (275 c.f.m. or over) driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small backhoes or endloaders0 self-propelled curing machine

CLASS 5 - Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

DECISION NO. IL78-2045

POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTIES

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.05	.45	.80		.05
GROUP 2	11.85	.45	.80		.05
GROUP 3	10.27	.45	.80		.05
GROUP 4	10.00	.45	.80		.05
GROUP 5	8.56	.45	.80		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-sceder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO IL78-2045

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO.: IL78-2046 DATE: Date of Publication
Supersedes Decision No. IL76-2145, dated December 3, 1976, in 41 FR 53251
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-5

COUNTIES: Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermillion	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Champaign County, N.E. ½ of Piatt Co., North of US Rt. #36 in Douglas Co.					
Carpenters	$11.015	.45	.90		.08
Piledrivermen	11.515	.45	.90		.08
Macon Co., SW ½ of Piatt Co., North of Rt. #133 in Moultrie Co., Moweaqua & North therof in Shelby County					
Carpenters	10.575	.40	.55		.02
Piledrivermen	11.075	.40	.55		.02
Southeastern corner of Clark County					
Carpenters	10.665	.50	.40		
Piledrivermen	11.165	.50	.40		
Cumberland, Coles, Edgar, & Remainder of Clark, Moultrie & Shelby Counties					
Carpenters	10.275	.45	.30		.07
Piledrivermen	11.225	.45	.30		.07
Vermillion County					
Carpenters	10.275	.70	.55		.02
Piledrivermen	10.775	.70	.55		.02
DeWitt County					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
CEMENT MASONS:					
Macon Co., Clinton & South Thereof in DeWitt Co, S. of Monticel Monticello in Piatt Co., N.E. corner of Moultrie Co; Lovington, Bethany & Moweaqua in Shelby County	10.60	.60	.425		
Coles & Edgar Counties	11.325				
Vermillion County	10.925		.40		
Champaign, Douglas, Clark & Cumberland Counties, Monticello & N. Thereof in Piatt County, Remainder of Shelby & Moultrie Counties	11.175	.45			.025

DECISION NO. IL78-2046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Clark & Edgar Counties	$11.75	.50	3%+.50		.01
Vermillion County	11.42	.50	3%+.50		.25%
Twps. of Waynesville, Wilson & Rutledge in DeWitt County	11.20	.50	3%+.40		.002
Cumberland, Coles & Douglas Cos., Twps. of Bowdie, Burbon, Arcola & Sargent in Moultrie Co; Twps. of Lowe, Jonathan Creek, Whitley & E. Nelson in Shelby County	9.90	.40	1%+.20		.2%
Champaing Co; N. ½ of Douglas Co; Twps. of Blue Ridge, Sangamon & Monticello in DeWitt County	11.70	.50	3%+.30		.3%
Macon Co; Twps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnabridge, Texas Creek & Nixon in DeWitt Co; Twps. of Boose Creek, Willow Branch, Cerro Gordo, Bement & Unity in Piatt Co; Twps. of Garret & That portion of Tuscola lying west of the city of Tuscola & the Ill. Central Rail road tracks in Douglas Co; Twps. of Moweaqua, Penn, Flat, Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Springs, Lakewood, Clarkburg, Herrick, Dry Point & Holland in Shelby Co; Twps. of Dora Lovington, Marrowbone & Sullivan at the Ill. Masonic Home & Farm in E. Nelson in Moultrie County	11.70	.50	3%+.40		.35%
IRONWORKERS:					
Champaing, Coles, Cumberland, Douglas, Edgar, Moultrie, Piatt, Vermillion & E. ½ of DeWitt Co., & East of Decatur in Macon County	10.80	.65	1.00		.08

DECISION NO. IL78-2046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (CONT'D)					
Western ½ of DeWitt Co; W. ½ of Shelby Co; Decatur & West thereof in Macon County	$10.10	.55	.90		.08
Clark County	10.60	.90	1.90		.10
LINEMEN:					
Champaign, DeWitt, Douglas, Piatt, Edgar & Shelby Counties; Twps. of E. Oakland, Humboldt Morgan, N. Okaw & Seven Hickory in Coles County; Remainder of Moultrie County:					
Linemen	12.39	.45	3%		.5%
Groundman - Equip. Opr. Class 1	11.56	.45	3%		.5%
Groundman Truck Driver:					
W/Winch	8.65	.45	3%		.5%
WO/Winch	8.24	.45	3%		.5%
Groundman Class "A"	7.86	.45	3%		.5%
Vermillion County:					
Linemen & Groundman Equipment Operator	11.57	.40	3%+.30		.5%
Groundman Truck Driver:					
W/Winch	9.47	.40	3%+.30		.5%
WO/Winch	8.87	.40	3%+.30		.5%
Groundman	8.42	.40	3%+.30		.5%
Cumberland & Clark Counties; Whitley Twp. in Moultrie Co; & Remainder of Coles County:					
Linemen & Digging Machine Opr	11.46	.45	8%		.25%
Groundman Equipment Operator:					
Class 1	9.78	.45	8%		.25%
Class 2	8.01	.45	8%		.25%
Groundman:					
Class A	7.29	.45	8%		.25%
1st 6 Months	6.97	.45	8%		.25%
PAINTERS:					
Champaign, Coles & Douglas Cos:					
Brush	10.77	.55	.40		.04
Bridges	11.77	.55	.40		.04
Macon, Shelby, Moultrie & Piatt Counties:					
Brush	10.20	.50	.40		
Spray	10.95	.50	.40		
Structural over 50' - Radio - TV & Towers	11.20	.40	.30		

DECISION NO. IL78-2046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Edgar & Clark Counties					
Brush	$ 6.15				
Rollers	6.50				
Spray	7.15				
Vermillion County:					
Brush	10.80				
Spray	11.80				
DeWitt County:					
Brush	10.35	.45			.06
Roller, Spray & Structural Steel	10.85	.45			.06

DECISION NO. IL78-2046

ILL-HH-5-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Champaign County					
Unskilled	$10.20	.30	.30		.035
Semi-Skilled	10.40	.30	.30		.035
Skilled	10.55	.30	.30		.035
Coles & Cumberland Counties					
Unskilled	9.85	.55	.40		.035
Semi-Skilled	10.05	.55	.40		.035
Skilled	10.10	.55	.40		.035
Douglas Co; S. ½ of Piatt Co.					
Unskilled	9.75	.45	.48		.035
Semi-Skilled	9.95	.45	.48		.035
Skilled	10.10	.45	.48		.035
Clark & Edgar Counties					
Unskilled	9.75	.45	.60		.035
Semi-Skilled	9.95	.45	.60		.035
Skilled	10.10	.45	.60		.035
Western ½ of Moultrie County					
Unskilled	10.05	.35	.40		.035
Semi-Skilled	10.25	.35	.40		.035
Skilled	10.40	.35	.40		.035
Eastern ½ of Moultrie County					
Unskilled	9.75	.45	.48		.035
Semi-Skilled	9.95	.45	.48		.035
Skilled	10.10	.45	.48		.035
Northern ½ of Piatt County					
Unskilled	10.20	.30	.30		.035
Semi-Skilled	10.40	.30	.30		.035
Skilled	10.55	.30	.30		.035

DECISION NO. IL78-2046

ILL-HH-5-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Shelby County					
Unskilled	$10.05	.35	.40		.035
Semi-Skilled	10.25	.35	.40		.035
Skilled	10.40	.35	.40		.035
DeWitt County					
Unskilled	10.20	.30	.30		.035
Semi-Skilled	10.40	.30	.30		.035
Skilled	10.55	.30	.30		.035
Macon County					
Unskilled	9.95	.35	.50		.035
Semi-Skilled	10.15	.35	.50		.035
Skilled	10.30	.35	.50		.035
Vermillion County					
Unskilled	9.75	.45	.60		.035
Semi-Skilled	9.95	.45	.60		.035
Skilled	10.10	.45	.60		.035

DECISION NO.: IL78-2046

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clm shell, C.N.E. & similar type autograde fromless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derricks, derrick boats, draglines, earth augeror bboing machines, elevating graders engineers on dredge, gravel processing machines, high lift or fork lifts, hoist w.two drums or two or more loadlines locomotives (all) mechanics, mortar graders or auto pratrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), organe peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yds. capacity & under, sheep foot roller (self-propelled) Shovels, skimmer scoops, test hoeldrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tamdem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self-propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanics helpers, mechanical heaters* oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*) welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL78-2046

ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$11.60	.55	.75		.13
CLASS II	11.55	.55	.75		.13
CLASS III	11.35	.55	.75		.13
CLASS IV	7.35	.55	.75		.13

POWER EQUIPMENT OPERATORS:

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tourmanixer, Two Drum Machine, One Drum Hoists with tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

DECISION NO IL78-2046

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips,Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, two to four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 cu. ft. and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Plex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Pain Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat,Throttle Valve, Farm Tractor

DECISION NO: IL78-2046

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO.: IL78-2047
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. IL76-2149, dated December 19, 1976 in 41 FR 54128
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

ILL-HH-6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Sangamon County (Illiopolis & Vicinity)	$11.015	.45	.90		.08
Logan County	10.75	.45	.55		.06
Remainder of District #6	10.75	.55	.45		.06
CEMENT MASONS:					
Adams & Logan Counties	10.90				.01
Remainder of District #6	10.15	.45	.30		.02
ELECTRICIANS:					
Christian County	11.70	.50	3%+.40		.35%
Adams, Brown, Pike & Schuyler Counties	11.00	.50	3%+.50		1%
Sangamon, Logan, Menard, Cass, Morgan, & Scott Counties; Twps, of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt Creek, & Mason in Mason County	11.67	.50	3%+.40		.1 of 1%
Remainder of Mason County	11.67	.50	3%+.50		1%
IRONWORKERS:					
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike Sangamon, Scott Counties Kingston & Vicinity in Adams County; Eastern ½ of Schuyler County	11.10	.55	.90		.08
Remainder of Adams & Schuyler Counties	10.75	.55	.65		
LINE CONSTRUCTION:					
Linemen	12.39	.45	3%		.5%
Groundman Equip. Opr. Class	11.56	.45	3%		.5%
Groundman Truck Driver:					
W/Winch	8.65	.45	3%		.5%
WO/Winch	8.24	.45	3%		.5%
Groundman Class "A"	7.86	.45	3%		.5%

DECISION NO: IL78-2047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:					
Brush & Roller	$ 9.80	.45	.15		
Spray	10.30	.45	.15		
Pike County:					
Industrial	10.80	.55	.35		
Bridges	11.05	.55	.35		
Mason County:					
Brush	10.30	.55	.30		.03
Bridge Work & Spray	10.80	.55	.30		.03
Schuyler County:					
Brush	9.85				
Spray & Structural Steel	10.35				
Adams & Brown Counties:					
Brush	8.00				
Spray	9.00				

DECISION NO. IL78-2047

ILL-HII-LAB-6

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams County:					
Unskilled	$ 9.25	.45	.36		.035
Semi-skilled	9.45	.45	.36		.035
Skilled	9.60	.45	.36		.035
Logan & Menard Cos: (North of Petersburgh):					
Unskilled	9.21	.45	.40		.035
Semi-skilled	9.41	.45	.40		.035
Skilled	9.56	.45	.40		.035
Morgan, Brown, Cass, Mason, Pike, Scott & Schuyler Cos.:					
Unskilled	9.26	.35	.45		.035
Semi-skilled	9.46	.35	.45		.035
Skilled	9.61	.35	.45		.035
Christian County:					
Unskilled	9.21	.45	.40		.035
Semi-skilled	9.41	.45	.40		.035
Skilled	9.56	.45	.40		.035
Menard County (Petersburgh & South)					
Unskilled	9.31	.35	.40		.035
Semi-skilled	9.51	.35	.40		.035
Skilled	9.66	.35	.40		.035
Sangamon County:					
Unskilled	9.31	.35	.40		.035
Semi-skilled	9.51	.35	.40		.035
Skilled	9.66	.35	.40		.035

LABORERS:
Unskilled Common Laborers

Semi-skilled Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Oprs; Chain Saw Oprs.; Form Tampers, Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; Hopper men., Power Tool Oprs; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet high; Pipe Wrapper; Taper Coater & Torchmen on Pipeline; Stringline men & Batter Board Setters on Sewere; Hydraulic Trench Jacks.

Skilled Paving Breakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men, Vibrator Men, Cutters & Burners on wrecking Jobs or Torchmen; Concrete Burners; Men Working in caissons below water level; Boring Machine.

DECISION NO. IL78-2047

POWER EQUIPMENT OPERATORS:
MASON COUNTY

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.05	.45	.80		.05
GROUP 2	10.85	.45	.80		.05
GROUP 3	10.27	.45	.80		.05
GROUP 4	10.00	.45	.80		.05
GROUP 5	8.56	.45	.80		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechenics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL78-2047

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO.: IL78-2047

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clm shell, C.N.E. & similar type autograde fromless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derricks, derrick boats, draglines, earth augeror broing machines, elevating graders engineers on dredge, gravel processing machines, high lift or fork lifts, hoist w.two drums or two or more loadlines locomotives (all) mechanics, mortar graders or auto pratrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), organe peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yds. capacity & under, sheep foot roller (self-propelled) Shovels, skimmer scoops, test hoeldrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck; building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self-propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanics helpers, mechanical heaters* oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*) welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL78-2047

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks; or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: IL78-2048
Supersedes Decision No.: IL76-2153, dated November 26, 1976 in 41 FR 52253
DESCIPTION OF WORK: Heavy and Highway Construction

COUNTIES *See Below
DATE: Date of Publication

COUNTIES: Clay; Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne & White

ILL-HH-7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	9.41	.50	.50		.03
CEMENT MASONS:					
Wabash & Lawrence Counties; The Southern Part of Crawford County	10.85	.60			
Northern Part of Crawford County	10.35			.50	
Northern part of Fayette County	10.45	.40			
Wayne, Hamilton, Marion, Effingham, White, Jefferson, Clay, Jasper, Richland, Edwards & Remainder of Fayette County	10.85	.60			
ELECTRICIANS					
Wasbash County	12.35	.50	3%		½%
Crawford, Jasper, Lawrence & Richland Counties	11.75	.50	3%+.50		.01
Twps. of Bishop, Douglas, Lucas Moccasin, St. Francis, Summit & Teutopolis in Effingham Co.	9.90	.40	1%+.20		.2%
Bannet & Liberty Twps. in Effingham County; Twp. of Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson, & Louden in Fayette County	11.70	.50	3%+.40		.35%
Edwards, Hamilton, Jefferson, Marion, clay, Wayne & White Cos., Remainder of Effingham & Fayette Counties	12.15	.40	13%		1%
IRONWORKERS:					
Crawford, Jasper Cos: N. of Olney in Richland Co., Dexter & East thereof in Effingham Co., North of Lawrenceville in Lawrence Co., & Remainder of Clay County	10.60	.90	1.90		.10
Marion County, Brown & S. thereof in Fayette Co., & Mt. Vernon & west thereof in Lawrence County	13.50	.55	.90		
Effingham Co.; West of Dexter & Avena & North thereof in Fayette County	10.60	.90	1.90		.10

DECISION NO. IL78-2048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS	8.30	.30	.30		.035
LINEMEN:					
Portion north of Avena, Bear Grove, Sefton & Sharon Twps. in Fayette County:					
Linemen	12.39	.45	3%		.5%
Groundmen Equipment Opr. Class 1	11.56	.45	3%		.5%
Groundmen Truck Driver:					
W/Winch	8.65	.45	3%		.5%
WO/Winch	8.24	.45	3%		.5%
GROundmen Class "A"	7.86	.45	3%		.5%
District #7 & Remainder of Fayette County:					
Linemen & Digging Machine Opr.	11.46	.45	8%		.25%
Groundmen Equipment Opr. Class 1	9.78	.45	8%		.25%
Groundmen Equipment Opr. Class 2	8.01	.45	8%		.25%
Groundman:					
Class "A"	7.29	.45	8%		.25%
1st 6 Months	6.97	.45	8%		.25%
PAINTERS:					
Clay; Salem & Vic. in Marion County:					
Brush	8.00				
Structural Steel	10.00				
Spray	9.25				
Wabash Co: Centralia & Vic. in Marion County:					
Brush	8.10				
Spray	9.10				
Jefferson, Wayn, Edwards & Hamilton Counties:					
Brush & Roller	6.65				
Spray	8.00				
Jasper & Effingham Counties:					
Brush	9.05	.45			
Bridges	10.60	.45			

DECISION NO. IL78-2048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Richland & Lawrence Counties:					
Industrial	9.85	.45			
Spray	10.85	.45			
White County:					
Brush	8.95	.65	.30		
Bridges:					
Brush and Rollers	10.10	.65	.30		
Spray	11.10	.65	.30		
Crawford County:					
Brush	9.05	.45	.30		
Fayette County:					
Industrial	10.80	.55	.35		
Bridges	11.05	.55	.35		

DECISION NO. IL78-2048

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.52	.87	1.51		.05
GROUP II	9.69	.87	1.51		.05
GROUP III	9.04	.87	1.51		.05
GROUP IV	8.94	.87	1.51		.05
GROUP V	8.69	.87	1.51		.05
GROUP VI					
a.	12.67	.87	1.51		.05
b.	12.97	.87	1.51		.05
c.	10.79	.87	1.51		.05
d.	11.29	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, extavators, concrete breakers. concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors) (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

DECISION NO. IL78-2048

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumperete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; Pail pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. IL78-2048

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oilef; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO 78IL-2048

ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$11.00	.40	.75		.13
CLASS II	10.95	.40	.75		.13
CLASS III	10.75	.40	.75		.13
CLASS IV	7.25	.40	.75		.13

POWER EQUIPMENT OPERATORS:

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tournamixer, Two Drum Machine, One Drum Hoists with tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apaco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

DECISION NO IL78-2048

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, two to four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compres or 600 cu. ft. and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Pain Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Farm Tractor

DECISION NO. IL78-2048

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL78-2049
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: IL77-2116, dated August 12, 1977 in 42 FR 41072
DESCRIPTION OF WORK: Heavy and Highway Construction.

*Counties: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair, & Washington.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Bond, Calhoun, Greene, Jersey, & Madison Counties	11.335	.60	.50		
Clinton, Monroe, St. Clair & Washington Counties	10.935	.60	1.00		
Macoupin & Montgomery Counties	10.935	.50	.50		
CEMENT MASONS:					
Calhoun, Jersey, St. Clair Washington & Monroe Counties, Western ½ of Clinton County, East to but not including Carlyle, Southern part of Bond County, North to & including Smithboro; Remainder of Madison County	12.375				
Greene, Macoupin & Montgomery Counties; Eastern ½ of Clinton County including Carlyle; the Northern part of Bond County & the Northeastern section in Madison County	10.975	.78	.62		
ELECTRICIANS:					
Portion East of Butler Grove, Grisham, Hillsboro & Raymond Twp. in Montgomery County	11.70	.50	3%+.40		.35%
Athensville, Scotville, Girard & Athens north thereof in Macoupin Co. N. W. part of Montgomery Co. including Bois D' Arc, Harvel & Pittman Twps.	11.67	.50	3%+.40		.1 of 1%
Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co.	11.60	.40	1%+.30	6%	.3 of 1%
Eastern ½ of Bond County, Huey Hoffmen & Vicinity in Clinton County & Remainder of Washington County	12.15	.40	13%		1%
Monroe & St. Clair Cos; Western ½ of Bond Co., Vendy Twp. in Washington Co., & Remainder of Clinton, Madison & Montgomery Counties	11.23	.4%	1%+.65	6%	.25%

DECISION NO. IL78-2049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair & Washington Cos; Summerville & South thereof in Macoupin Co., & Litchfield, Hillsboro & south thereof in Montgomery County	11.35	.55	.90		
Greene, Macoupin Co., north of Summerville & north of Litchfield & Hillsboro in Montgomery County	11.10	.55	.90		.08
LINEMEN:					
Eastern ½ of Bond Co. & Remainder of Washington County:					
Linemen & Digging Operator	11.46	.45	8%		.25%
Groundman Equipment Operator:					
Class I	9.78	.45	8%		.25%
Class II	8.01	.45	8%		.25%
Groundman:					
Class "A"	7.29	.45	8%		.25%
1st. 6 months	6.97	.45	8%		.25%
Northern 1/3 of Macoupin County & Remainder of Montgomery Co:					
Linemen	11.33	.45	3%		.5%
Groundmen Equip. Opr.-Class I	10.57	.45	3%		.5%
Groundman Truck Driver-W/Winch	7.90	.45	3%		.5%
Groundman Truck Driver WO/Winch	7.52	.45	3%		.5%
Groundman Class "A"	7.17	.45	3%		.5%
Calhoun, Greene & Jersey Cos; S.W. corner of Macoupin Co; Alton, E. Alton, Wood River & Hartford in Madison County:					
Linemen	11.60	.40	1%+.30	6%	.3 of 1%
Groundman Truck Driver - W/ Winch	10.70	.40	1%+.30	6%	.3 of 1%
Groundman & Groundman Truck Driver	10.40	.40	1%+.30	6%	.3 of 1%
Monroe & St. Clair Cos. Okawville & Vendy Twps in Washington Co. Portion East of Roundtree, Irving & East Fork Twps. in Montgomery Cos. & Remainder of Macoupin and Madison Counties Western ½ of Bond County					

DECISION NO. IL78-2049

LINEMEN (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen	12.36	4%	3%		.25%
Groundmen Equipment Operator	10.74	4%	3%		.25%
Groundmen Truck Drivers:					
W/Winch & W0/Winch	8.73	4%	3%		.25%
Pick-Up-Jeeps	8.14	4%	3%		.25%
Groundmen	8.08	4%	3%		.25%
PAINTERS:					
Brush	10.55	.55	.35		
Industrial & Tapers	10.80	.55	.35		
Bridges	11.05	.55	.35		
LABORERS: HEAVY CONSTRUCTION					
St. Clair Co. Freeburg-New Athens					
Laborers	10.00	.35	.60		.035
Brick & Plaster Mason Tenders	10.50	.35	.60		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.25	.35	.60		.035
Dynamite Men	10.60	.35	.60		.035
Bond Co. - Pochontas					
Macoupin Co. - Gillespie					
Washington Co. Ashely					
Laborers	10.55		.40		.035
Brick & Plaster Mason Tenders	11.05		.40		.035
Workmen cutting & Burning w/a torch & working on the bottom of sewer, etc.	10.80		.40		.035
Dynamite Men	12.15		.40		.035
Madison Co. - Livingston - Bond Co.-Greenville-Macoupin Co.-Mt. Olive					
Laborers	10.65		.30		.035
Brick & Plaster Mason Tender	11.15		.30		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.90		.30		.035
Dynamite	12.25		.30		.035
Madison Co. - Glen Carbon					
Laborer	10.45		.60		.035
Brick & Plaster Mason Tenders	10.95		.60		.035
Workmen cutting & burning w/a torch and working on the bottom of sewer, etc.	10.70		.60		.035
Dynamite Men	12.05		.60		.035

DECISION NO. IL78-2049

LABORERS - HEAVY CONST. (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Macoupin Co. Carlinville					
Calhoun Co. - Hardin					
Madison Co. - Marine					
Laborers	10.75		.20		.035
Brick & Plaster Mason Tenders	11.25		.20		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	11.00		.20		.035
Dynamite Men	12.35		.20		.035
Monroe Co. - Columbia					
Common Laborers	10.00	.30	.25		.035
Air tool opr; Cooking Mastic; Laying or Caulking Sewer Pipe	10.25	.30	.25		.035
Mason & Plasterer Tenders, Dynamite Men	10.50	.30	.25		.035
Macoupin Co. Staunton					
Madison Co. - Troy, St. Jacob & Highlands					
Greene Co. - Roodhouse					
Washington Co. - Okawville					
Montgomery Co. - Litchfield & Hillsboro					
Clinton Co. - Carlyle-Trenton					
Randolph Co. - Chester -Sparata					
Laborers	10.35		.60		.035
Brick & Plaster Mason Tenders	10.85		.60		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.95		.25		.035
Dynamite Men	12.30		.25		.035
Washington Co. - Nashville					
Laborers	10.45		.50		.035
Brick & Plaster Mason Tenders	10.95		.50		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.70		.50		.035
Dynamite Men	12.05		.50		.035

DECISION NO. IL78-2049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HIGHWAY CONSTRUCTION					
ZONE I					
Area-1 Madison Co. - Alton					
Laborers	9.65	.80	.60		.035
Asphalt Raker, etc.	9.75	.80	.60		.035
Brick Mason Tenders	10.15	.80	.60		.035
Men working on the bottom etc.	9.90	.80	.60		.035
Dynamite Men	11.175	.80	.60		.035
Area 2-St. Clair Co. New Athens - Freeburg					
Laborers	10.10	.35	.60		.035
Asphalt Rate, etc.	10.20	.35	.60		.035
Brick Mason Tender	10.60	.35	.60		.035
Men working on the bottom, etc	10.35	.35	.60		.035
Dynamite Men	11.625	.35	.60		.035
Area 3-St. Clair Co. East St. Louis - Madison Co. - Granite City					
Laborers	9.70	.55	.80		.035
Asphalt Raker, etc.	9.80	.55	.80		.035
Brick Mason Tenders	10.20	.55	.80		.035
Men working on the bottom, etc	9.95	.55	.80		.035
Dynamite Men	11.225	.55	.80		.035
Area 4-Bond Co. - Sorento Jersey Co. - Jerseyville Madison Co. Edwardsville					
Laborers	10.80		.25		.035
Asphalt Rake, etc.	10.90		.25		.035
Brick Mason Tenders	11.30		.25		.035
Men working on the bottom, etc	11.05		.25		.035
Dynamite Men	12.325		.25		.035
Area 5- St. Clair Co. Collinsville Washington Co. - Nashville					
Laborers	10.55		.50		.035
Asphalt Raker, Etc.	10.65		.50		.035
Brick Mason Tenders	11.05		.50		.035
Men working on the bottom, etc	10.80		.50		.035
Dynamite Men	12.075		.50		.035

DECISION NO. IL78-2049

LABORERS - HIGHWAY CONST. (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II					
Area - Macoupin Co. Carlinville Madison Co. - Marine Calhoun Co. - Hardin					
Laborers	10.85		.20		.035
Asphalt Raker, etc.	10.95		.20		.035
Brick Mason Tenders	11.35		.20		.035
Men working on the bottom, etc.	11.10		.20		.035
Dynamite Men	12.375		.20		.035
Area 2-Bond Co. - Greenville Macoupin Co. Mt. Olive Madison Co. - Livingston					
Laborers	10.75		.30		.035
Asphalt Raker, Etc.	10.85		.30		.035
Brick Mason Tenders.	11.25		.30		.035
Men working onthe bottom, etc	11.00		.30		.035
Dynamite Men	13.30		.30		.035
Area 3-St. Clair Co. - Belleville					
Laborers	10.00	.45	.60		.035
Asphalt aker, etc	10.10	.45	.60		.035
Brick Mason Tenders	10.50	.45	.60		.035
Menworking on the bottom, etc.	10.25	.45	.60		.035
Dynamite Men	11.525	.45	.60		.035
Area 4 - Macoupin CO. Staunton Greene Co. - Roodhouse Washington Co. - Okawville Montgomery CO. - Hillsboro & Litchfield Madison CO. - Glen Carbon Highland - St. Jacob - Wood River - Troy Randolph Co. - Sparta-St. St. Clair Co. - Mascoutah & O' Fallon Clinton Co. -CTrenton-Carlyle					
Laborers	10.45		.60		.035
Asphalt Raker, etc.	10.55		.60		.035
Brick Mason Tenders	10.95		.60		.035
Men working on the bottom, etc	10.70		.60		.035
Dynamite Men	11.975		.60		.035

LABORERS HIGHWAY CONST. (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 5 - Washington Co. - Ashley					
Bond Co. - Pocahontas Macoupin					
Co. - Gilliespi & Shipmen					
Laborers	10.65		.40		.035
Asphalt Raker, Etc.	10.75		.40		.035
Brick Mason Tenders	11.15		.40		.035
Men working on the bottom, etc.	10.90		.40		.035
Dynamite Men	12.175		.40		.035
Area 6-Monroe Co. - Columbia					
Laborers	10.25	.45	.35		.035
Asphalt Rakers, etc.	10.35	.45	.35		.035
Brick Mason Tenders	10.75	.45	.35		.035
Men working on the bottom,etc.	10.60	.45	.35		.035
Dynamite Men	11.775	.45	.35		.035

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.52	.87	1.50		.05
GROUP II	9.69	.87	1.50		.05
GROUP III	9.04	.87	1.50		.05
GROUP IV	8.94	.87	1.50		.05
GROUP V	8.69	.87	1.50		.05
GROUP VI					
a.	12.67	.87	1.50		.05
b.	12.97	.87	1.50		.05
c.	10.79	.87	1.50		.05
d.	11.29	.87	1.50		.05

POWER EQUIPMENT OPERATORS:

Group I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers., plant opers., ditching machines or backfillers (required oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoist-2 drum or more (where oiler or fireman is not requiring oilers), Hydrualic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas), concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derricktype drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders, or forklifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, drills, (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2) Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25' conveyors (1), distribution pors., on trucks,siphons or jets (1) winch heads or apparatuses (1) light plant (1) mixers (under 2 bags)

GROUP II Air compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

DECISION NO. IL78-2049

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.70	.60	a28.00		
GROUP II	10.10	.60	a28.00		
GROUP III	10.30	.60	a28.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor andwelding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & tired, pick-up trucks when hauling materials, tools, or men to and from and on the site; Fork lifts up to 6,000 lbs., capacity.

GROUP II - 2 or 3 axle truck hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Forklifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO: IL78-2050 DATE: Date of Publication
Supersedes Decision No. IL76-2154, dated December 3, 1976 in FR 53256
DESCRIPTION OF WORK:- Heavy and Highway Construction

COUNTIES: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union and Williamson

ILL-HH-9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Randolph County	$10.935	.60	1.00		
Remainder of District #9	9.50	.45	.45		.02
CEMENT MASONS:					
Alexander, Jackson, Perry, Pulaski, Randolph & Union Counties	10.35	.30			
Remainder of Counties	10.65				
ELECTRICIANS:					
Red Bud Township in Randolph County	11.23	4%	12+.65	6%	.25%
Remainder of Randolph Co. & District #9	12.15	.40	13%		1%
IRONWORKERS:					
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, Williamson, Saline (SW of Eldorado)	9.90	.45	.65		.02
Perry & Randolph Counties	11.35	.55	.90		
LABORERS:					
Randolph County:					
Heavy	10.35		.60		.035
Highway	10.45		.50		.035
Remainder of District #9	8.30	.30	.30		.035
LINEMEN:					
Red Bud Twps. in Randolph Co:					
Linemen	12.36	4%	3%		.25%
Groundmen Equipment Operator	10.74	4%	3%		.25%
Groundmen-Truck Drivers with & Without Winch	8.73	4%	3%		.25%
Pick-Up-Jeeps	8.14	4%	3%		.25%
Remainder of Randolph County & District #9:					
Linemen & Digging Machine Opr.	11.46	.45	8%		.25%
Groundman Equipment Operator:					
Class 1	9.78	.45	8%		.25%
Class 2	8.01	.45	8%		.25%
Groundman:					
Class "A"	7.29	.45	8%		.25%
1st 6 Months	6.97	.45	8%		.25%

DECISION NO. IL78-2050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Franklin County: Williamson Co. (Marion & Vicinity):					
Brush	$ 8.70				
Industrial	8.95				
Williamson Co., (Herrin & Vicinity:					
Brush & Roller	4.70				
Bridges	5.20				
Spray	5.75				
Alexander, Johnson & Pulaski Cos:					
Industrial	8.70				
Bridges	10.50				
Spray	9.25				
Saline, Gallatin, Hardin & Pope Counties:					
Brush	6.90				
Structural Steel	7.15				
Spray	7.25				
Jackson, Perry & Randolph Cos:					
Brush	9.00				
Industrial	9.90				
Union County:					
Brush	7.25				
Industrial	7.75				
Massac County:					
Brush & Roller	7.10	.40			
Bridges; Brush & Spray	9.80	.40			

DECISION NO. IL78-2050

POWER EQUIPMENT OPERATORS:

PERRY & RANDOLPH COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.52	.87	1.51		.05
GROUP II	9.69	.87	1.51		.05
GROUP III	9.04	.87	1.51		.05
GROUP IV	8.94	.87	1.51		.05
GROUP V	8.69	.87	1.51		.05
GROUP VI					
a.	12.67	.87	1.51		.05
b.	12.97	.87	1.51		.05
c.	10.79	.87	1.51		.05
d.	11.29	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Gherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers. concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyers) (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI

a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO IL78-2050

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.85	.60	a28.00		
GROUP II	10.25	.60	a28.00		
GROUP III	10.45	.60	a28.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: INDIANA

COUNTIES: *SEE BELOW

DECISION NUMBER: IN78-2029

DATE: Date of Publication

Supersedes Decision No. IN77-2134 dated September 30, 1977, in 42 FR 53032

DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).

*Adams, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Fountain, Fulton, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Miami, Montgomery, Morgan, Noble, Shelby, Steuben, Tipton, Wabash, Warren, Wells, White, & Whitley

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Adams, Blackford, Clinton, DeKalb, Huntington, Jay, Miami, Noble, Steuben, Wabash, & Wells Cos.	$12.30	.50	.75		
Cass, Fulton, & White Cos.	12.13	.65	.90		
Remaining Cos.	12.00	.50	.55		.01
BOILERMAKERS	12.55	.80	1.00		.03
BRICKLAYERS; Stonemasons:					
Adams, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.	10.54	.45	.30		.01
Blackford, Hamilton, Jay, Madison, & Tipton Cos.	10.30	.50	.45		.01
Boone, Hancock, Hendricks, Johnson, Montgomery, & Morgan Cos.	11.54	.40	.35		.06
Carroll, Clinton, Fountain, Warren, & White Cos.	10.49	.48	.60		.02
Cass & Fulton Cos.	9.20	1.00	.30		
Howard & Miami Cos.	9.60	.75	.80		.04
Shelby Co.	10.00				
Wabash Co.	9.85		.40		
CARPENTERS; Millwrights; Piledrivermen; Soft floor layers:					
Adams, Cass, Fulton, Howard, Huntington, Miami, Tipton, Wabash, & Wells Cos.:					
Carpenters; Soft floor layers	9.48	.80	.60		.05
Millwrights	9.98	.80	.60		.05
Piledrivermen	9.68	.80	.60		.05
Blackford, Jay, & Madison Cos.:					
Carpenters; Soft floor layers	9.95	.55	.40		.08
Millwrights	10.25	.55	.40		.08
Piledrivermen	10.15	.55	.40		.08
Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edinburgh), Montgomery, Morgan (Exclu. Twps. of Washington & Baker), Shelby (Camp Atterbury Area, Moral, & Van Buren Twps.), & Warren Cos.:					
Carpenters; Millwrights	11.70	.70	.60		.08
Soft floor layers	11.05	.50	.60		.08
Carroll, Clinton, & White Cos.:					
Carpenters; Soft floor layers	10.06	.60	.50		.02
Millwrights; Piledrivermen	10.41	.60	.50		.02
DeKalb, Noble, Steuben, & Whitley Cos.:					
Carpenters; Soft floor layers	10.17	6%a			.07
Millwrights; Piledrivermen	10.50	6%a			.07

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Johnson (Edinburgh), & Shelby (Rem. of Co.) Cos.:					
Carpenters; Soft floor layers	$9.69	.55	.65		.03
Millwrights	10.19	.55	.65		.03
Piledrivermen	9.94	.55	.65		.03
Morgan Co. (Twps. of Washington & Baker):					
Carpenters; Soft floor layers	10.10	.60	.50		.01
Piledrivermen	10.35	.60	.50		.01
Millwrights	10.85	.65	.54		.01
CEMENT MASONS:					
Adams, DeKalb, Noble, Steuben, & Whitley Cos.	9.75	.75			.01
Blackford, Huntington, Jay, Wabash, & Wells Cos.	9.90	.60			
Boone, Hamilton (So. ½ of Co. No. to new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (Southern & western part of Co. No. to but not incl. town of Wilkinson, & e. to, but not incl. town of Fortville), Hendricks, Johnson, Morgan (N ½), & Shelby (ending at Pleasant View) Cos.	9.71	.65	.75		.04
Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Warren, & White Cos.	9.25	.60	.75		
ELECTRICIANS:					
Adams, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.	11.60	.50	3%+.30		.06
Blackford & Jay Cos.	11.35	.50	3%+.30		.2%
Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Montgomery, Morgan, & Shelby Cos.	11.90	4%	7%		½%
Carroll, Cass, Fulton, & White Cos.	11.60	.50	3%		½%
Clinton, Howard, Miami, Tipton, & Wabash Cos.	11.45	.50	3%+.40		.2%
Fountain & Warren Cos.	11.42	.50	3%+.50		.25%
ELEVATOR CONSTRUCTORS:					
Adams, Blackford, DeKalb, Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Cos.:					
Elevator constructors	10.91	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boone, Carroll, Clinton, Fountain, Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Miami, Montgomery, Morgan, Shelby, Tipton, Warren, & White Cos.:					
Elevator constructors	$11.285	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				
Cass & Fulton Cos.:					
Elevator constructors	10.83	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams, Blackford, Cass, DeKalb, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Cos.	10.20		.25	.40d	.04
Boone, Carroll, Clinton, Fountain, Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Montgomery, Morgan, Shelby, Tipton, & Warren Cos.	12.39				
IRONWORKERS:					
Adams, Blackford, DeKalb, Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Cos.	11.20	.90	1.20		.02
Boone (excl. NW ¼), Clinton (E ½), Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Morgan, Shelby, & Tipton (excl. NW ¼) Cos.	11.15	.90	1.30		.05
Boone (NW ¼), Carroll, Cass, Clinton (Rem. of Co.), Fountain, Miami, Montgomery, Tipton (NW ¼), Warren, & White Cos.	10.64	.90	1.25		.02
Fulton Co.	10.55	.90	1.33		.03
LATHERS:					
Adams, DeKalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley Cos.	10.17		.50		.01

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blackford, Hancock, & Jay Cos.	$9.15		.35		.01
Boone (SE ¼), Hamilton, Hendricks, Johnson, Madison, Morgan, & Shelby Cos.	11.09	.61	.35		.04
Carroll, Cass, Clinton, Howard, Montgomery, Warren, & White Cos.	9.79	.55	.35		.01
Fountain Co.	10.84	.45	.30		.01
PAINTERS:					
Adams, DeKalb, Huntington, Noble, Steuben, Wabash, Wells (N ½ to & incl. Bluffton), & Whitley Cos.:					
Brush; Roller; Paperhangers; & Tapers	8.60	.42	.45		.10
Spray; Sandblasters; Steam-cleaning & pressure water blasting	9.60	.42	.45		.10
Blackford, Cass, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the so. city limits of Bluffton) Cos.:					
Brush; Taping	8.55		.60		
Pressure cleaning equipment; Sandblasters; Spray	9.30		.60		
Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan (N ½), & Shelby Cos.:					
Brush; Roller; Drywall tapers & finishers	9.98	.47	.20		
Sandblasters; Spray	10.98				
Carroll & White Cos.:					
Brush	9.60	.64	.50		.05
Sandblasting; Spray	10.35	.64	.50		.05
Drywall Taping	10.65	.64	.50		.05
Vinyl Paperhanging	9.85	.64	.50		.05
Clinton, Fountain, Montgomery, & Warren Cos.:					
Brush; Roller	10.15				
Structural Steel	10.40				
Sandblasting	11.15				
Spray	13.42				

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Morgan (To the northern limits of Martinsville) Co.:					
Brush; Drywall; Vinyl; Paperhanging; & Roller	$8.90			.30	
Structural steel; Stage & Hazardous work; Scaffold	9.65			.30	
Sandblasting; Spray & Epoxy brush	9.90			.30	
Spray epoxy	10.90			.30	
PLASTERERS:					
Adams, DeKalb, Noble, Steuben, & Whitley Cos.	10.11	.60			
Blackford, Huntington, Jay, Wabash, & Wells Cos.	9.65	.75			.01
Boone, Hamilton (So. ½ no. to new Indiana Rte. #32), Hancock (So. & western part no. to state rd. #234 & e. to Co. rd. #300 - w), Hendricks, Johnson, Morgan (N ½), & Shelby Cos.	10.90	.80			.01
Carroll, Cass, Clinton, Fountain (W. to & incl. Attica, in the north & west to, but not incl. Veedersburg in the south), Howard, Miami, Montgomery, Warren (E ½ west to, but not incl. Judyville, so. to & incl. Kramer), & White Cos.	10.00	.70			.02
PLUMBERS; Steamfitters:					
Adams, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.	11.65	.55	.85		.07
Blackford & Wabash Cos.	11.60	.50	.70		.15
Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Miami (So. of Rte #218), Morgan, Shelby, & Tipton Cos.	11.70	.50	.80		.04
Carroll, Clinton, Fountain, Montgomery, Warren, & White Cos.	12.05	.50	.90		.10
Cass, Fulton, Miami (No. of Hwy #218), Cos.	11.25	.48	.95		.10
Jay & Madison Cos.	11.55	.50	.65	e	.15

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Adams, DeKalb, Noble, Steuben, Wells, & Whitley Cos.	10.15		.10		
Blackford, Hamilton, Howard, Huntington, Jay, Madison, Miami Tipton, & Wabash Cos.:					
Slate, tile, & asbestos	8.70	.40	.20		
Coal tar pitch	8.95	.40	.20		
Composition damp & waterproof	8.70	.40	.20		
Boone, Hancock, Hendricks, Johnson, Morgan, & Shelby Cos.:					
Composition & Waterproof	10.95	.50	.50		
Slate, tile, asbestos & pre-cast slab	11.20	.50	.50		
Carroll, Cass, Clinton, Fountain Montgomery, Warren, & White Cos.:					
Composition, Damp & waterproof	10.90	.50	.28		
Slate, tile, & asbestos	11.15	.50	.28		
Fulton Co.:					
Composition, damp & waterproof	10.15	.50	.40		.03
Slate, tile, & asbestos	10.65	.50	.40		.03
SHEET METAL WORKERS:					
Adams, Blackford, Cass, DeKalb, Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells & Whitley Cos.	11.48	.50	.60		.12
Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Morgan, Shelby, & Tipton Cos.	11.94	.60	.70		.09
Carroll, Clinton, Fountain, Montgomery, Warren, & White Cos.	10.90	.40+f	.33		.06
Fulton Co.	10.98	.65	.615		.035
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS; Tile setters:					
Adams, DeKalb, Huntington, Noble Steuben, Wells, & Whitley Cos.	10.10				
TILE SETTERS:					
Blackford, Hamilton, Jay, Madison, & Tipton Cos.	10.05	.50	.45		.01
Boone, Hancock, Hendricks, Johnson, Montgomery, & Morgan Cos.	11.21	.40	.35		.04
Carroll, Clinton, Fountain, Warren, & White Cos.	10.49	48	.60		.02

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cass & Fulton Cos.	$9.10	1.00	.65	g	.01
Howard, Miami, & Wabash Cos.	9.60	.75	.80		.04
TRUCK DRIVERS:					
Adams, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.:					
Up to & incl. 1 ton; Helpers; Spotters; Flagmen	8.555	$20.00h	$22.00h		
1½ to & incl. 3 tons; Fork lift	8.655	20.00h	22.00h		
Semis	8.705	20.00h	22.00h		
Tandems; Lowboys; Double bottoms; Winch or boom; Tri-axle	8.755	20.00h	22.00h		
Sweeper attached & distributor truck water wagon	8.855	20.00h	22.00h		
Euclid; Earthmover	9.005	20.00h	22.00h		
Boone, Hendricks, Johnson, Morgan, & Shelby Cos.:					
Up to & incl. 3 tons & helpers	7.865	20.00h	22.00h	i	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	8.015	20.00h	22.00h	i	
Truck mechanics	7.94	20.00h	22.00h	i	
Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tipton, Wabash, Warren, & White Cos.:					
Pickups when hauling equipment, etc.	6.60	17.00h	14.00h	j	
Helpers; Greaser; Tiremen	6.70	17.00h	14.00h	j	
Single axle-straight trucks; Warehousemen	6.75	17.00h	14.00h	j	
Mechanics	7.05	17.00h	14.00h	j	
Tandem axle & Dogleg straight trucks	6.85	17.00h	14.00h	j	
Bituminous distributors	6.90	17.00h	14.00h	j	
Tri-axles; Semis	7.05	17.00h	14.00h	j	

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fulton Co.:					
Pickups	$6.94	$13.50h	$22.00h	k	
Single axles	7.15	13.50h	22.00h	k	
Tandem or fuel	7.26	13.50h	22.00h	k	
Tri-axles	7.31	13.50h	22.00h	k	
Semi-trailers	7.36	13.50h	22.00h	k	

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% includes pension
b. 7 paid holidays: A through F, & Day after Thanksgiving Day
c. 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 employee who has worked in business less than 5 years.
d. 6 paid holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
e. 2 paid holidays: C & D
f. 3% of gross earnings to SASMI
g. 6 paid holidays: A through F, providing employee works either the 5 days preceding or the 5 days following the holiday
h. per week per employee
i. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.
j. One week's paid vacation after one year's employment; two weeks' paid vacation after three years' employment; three weeks' paid vacation after ten years' employment.
k. One week's paid vacation after three years' employment; Two weeks' paid vacation after ten years' employment; & three weeks' paid vacation after fifteen years' employment

DECISION NO. IN78-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Adams, Boone, Carroll, Cass, Clinton, DeKalb, Fountain, Howard, Huntington, Miami, Montgomery, Noble, Steuben, Tipton, Wabash, Wells, White, & Whitley Cos.:					
GROUP I	$7.25	.60	.45		.09
GROUP II	7.45	.60	.45		.09
GROUP III	7.55	.60	.45		.09
GROUP IV	8.25	.60	.45		.09
Blackford, Hamilton, Hancock, Jay, & Madison Cos.:					
GROUP I	7.05	.60	.45		.09
GROUP II	7.25	.60	.45		.09
GROUP III	7.35	.60	.45		.09
GROUP IV	8.05	.60	.45		.09
Fountain, Hendricks, Johnson, Morgan, & Warren Cos.					
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
Shelby Co.					
GROUP I	7.50	.60	.45		.09
GROUP II	7.70	.60	.45		.09
GROUP III	7.80	.60	.45		.09
GROUP IV	8.50	.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. IN78-2029

POWER EQUIPMENT OPERATORS
Adams, Blackford, Carroll, Cass, Clinton, DeKalb, Hamilton, Hancock, Howard, Huntington, Jay, Johnson, Madison, Miami, Shelby, Steuben, Tipton, Wabash, Wells, White, & Whitley Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.15	.55	.55		.08
GROUP 2	10.25	.55	.55		.08
GROUP 3	8.65	.55	.55		.08
GROUP 4	7.75	.55	.55		.08

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

DECISION NO. IN78-2029

POWER EQUIPMENT OPERATORS
Boone, Fountain, Hendricks, Montgomery, Morgan, & Warren Counties

	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 14S 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

DECISION NO. IN78-2029

POWER EQUIPMENT OPERATORS

GROUP IV Mixers 14S 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.

DECISION NO. IN78-2029

POWER EQUIPMENT OPERATORS
Fulton & Noble Counties

	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

DECISION NO. IN78-2029

TRUCK DRIVERS
Blackford, Hamilton, Hancock, Jay, & Madison Counties

	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: IN78-2051 DATE: Date of Publication
Supersedes Decision No. IN77-2101 dated June 24, 1977, in 42 FR 32460
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).

*Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Allen & Grant Cos.	$12.30	.50	.75		
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.	12.00	.50	.55		.01
Dearborn Co.	12.16	.75	1.00		.02
Vanderburgh Co.	11.30	.45	.60		.03
BOILERMAKERS:					
Dearborn Co.	9.80	1.05	1.10	1.50	.02
Remaining Cos.	12.55	.80	1.00		.03
BRICKLAYERS; Marble setters; Stonemasons; Terrazzo workers; & Tile setters:					
Allen Co.:					
Bricklayers; Marble setters & Stonemasons	10.54	.45	.30		.01
Bartholomew & Monroe Cos.:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters	10.15	.40	.30		.02
Benton & Tippecanoe Cos.:					
Bricklayers; Marble setters; & Stonemasons	10.49	.48	.60		.02
Terrazzo workers & Tile setters	10.49	.48	.60		.02
Dearborn Co.	10.00		.30		
Delaware Co.:					
Bricklayers; Marble setters; & Stonemasons	10.30	.50	.45		.01
Tile setters	10.05	.50	.45		.01
Grant Co.:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters	9.85	.70	.40		
Marion Co.:					
Bricklayers; Stonemasons	11.54	.40	.35		.06
Marble setters; Tile setters	11.21	.40	.35		.04
Terrazzo workers	10.95	.40	.35		.03
Vanderburgh Co.:					
Bricklayers; Stonemasons	10.38	.85	.50		
Marble setters; Terrazzo workers; & Tile setters	10.30		.50		

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vigo Co.:					
Bricklayers; Stonemasons	11.15	.40	.70		.01
Marble setters; Terrazzo workers; & Tile setters	10.75	.40	.70		.01
CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers:					
Allen Co.:					
Carpenters; Soft floor layers	10.17	6%a			.07
Millwrights; Piledrivermen	10.50	6%a			.07
Bartholomew Co. (Camp Atterbury) & Marion Co.:					
Carpenters; Millwrights	11.70	.70	.60		.08
Bartholomew Co. (Rem. of Co.):					
Carpenters; Soft floor layers	9.69	.55	.65		.03
Millwrights	10.19	.55	.65		.03
Piledrivermen; Burners; Welders	9.94	.55	.65		.03
Benton & Tippecanoe Cos.:					
Carpenters & Soft floor layers	10.06	.60	.50		.02
Millwrights & Piledrivermen	10.41	.60	.50		.02
Dearborn Co.:					
Carpenters & Soft floor layers	9.74	.55	.65		.03
Millwrights	10.24	.55	.65		.03
Piledrivermen; Burners; Welders	9.99	.55	.65		.03
Delaware Co.:					
Carpenters & Soft floor layers	9.95	.55	.40		.08
Millwrights	10.25	.55	.40		.08
Piledrivermen	10.15	.55	.40		.08
Grant Co.:					
Carpenters	9.48	.80	.60		.05
Millwrights	9.98	.80	.60		.05
Piledrivermen	9.68	.80	.60		.05
Monroe Co.:					
Carpenters; Soft floor layers	10.10	.60	.50		.01
Piledrivermen	10.35	.60	.50		.01
Millwrights	10.85	.65	.54		.01
Vanderburgh Co.:					
Carpenters & Soft floor layers	9.65	.40	.35		
Millwrights	10.34	.45	.70		
Piledrivermen	9.90	.40	.35		
Vigo Co.:					
Carpenters & Soft floor layers	10.03	.45	.70		.02
Millwrights	11.70	.70	.60		.08
Piledrivermen	10.28	.45	.70		.02

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Allen Co.	$9.75	.75			.01
Benton & Tippecanoe Cos.	9.25	.60	.75		
Dearborn Co.	7.50				
Delaware & Grant Cos.	9.90	.60			
Marion Co.	9.71	.65	.75		.04
Vanderburgh Co.	9.80	.65	.55		
Vigo Co.	10.20	.60	.25		
ELECTRICIANS:					
Allen Co.	11.60	.50	3%+.30		.06
Bartholomew & Marion Cos.	11.90	4%	7%		.5%
Benton & Tippecanoe Cos.	11.60	.50	3%		½%
Dearborn Co.:					
Up to & incl. 18-mi. radius from Hamilton Co., Ohio Court House	11.95	.70	3%+.60		.5%
Over 18-mi. radius up to & incl. 21-mi. radius from Hamilton Co., Ohio Court House	12.25	.70	3%+.60		.5%
Over 21-mi. radius up to & incl. 25-mi. radius from Hamilton Co., Ohio Court House	12.35	.70	3%+.60		.5%
Over 25-mi. radius from Hamilton Co., Ohio Court House	12.50	.70	3%+.60		.5%
Delaware Co.	11.35	.50	3%+.30		.2%
Grant Co.	11.45	.50	3%+.40		.2%
Monroe Co.	11.15	.50	3%+.50		.01
Vanderburgh Co.	12.35	.50	3%		½%
Vigo Co.	11.75	.50	3%+.50		.01
ELEVATOR CONSTRUCTORS:					
Allen & Grant Cos.:					
Elevator constructors	10.91	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.:					
Elevator constructors	11.285	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dearborn County:					
Elevator constructors	11.78	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (prob.)	50%JR				
Vanderburgh County:					
Elevator Constructors	11.20	.745	.56	4%+b+c	.035
Helpers	70%JR	.745	.56	4%+b+c	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Allen & Grant Cos.	10.20		.25	.40+d	.04
Bartholomew, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.	12.39				
Vanderburgh County	10.105	.48	.50	.25	
IRONWORKERS:					
Allen, Delaware (Northeastern 1/3 of Co.) & Grant (excluding s/w portion) Cos.	11.20	.90	1.20		.02
Bartholomew, Delaware (Southern 2/3 of Co.), Grant (s/w portion) & Monroe Cos.	11.15	.90	1.30		.05
Marion County	11.00	.90	1.30		.05
Benton & Tippecanoe Counties	10.64	.90	1.25		.02
Dearborn County:					
Ornamental; Structural	11.48	.90	1.05		.03
Reinforcing	10.68	.90	1.85		.02
Vigo County	10.60	.90	1.90		.10
LATHERS:					
Allen County	10.17		.50		.01
Bartholomew, Marion, Monroe, & Vigo Cos.	11.09	.61	.35		.04
Benton & Tippecanoe Counties	9.79	.55	.35		.01
Dearborn County	12.52		.25		.025
Delaware & Grant Counties	9.15		.35		.01
Vanderburgh County	11.17		.20		.01

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; Terrazzo workers' finishers; & Tile setters' finishers:					
Bartholomew, Delaware, Grant, Marion, Monroe, & Tippecanoe Cos.:					
Marble setters' finishers; & Tile setters' finishers	$9.50				
Dearborn Co.:					
Marble setters' finishers	10.385				
Terrazzo workers' finishers	10.335				
Tile setters' finishers	10.285				
Vigo Co.	7.40	.40	.70		.01
PAINTERS:					
Allen & Grant Cos.:					
Brush; Paperhangers; Rollers; & Tapers	8.60	.42	.45		.10
Sandblasters; Spray	9.60	.42	.45		.10
Bartholomew Co.:					
Brush; Drywall taping & finishing; & Rollers	9.45		.50		
Sandblasting; Spray; Swing stage	10.45		.50		
Benton & Tippecanoe Cos.:					
Brush	10.15				
Structural steel	10.40				
Sandblasting	11.15				
Spray	13.42				
Dearborn Co.:					
Brush; Roller; Wallwashing; Drywall taping & finishing; Wallpaper & vinyl hanging; Floor sanding; Seamless flooring & finishing; Sandblasting; Hopper tending; Steamcleaning	9.70				
Spray	10.20				
Delaware Co.:					
Brush; Taping	8.55		.60		
Sandblasters; Spray	9.30		.60		
Steeplejack; Water towers	9.55		.60		
Marion Co.:					
Brush; Drywall tapers & finishers; Rollers	9.98	.47	.20		
Sandblasters; Spray	10.98	.47	.20		

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Monroe Co.:					
Brush; Drywall; Paperhanging; Roller; & Vinyl	$8.90			.30	
Structural steel	9.65			.30	
Sandblasting; Spray	9.90			.30	
Vanderburgh Co.:					
Brush; Roller	8.95	.65	.30		
Sandblasting	9.70	.65	.30		
Spray	9.95	.65	.30		
Vigo Co.:					
Brush; Drywall finishing; Paperhangers; & Rollers	8.50			.25	
Spray	9.50			.25	
Structural steel to 30 ft.	8.75			.25	
Structural steel 30 ft. to 100 ft.	9.50			.25	
Structural steel over 100 ft.	10.50			.25	
PIPEFITTERS; Steamfitters:					
Dearborn Co.	11.35	.875	1.15		.08
PIPEFITTERS; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Cos.	11.70	.50	.80		.04
Benton, Tippecanoe, & Vigo Cos.	12.05	.50	.90		.10
PLASTERERS:					
Allen Co.	10.11	.60			
Benton (Eastern 2/3 west to & incl. Boswell, Earl Park, & Raub) & Tippecanoe Cos.	10.00	.70			.02
Dearborn Co.	7.50				
Delaware & Grant Cos.	9.65	.75			.01
Marion Co.	10.90	.80			.01
Vanderburgh Co.	10.58				
Vigo Co.	9.75	.50	.50		
PLUMBERS; Gas Fitters:					
Dearborn Co.	12.27	.75	1.05		.05
PLUMBERS; Steamfitters:					
Allen Co.	11.65	.55	.85		.07
Bartholomew (excluding Camp Atterbury) Co.	12.00	.50	.30		.05
Delaware Co.	11.55	.50	.65	e	.15
Grant Co.	11.60	.50	.70		.15
Monroe Co.	11.85	.50	.85		.15
Vanderburgh Co.	12.18	.50	.90		.06

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Allen County:					
Roofers	10.15		.10		
Pitch Work	10.40		.10		
Bartholomew, Marion & Monroe Cos.:					
Composition; Waterproofers	10.95	.50	.50		
Slate, Tile, Asbestos, & pre-cast slab	11.20	.50	.50		
Benton & Tippecanoe Counties:					
Composition	10.90	.50	.28		
Slate, Tile & Asbestos	11.15	.50	.28		
Dearborn County	12.32		.85		.01
Delaware & Grant Cos.:					
Slate, Tile & Asbestos; Composition; Damp & waterproofers	8.70	.40	.20		
Coal tar pitch	8.95	.40	.20		
Vanderburgh County:					
Composition	9.83	.60	.50		
Concrete slab & gypsum plank	10.08	.60	.50		
Slate & Tile	10.08	.60	.50		
Vigo County:					
Roofers; Kettlemen	9.70	.40	.20		
SHEET METAL WORKERS:					
Allen and Grant Counties	11.48	.50	.60		.12
Bartholomew, Delaware, Marion & Monroe Counties	11.94	.60	.70		.09
Benton & Tippecanoe Counties	10.90	.40&f	.33		.06
Dearborn County	12.035	.90	.81		.04
Vanderburgh County	10.15	.40	.35		.02
Vigo County	11.78	.40&g	.83		.07
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS; Tile setters:					
Allen County	10.10				
TERRAZZO WORKERS' FINISHERS:					
Bartholomew, Delaware, Grant, Marion, Monroe, & Tippecanoe Counties	8.95				

DECISION NO. IN78-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Allen Co.:					
Up to & incl. 1 ton	$8.555	h	i		
Sweeper attached & Dist. water wagon	8.855	h	i		
1½ to & incl. 3 tons; Forklift	8.655	h	i		
Tandem; Double bottoms; Lowboys; Tri-axle; Winch; Boom	8.755	h	i		
Semi	8.705	h	i		
Euclid; Earthomover	9.005	h	i		
Benton & Tippecanoe Cos.:					
Pickups when hauling equipment, etc.	6.60	j	k	1	
Single axles; Straight trucks; Warehousemen	6.75	j	k	1	
Helpers; Greasers; Tiremen	6.70	j	k	1	
Tandem axles; Straight trucks & Doglegs	6.85	j	k	1	
Bituminous distributors	6.90	j	k	1	
Semi-trucks & mechanics; Tri-axle	7.05	j	k	1	
Marion Co.:					
Up to & incl. 3 tons & Helpers	7.865	m	n	o	
Over 3 tons; Semi-trailers; Tandem (Double bottom); Winch Trucks when used with winch	8.015	m	n	o	
Truck mechanics	7.94	m	n	o	

DECISION NO. IN78-2051

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% for Health & Welfare includes pension
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, & 6% for employee who has worked in business less than 5 years.
d. 6 paid holidays: A through F provided such employees work the last scheduled day prior to & the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer
e. 2 paid holidays: C & D
f. 3% of gross earnings to SASMI
g. $.39 to SASMI
h. $20.00 per week per employee
i. $22.00 per week per employee
j. $17.00 per week per employee
k. $14.00 per week per employee
l. 1 week's paid vacation after 1 year's employment; 2 weeks after 3 years; 3 weeks after 10 years
m. $20.00 per week per employee
n. $22.00 per week per employee
o. Each employee who has been in the employ of the same employer for 1 year &has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.

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 1A: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA 1B: 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

DECISION NO. IN78-2051

POWER EQUIPMENT OPERATORS

Allen, Benton, Delaware, Grant, Marion, & Tippecanoe Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.15	.55	.55		.08
GROUP 2	10.25	.55	.55		.08
GROUP 3	8.65	.55	.55		.08
GROUP 4	7.75	.55	.55		.08

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

DECISION NO. IN78-2051

POWER EQUIPMENT OPERATORS

Bartholomew, Dearborn, & Vanderburgh Counties

	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), bituminous 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

POWER EQUIPMENT OPERATORS

Monroe, & Vigo Counties

	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

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.

DECISION NO. IN78-2051

Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties

IND-LC-AREA 1

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 Vanderburgh County	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	$12.35	.50	3%+.60		½%
GROUNDMAN	10.99	.50	3%+.60		½%
TRUCK DRIVER	11.30	.50	3%+.60		½%

TRUCK DRIVERS Bartholomew, Dearborn, Delaware. Grant, & Monroe Counties	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 NO.: IN78-2052 DATE: Date of Publication
Supersedes Decision No. IN77-2085 dated May 13, 1977, in 42 FR 24562
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).

*Fayette, Franklin, Henry, Ohio, Randolph, Ripley, Rush, Union, & Wayne

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Fayette, Franklin, Ohio, Ripley, & Union Cos.	$12.16	.75	1.00		.02
Henry & Rush Cos.	12.00	.50	.55		.01
Randolph & Wayne Cos.	11.97	.50	.75		.01
BOILERMAKERS	12.55	.80	1.00		.03
BRICKLAYERS; Stonemasons:					
Fayette, Franklin, Rush, Union, & Wayne Cos.	9.90	.80			
Henry & Randolph Cos.	10.30	.50	.45		.01
Ohio Co.	9.75				
Ripley Co.	10.00		.30		
CARPENTERS; Millwrights; Piledrivermen; Soft floor layers:					
Fayette, Henry, Randolph, Rush (Carthage Twp.), Union, & Wayne Cos.:					
Carpenters; Soft floor layers	9.95	.55	.40		.08
Millwrights	10.25	.55	.40		.08
Piledrivermen	10.15	.55	.40		.08
Franklin, Ohio, Ripley Cos.:					
Carpenters; Soft floor layers	9.74	.55	.65		.03
Millwrights	10.24	.55	.65		.03
Piledrivermen; Welders; Burners	9.99	.55	.65		.03
Rush Co. (Except Carthage Twp.):					
Carpenters; Soft floor layers	9.69	.55	.65		.03
Millwrights	10.19	.55	.65		.03
Piledrivermen; Welders; Burners	9.94	.55	.65		.03
CEMENT MASONS:					
Fayette, Franklin, Rush, Union, & Wayne Cos.	8.30		1.30		
Ohio & Ripley Cos.	7.50				
Randolph Co.	9.90	.60			
ELECTRICIANS:					
Fayette, Franklin, Henry, Randolph, Union, & Wayne Cos.	11.35	.50	3%+.30		.2%
Ohio Co.:					
Up to & incl. 18 mi. radius from Hamilton Co. Court House in Cincinnati, Ohio	11.95	.70	3%+.60		.5%

DECISION NO. IN78-2052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D):					
Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House in Cincinnati, Ohio	$12.25	.70	3%+.60		.5%
Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House in Cincinnati, Ohio	12.35	.70	3%+.60		.5%
Over 25 mi. radius from Hamilton Co. Court House in Cincinnati, Ohio	12.50	.70	3%+.60		.5%
Ripley & Rush Cos.	11.90	4%	7%		½%
ELEVATOR CONSTRUCTORS:					
Fayette, Franklin, Ohio, Ripley & Union Cos.:					
Elevator constructors	11.78	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Henry & Rush Cos.:					
Elevator constructors	11.285	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
Randolph Co.:					
Elevator constructors	10.91	.745	.56	4%+a+b	.035
Helpers	70%JR	.745	.56	4%+a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Fayette, Henry, Randolph, Rush, Union (N/W ½ of Co.), & Wayne Cos.	12.39				
IRONWORKERS:					
Fayette (Part of Co.), Henry, & Rush Cos.	11.15	.90	1.30		.05
Fayette (Part of Co.), Randolph (So. part incl. Union City, but exclu. Winchester), Union, & Wayne Cos.:					
Within 15 mi. radius of Dayton, Ohio	10.96	.90	1.25		.04
Beyond 15 mi. radius of Dayton, Ohio	11.11	.90	1.25		.04

DECISION NO. IN78-2052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (CONT'D):					
Fayette (Part of Co.), Franklin, Ohio, & Ripley Cos.:					
Ornamental; Structural	$11.48	.90	1.05		.03
Reinforcing	10.68	.90	1.85		.02
Randolph Co. (Rem. of Co.)	11.20	.90	1.20		.02
LATHERS:					
Franklin, Ohio, Ripley, & Union Cos.	12.52		.25		.025
Henry & Randolph Cos.	9.15		.35		.01
Rush Co.	11.09	.61	.35		.04
MARBLE SETTERS; Tile setters:					
Fayette, Franklin, Rush, Union, & Wayne Cos.					
Tile setters	9.90	.80			
Henry, & Randolph Cos.:					
Marble setters	10.30	.50	.45		.01
Tile setters	10.05	.50	.45		.01
PAINTERS:					
Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Cos.:					
Brush	8.35				
Sandblasting; Spray	9.35				
Structural steel; Scaffold over 30 ft.	8.60				
Stage & Spray helper	8.60				
Ohio & Ripley Cos.:					
Brush; Roller; Wallwashing; Dry-wall taping & finishing; Wall-paper & vinyl hanging; Floor sanding; Seamless flooring & finishing; Sandblasting; Hopper tending; & Steamcleaning	9.70				
Spray; Epoxy	10.20				
PLASTERERS:					
Fayette, Franklin, Rush, Union, & Wayne Cos.	9.20	.80	.50		.01
Ohio & Ripley Cos.	7.50				
Randolph Co.	9.65	.75			.01

DECISION NO. IN78-2052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Fayette, Franklin, Henry, Randolph, Rush, Union, & Wayne Cos.	$11.55	.50	.65	c	.15
Ohio & Ripley Cos.	12.27	.75	1.05		.05
ROOFERS:					
Fayette, Franklin, Rush, Union, & Wayne Cos.:					
Composition & Waterproof	10.95	.50	.50		
Slate, tile, asbestos & pre-cast slab	11.20	.50	.50		
Henry & Randolph Cos.:					
Slate, tile, & asbestos	8.70	.40	.20		
Coal tar pitch	8.95	.40	.20		
Composition, damp & waterproof	8.70	.40	.20		
Ohio & Ripley Cos.:	12.32		.85		.01
SHEET METAL WORKERS:					
Fayette, Franklin, Henry, Ripley, Rush, & Union Cos.	11.94	.60	.70		.09
Ohio Co.	12.035	.90	.81		.04
Randolph & Wayne Cos.	11.24	.55+d	.94		.15
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
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. 2 paid holidays: C & D
d. $.39 per hour to SASMI

DECISION NO. IN78-2052

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fayette, Henry, Randolph, Rush, Union, & Wayne Counties					
GROUP I	$7.05	.60	.45		.09
GROUP II	7.25	.60	.45		.09
GROUP III	7.35	.60	.45		.09
GROUP IV	8.05	.60	.45		.09
Remaining Counties					
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

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. IN78-2052

POWER EQUIPMENT OPERATORS

Fayette, Henry, Randolph, Rush, Union, & Wayne Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.15	.55	.55		.08
GROUP 2	10.25	.55	.55		.08
GROUP 3	8.65	.55	.55		.08
GROUP 4	7.75	.55	.55		.08

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane); Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete Spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

DECISION NO. IN78-2052

POWER EQUIPMENT OPERATORS

Remaining Counties

	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), bituminous 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. IN78-2052

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: Mississippi COUNTIES: Bolivar, Coahoma, Humphreys, Quitman, Sunflower, & Washington

DECISION NUMBER: MS78-1028 DATE: Date of Publication

Supersedes Decision No. MS76-1004 dated January 9, 1976 in 41 FR 1695

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanic	$ 4.50				
Bricklayer	5.50				
Carpenter	4.50				
Cement Mason	4.16				
Drywall Hanger	4.01				
Electrician	4.75				
Fence Erector	4.00				
Insulator	3.25				
Ironworker, Ornamental	4.00				
Ironworker, Reinforcing	3.75				
Laborers:					
Laborer	3.00				
Painter	4.50				
Plumber	6.00				
Roofer	4.00				
Sheet Metal Worker	4.25				
Soft Floor Layer	4.00				
Truck Driver	3.00				
Power Equipment Operators:					
Asphalt Spreader	3.67				
Backhoe	3.00				
Mechanic	4.13				

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: Gaston, Lincoln, Mecklenburg, and Union

DECISION NUMBER: NC78-1027 DATE: Date of Publication

Supersedeas Decision No. NC75-1115 dated December 19, 1975 in 41 FR 59177

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	$4.85				
Air conditioning & heating mechanics	4.88				
Bricklayers	5.93				
Carpenters	5.04				
Cement masons	4.83				
Electricians	6.12				
Elevator constructors	7.53	.745	.56	a6b	.025
Glaziers	4.83				
Ironworkers, structural	5.52				
Ironworkers, reinforcing	4.83				
Laborers:					
Laborers, unskilled	3.00				
Mason tenders	3.31				
Mortar mixers	3.50				
Pipelayers	4.10				
Plasterer tenders	3.25				
Lathers	7.40				
Painters, brush	4.46				
Plasterers	6.51				
Plumbers, pipefitters, steamfitters	6.19				
Roofers	4.57				
Sheet metal workers	5.23				
Soft floor layers	4.50				
Sprinkler fitters (Mecklenburg & Union Cos.)	7.70	.65	.95		.08
Stonemasons	4.25				
Terrazzo workers	4.00				
Tile setters	5.38				
Truck drivers	3.46				
Waterproofing mechanics	3.23				
Power Equipment Operators:					
Backhoe	3.98				
Bulldozers	4.00				
Cranes, derricks, draglines, drill rig	5.26				

DECISION NO. NC78-1027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
Finishing machines	$ 4.00				
Forklifts	3.25				
Front end loaders	4.50				
Motor grader	4.29				
Pan operator	3.85				
Rollers	3.43				
Scrapers	3.85				
Shovels	4.00				
Tractors	4.76				

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 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland

DECISION NO.: PA78-3014

DATE: Date of Publication

Supersedes Decision No. PA77-3061, dated June 10, 1977, in 42 FR 301331.

DESCRIPTION OF WORK: Building Construction does not include single family homes and garden type apartment up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.56	85	.90		
BOILERMAKERS	9.815	7.5%	7%		.01
BRICKLAYERS					
ZONE 1	10.97	75	1.20		.01
ZONE 2	11.25	.75	1.20		
ZONE 3	12.125	.65	.60		
ZONE 4	10.73	.60	.75		.02
ZONE 5	11.42	.60	.79		.02

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Armstrong, Indiana, Remainder of Fayette and Westmoreland Counties.

ZONE 2 - Allegheny County; Twps., in Washington County, Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham, Peters, Robinson, Smith & Union.

ZONE 3 - Beaver County.

ZONE 4 - Butler County

ZONE 5 - Twps, in Fayette of Jefferson & Washington; Westmoreland County, Twp of Rostraver; Remainder of Washington County.

CARPENTERS					
ZONE 1	10.45	6%	8%	6%	25%
ZONE 2	9.24	6%	8%	6%	.4%

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland Counties

ZONE 2 - Indiana County

DECISION NO. PA78-3014	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
ZONE 1	10.62	.64	1.70		
ZONE 2	12.23				

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Allegheny, Armstrong, Butler, Payette, Indiana, Washington, Westmoreland Counties.

ZONE 2 - Beaver County

ELECTRICIANS					
ZONE 1	12.10	.40	3%+.30	.60	.05
ZONE 2	11.51	6%	.19	1.00	1½%
ZONE 3	12.35	3%	2%+3%		½%

AREA COVERED BY ELECTRICIAN ZONES

ZONE 1 - Allegheny, Armstrong, Fayette, Indiana, Washington, Westmoreland

ZONE 2 - Beaver County

ZONE 3 - Butler County

DECISION NO. PA78-3014	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	10.98	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	7.68	.745	.56	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.49				
GLAZIERS	10.09	.72	.82	.83	.01
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINORCING	10.655	.845	1.59		
LABORERS					
ZONE 1					
CLASS 1	8.80	.79	.66		
CLASS 2	8.925	.79	.66		
CLASS 3	9.05	.79	.66		
CLASS 4	9.30	.79	.66		
CLASS 5	9.50	.79	.66		
ZONE 2					
CLASS 1	8.75	.79	.66		
CLASS 2	8.875	.79	.66		
CLASS 3	9.00	.79	.66		
CLASS 4	9.25	.79	.66		
CLASS 5	9.45	.79	.66		
ZONE 3					
CLASS 1	8.67	.78	.65		
CLASS 2	8.795	.78	.65		
CLASS 3	8.92	.78	.65		
CLASS 4	9.17	.78	.65		
CLASS 5	9.37	.78	.65		

DECISION # PA78-3014

CLASSIFICATION DEFINITIONS
LABORERS ZONES

CLASS 1 - Laborer, carryable pumps, west brick buggy or similar, vibrator operators walk behind forklift or similar (non-self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used including starting and stopping)

CLASS 2 - West brick buggy or similar (self-propelled), power wheelbarrows buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment pipe layers burner, jackhammer man-concrete buster

CLASS 3 - Hod carrier, scaffold builder, bell and bottom man or furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used concrete saw operator, wagon drill operator

CLASS 4 - Gunnite Nozzleman

CLASS 5 - Blaster

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Beaver, Butler, Washington, Westmoreland

ZONE 3 - Armstrong, Fayette & Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPE LABORERS:					
Landscape laborer	6.15	.75	.60		
Skilled landscape laborer	6.30	.75	.60		
Landscape tractor operator	6.65	.75	.60		
LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
ZONE 1					
Linemen	12.83	.45	3%		3/8%
Winch truck op.	8.98	.45	3%		3/8%
Groundman	7.70	.45	3%		3/8%
ZONE 2					
Linemen, dynamite man, heavy equipment op.	10.80	.50	3%		3/8%
Winch truck op.	7.59	.50	3%		3/8%
Groundman	7.26	.50	3%		3/8%

DECISION NO. PA78-3014

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Fayette, Indiana, Washington and Westmoreland

ZONE 2 - Butler County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS					
ZONE 1	9.98	.75	1.30		
ZONE 2	12.125	.60	.74		.02
ZONE 3	9.16	.45	.64		
ZONE 4	9.30	.45	.70		.03
ZONE 5	10.15	.45	.71		

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Allegheny, Butler, Westmoreland, Charleroi Twp. in Washington County

ZONE 2 - Beaver County

ZONE 3 - Fayette County

ZONE 4 - Eastern part of Indiana County

ZONE 5 - Remainder of Washington County

DECISION NO. PA78-3014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS HELPER	7.95		.10		
MILLWRIGHTS	9.86	6%	6%	22%	½%
PAINTERS					
ZONE 1					
Commercial					
Brush	10.63	.70	.40		.03
Paperhangers	10.63	.70	.40		.03
Spray	11.13	.70	.40		.03
Industrial					
Brush	10.98	.70	.40		.03
Spray	11.48	.70	.40		.03
ZONE 2					
Commercial					
Brush	9.00	.65	.35	.60	
Spray	9.52	.65	.35	.60	
Industrial					
Brush	10.25	.65	.35	.60	
Roller	10.78	.65	.35	.60	
ZONE 3					
Brush & Roller	10.00	.55	.90		
Spray	11.00	.55	.90		
ZONE 4					
Brush & Roller	8.85	.65	.40		.05
Spray	9.975	.65	.40		.05
ZONE 5					
Painters, Commercial	8.25	.85	.70	.75	2%
Painters, Industrial	9.90	.85	.70	1.00	2%
ZONE 6					
Commercial					
Brush	9.49	.75	.45		.02
Spray	9.54	.75	.45		.02
Industrial					
Brush	10.24	.75	.45		.02
Spray	10.74	.75	.45		.02

DECISION NO. PA78-3014

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Beaver County

ZONE 3 - Butler County

ZONE 4 - Fayette County, Remainder of Washington County

ZONE 5 - Twps. and Borough of Jefferson, Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union Nottingham, Carroll, Fallowfield, Somerset, North Bethlehem, Centerville Brough & California in Washington County

ZONE 6 - Armstrong, Indiana, Westmoreland Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	11.150	5.5%	10%		50%
PLASTERERS					
ZONE 1	9.39	.37	.70		
ZONE 2	11.55				.01
ZONE 3	9.00		5%		.01
ZONE 4	7.50				.01

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - ALLegheny, ARmstrong, Fayette, Butler and Westmoreland

ZONE 2 - Beaver County

ZONE 3 - Indiana County

ZONE 4 - Washington County

DECISION No. PA78-3014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	11.625	.65	.80		.09
CLASS 1-A	11.875	.65	.80		.09
CLASS 1-B	12.125	.65	.80		.09
CLASS 1-C	12.375	.65	.80		.09
CLASS 2	11.475	.65	.80		.09
CLASS 3	10.40	.65	.80		.09
CLASS 3-A	10.90	.65	.80		.09
CLASS 4	10.40	.65	.80		.09
CLASS 5	9.65	.65	.80		.09
CLASS 6	9.40	.65	.80		.09
CLASS 6-A	9.50	.65	.80		.09
CLASS 6-B	9.65	.65	.80		.09
CLASS 6-C	10.15	.65	.80		.09

DECISION # PA78-3014

CLASSIFICATION DEFINITIONS
POWER EQUIPMENTOPERATORS

CLASS 1 - Austin-Western or similar type up to 25ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, centrial mix plant, cranes (excluding overhead) truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when usedfor erectionpurposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with Chicago boom attached hoist (50 ft. or over) (stacks stoves or furances), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whitley

CLASS 1-A - Austin-Western or similar type up to 25 tons with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-rod (2 cages over 10 floors)

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75

CLASS 2 - Auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat of job work (inboard or outboard), bull-dozer, cable layer, compactor with blade, concrete belt placer, crane - over-head, crushing & screeningplants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds, hoist - one drum (4 floors or over), hoist - hod (building 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), Mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jibs ie. cooling, concrete & holding bansk), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpcrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigne to job), welder repairman) asphalt plant operator, athey loader

DECISION # PA78-3014

CLASSIFICATION DEFINITIONS
POWER EQUIPMENTOPERATORS (CONT'D)

CLASS 3 - Oilers, compactor (ridden or self-propelled), crane (carry) curb builder (self-propelled) drills-wells and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorial) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast Regulator, Boring MAchine, Broom, power (except pust type), Compressor - Single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5 KW), hoists (Monorail) (regardless of power used), hoist roof (regardless of power used), Huck machine or similar type, mixer concrete (regardless of power used), micer mortar - over 10 cu. ft. (regardless of power used), pump (over 1½" discharge regardless of power used), spray cure machine (power driven), steam jenny (or similar type), syphone (steam or air), welding machine single (300 amp or over) other than electrically driven, plant, private or industrial air or steam valve

CLASS 5 - Compressor - 65 cu. ft. or under (regardless of power used), conveyor one (1) unit (regardless of power used), heaters - up to and including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 cu.ft. or under), mulching machine,pin puller (powered),pulverizer, pump - 1½" discharge or less, seedming machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanical helper

CLASS 6-A - Crane truck oiler and fireman

CLASS 6-B - Oiler truck crane 50 ton or over, mechanic helper

CLASS 6-C - Oiler - Truck crane 100 ton and over

DECISION NO. PA78-3014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS					
ZONE1	11.74	.66	.61		.05
ZONE 2	11.71	.60	.55		.05
ZONE 3	11.07	.85	1.16		.07
ZONE 4	11.20	.78	1.03		.22

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Beaver County

ZONE 2 - Bulter County

ZONE 3 - Allegheny, Armstrong, Counties; Twp.of Charleroi in Washington County

ZONE 4 - Fayette, Indiana, Westmoreland and remainder of Washington County

ROOFERS	11.41	.77	1.50		.06
SHEET METAL WORKERS	10.90	.90	1.23		.14
SOFT FLOOR LAYERS					
ZONE 1	9.95	6%	6%	.60	5%

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - AlLegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland

ZONE 2 - Indiana County

DECISION NO. PA78-3014	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS					
ZONE 1	11.59	.65	.90		.04
ZONE 2	11.86	.65	.95		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Armstrong, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland

STEAMFITTERS					
ZONE 1	12.19	.75	1.10		.11
ZONE 2	10.40	.73	.87		.21
ZONE 3	11.74	.66	.61		.05
ZONE 4	11.71	.60	.55		.05

AREA COVERED BY STEAMFITTERS ZONES

ZONE 1 - Allegheny, Armstrong, remainder of Washington County, Fayette, Indiana, Westmoreland Counties

ZONE 2 - Twp. of Charleroi in Washington County

ZONE 3 - Beaver County

ZONE 4 - Butler County

DECISION NO. PA78-3014	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STONEMASONS					
ZONE 1	10.64	.75	1.50		
ZONE 2	10.48	.60	1.15		
ZONE 3	10.75	.60	1.00		
ZONE 4	12.125	.65	.60		
ZONE 5	10.73	.60	.75		.02
ZONE 6	11.42	.60	.79		.02

AREA COVERED BY STONEMASONS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Armstrong, Indiana, Remainderof Fayette and Westmoreland Counties

ZONE 3 - Twps., in Washington COunty, Cross Creek, Hanover, Jefferson Mt. Pleasant, Nottingham, Peters, Robinson, Smith and Union

ZONE 4 - Beaver County

ZONE 5 - Butler County

ZONE 6 - Twps; in Fatette of Jefferson & Washington, Westmoreland County, Twp

TERRAZZO WORKERS					
ZONE 1	11.26	.60	.85		
ZONE 2	10.775	.45	.45	.80	
ZONE 3	9.30	.45	.70		.03
ZONE 4	9.16	.45	.64		

Decision No. PA78-3014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - ALLegheny, Butler, Washingtom Westmoreland

ZONE 2 - Beaver County

ZONE 3 - INdiana County

ZONE 4 - FayetteCounty

TERRAZZO WORKERS HELPER	8.355	.35	.10		
TILE SETTERS					
ZONE 1	10.50	.60	1.40		
ZONE 2	10.775	.45	.45	.80	
ZONE 3	9.30	.45	.70		.03
ZONE 4	9.16	.45	.64		

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Allegheny, Butler, Washington, Westmoreland

ZONE2 - Beaver County

ZONE 3 - Indiana County

ZONE 4 - Fayette County

TILE SETTERS HELPERS	8.09	.45	.70		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS 1	8.34	6.5%	5.6%	d	
CLASS 2	8.39	6.5%	5.6%	d	
CLASS 3	8.41	6.5%	5.6%	d	
CLASS 4	8.50	6.5%	5.6%	d	
CLASS 5	8.43	6.5%	5.6%	d	
CLASS 6	8.70	6.5%	5.6%	d	
CLASS 7	8.52	6.5%	5.6%	d	
CLASS 8	8.68	6.5%	5.6%	d	

DECISION NO. PA78-3014

CLASSIFICATIONS DEFINITIONS

CLASS 1 - Warehouseman, chauffeu and ambulance drive, service truck (pickup, jeep, busses, station wagon,panel truck, escort vehicle, including fuel and water trucks)

CLASS 2 - Dump and flat top (including fuel and water trucks, fork lift in warehouse or job site storage area and single acle trucks with power tailgate); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products two man operation, bot men)

CLASS 3 - Transit mix, single axle

CLASS 4 - Transit mix, tandem

CLASS 5 - Heavy duty tractor and trailer with high bed, 4 wheels

CLASS 6 - Heavy duty tractor and trailer with low bed, 6 to 16 wheels andpole trailer and wide load

CLASS 7 - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including fuel and water, tandem axle truck with power tailgate and scissor truck; euclids or equivalent, tri-axle including mixer, drivers towing equipment

CLASS 8 - Winch truck and form truck

WELDERS - Rate of craft

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-CHristmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Paid Holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve,provided the employee has worked 45 days for the employer the 120 days prior to the holiday, and is availabe for work the day preceding and foflowing the holiday.

d. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, CHristmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: Virgin Islands COUNTIES: Island Wide
DECISION NO.: 78-VI-3010 DATE: Date of Publication
Supersedes Decision No. 76-VI-3167 dated May 7, 1976 in 41 FR 19003
DESCRIPTION OF WORK: Building Construction including Residential Construction (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	$ 3.16				
Bricklayers Helpers	2.65				
Carpenters	3.00				
Carpenters Helpers	2.65				
Cement Masons	3.16				
Cement Masons Helpers	2.65				
Electricians	2.75				
Electricians Helpers	2.65				
Ironworkers	2.65				
Laborers	2.65				
Painters	2.65				
Plumbers	3.28				
Plumbers Helpers	2.65				
Truck Drivers	2.65				
Power Equipment Operators:					
Cranes	3.93				
Bulldozer	3.75				
Well Drillers	3.50				

SUPERSEDEAS DECISION

STATE: Virgin Islands COUNTIES: Island Wide
DECISION NO.: 78-VI-3011 DATE: Date of Publication
Supersedes Decision No. 76-VI-3167 dated May 7, 1976 in 41 FR 19003.
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 3.25				
Carpenters Helpers	2.75				
Cement Masons	3.00				
Laborers:					
Laborers, unskilled	2.65				
Air tool operators	2.675				
Mason tenders	2.875				
Truck Drivers	2.65				
Power Equipment Operators:					
Rollers	2.65				
Fork lift	2.85				
Asphalt plant pavers	3.00				
Backhoes, loaders	3.25				
Dozers, scrapers	3.75				
Graders	4.00				

[FR Doc. 78-7543 Filed 3-23-78; 8:45 am]

FRIDAY, MARCH 24, 1978
PART III



federal register

ENVIRONMENTAL PROTECTION AGENCY

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CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 845-3; Docket No. OMSAPC-78-1]

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Amendment to Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Published elsewhere in this issue, the EPA is proposing a wide range of changes to gaseous emissions standards applicable to aircraft and aircraft engines which were promulgated on July 17, 1973 (38 FR 19090). This final rule sets back by 2 years, until January 1, 1981, the effective date for all gaseous emissions standards which would otherwise have been effective on January 1, 1979 for newly manufactured aircraft and aircraft gas turbine engines. This change in compliance date will allow more time for analysis of comments received during the public comment period and public hearings on the proposed changes to the standards, before their final promulgation. It will additionally permit a thorough reassessment of the air quality impact of aircraft operations at large metropolitan airports.

EFFECTIVE DATE: April 24, 1978.

FOR FURTHER INFORMATION CONTACT:

George Kittredge, Senior Technical Advisor, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, Waterside Mall, Washington, D.C. 20460, 202-426-2464.

SUPPLEMENTARY INFORMATION: The EPA and FAA have agreed that a reanalysis needs to be made of the air quality of aircraft emissions impact, so as to place final action with respect to amended standards on the soundest possible basis. The principal issue in this reanalysis is the degree of need for control of NOx emissions from aircraft (see also below). It is estimated that such an analysis, to be reasonably comprehensive, cannot be completed until mid-1979. To take full advantage of this reanalysis, final rulemaking related to the NOx standard based on this new information will not be possible until 1980.

Another development which bears on the timing for promulgation of the subject amendments is the requirement in the 1977 Amendments to the Clean Air Act that the EPA take action on a short term ambient air quality standard for NO2 by August 1978. It is expected that such action by the EPA might significantly strengthen the need for NOx standards applicable to aircraft and aircraft engines. It appears prudent for EPA to delay final action on amended NOx standards applicable to aircraft until a fully developed position has been taken with respect to a short term ambient air NO2 standard. This in itself would delay final rulemaking on an NOx standard until relatively late in 1978.

In addition, the proposed changes to the currently promulgated aircraft and aircraft engine standards, which are being published concurrently with this action, extend over a wide range of technological issues. The comments expected to be submitted to EPA on the proposals are likely to be detailed and extensive. Further, the EPA will be conducting, during the comment period, an analysis of the economic impact of the proposed changes which is to be published separately at least 30 days prior to the end of the comment period, which has been extended to 120 days to allow for this action. Therefore, it is likely that thorough technical analysis of all the technical and cost information received will extend well into the fall of 1978, which would cause the final promulgation of the amendments to the standards to fall undesirably close to the January 1, 1979 implementation date for the current standards applicable to newly manufactured gas turbine engines.

ACTION

With due consideration of the foregoing, it has been determined that the effective date for all gaseous emissions standards scheduled to be implemented on January 1, 1979, should, as an interim measure, be postponed by 2 years to January 1, 1981, so as to permit the continued manufacture of aircraft gas turbine engines during the period between January 1, 1979, and the compliance date specified in the final amended standards. This action will allow reasonable time for completion of all activities discussed above and will facilitate the establishment of final revised standards based on the best obtainable information in the areas of emissions control technology, costs of applying such technology, and air quality impact of commercial aircraft operations. The Agency finds, for the reasons outlined above, that notice and public procedure thereon are impractical, unnecessary, and contrary to the public interest.

This rulemaking action does not constitute a regulation which will result in major economic impact. Accordingly, the Environmental Protection Agency has determined that this document does not contain a major proposal or a substantial revision requiring preparation of an economic impact analysis under Executive Orders 11821 and 11949, OMB Circular A-107, or section 317 of the Clean Air Act.

Dated: March 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 87, Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

1. Section 87.21(d) is revised to read as follows:

§ 87.21 Standards for exhaust emissions.

* * * * *

(d) Exhaust emissions from each aircraft gas turbine engine of the classes specified below manufactured on or after January 1, 1981, shall not exceed:

2. Section 87.51(a) is revised to read as follows:

§ 87.51 Standards for exhaust emissions (new aircraft).

(a) Exhaust emissions resulting from the generation of onboard power from each new aircraft manufactured on or after January 1, 1981, shall not exceed:

* * * * *

3. Section 87.52 is revised to read as follows:

§ 87.52 Standards for exhaust emissions (in use aircraft).

Exhaust emissions from each in-use aircraft manufactured after January 1, 1981, resulting from generation of onboard power shall not exceed the level of the emission standards applicable to such aircraft when it was new.

(Secs. 231, 301 of the Clean Air Act, as amended (42 U.S.C. 7571, 7601, formerly 42 U.S.C. 1857f-9, 1857g).)

[FR Doc. 78-7599 Filed 3-23-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

[FRL 845-4; Docket No. OMSAPC—78-1]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Proposed Amendments to Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In 1973 EPA promulgated gaseous emission regulations for several classes of newly manufactured and newly certified aircraft engines (40 CFR Part 87). EPA also proposed standards for large in-use gas turbine engines; this standard has not yet been promulgated. This notice proposes changes to the existing rules and supersedes the earlier proposal. The most significant proposed changes to the existing standards are: The addition of the classification category "commercial aircraft engines"; the revocation of emission standards for general aviation engines; modifications to the levels of the emission standards; and extensions to the effective dates for the standards. This proposal differs from the earlier proposal (38 FR 19050 July 17, 1973) requiring the retrofit of in-use engines in that it extends the applicability to all commercial aircraft engines of 12,000 pounds thrust or greater in place of the previously proposed applicability of 29,000 pounds thrust or greater, deletes the requirement for retrofit of oxides of nitrogen (NOx) control technology (although this requirement may be reinstituted in the future), and extends the proposed effective date for the standards. In addition of the classification category "commercial aircraft engines" facilitates an emission control strategy which requires control of only those aircraft engines which have been determined to be the major cause of air pollution at high activity major air terminals. The proposed changes to the gaseous emission standards will require only engines of 6,000 pounds thrust (or equivalent power) or greater, used in commercial applications, to comply with gaseous emission standards. This action will withdraw emission control requirements from piston engines, small turboprop and small (6,000 pounds thrust) turbojet and turbofan engines, and auxiliary power units (APUs). These engines, with the exception of the APUs, are used on aircraft that operate mainly from general aviation airports. General aviation aircraft contribute significantly to air pollution at those airports, but the total contribution of general aviation airports, but the total contribution of general aviation airports to pollution of the surrounding region is small. The cost per ton of emissions abated from general aviation aircraft is substantially higher than the cost per ton from commercial aircraft or from other classes or sources of air pollution currently subject to control. These factors, coupled with the limited resources available to the Environmental Protection Agency for the achievement of national compliance with ambient air quality standards, cause an expenditure of EPA resources directed toward endeavoring to impose emission controls on general aviation aircraft, not to have high enough priority to merit their further pursuit at this time.

DATE: All relevant material received on or before July 24, 1978, will be considered. An economic impact assessment will be made available during the comment period. If necesary, the comment period will be extended to allow the public at least 60 days for comment on the economic assessment. Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration.

ADDRESS: Interested persons may participate in this rulemaking by submitting written comments to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460. Ten copies are requested but not required.

FOR FURTHER INFORMATION CONTACT:

George Kittredge, Senior Technical Advisor, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, Waterside Mall, Washington, D.C. 20460, 202-426-2464.

SUPPLEMENTARY INFORMATION: The APU standards are being withdrawn for several reasons. These are: (1) No NOx control technology has been developed in spite of extensive good faith efforts; (2) only minimal CO control is obtainable, yet significant costs would be incurred by both industry and the government; and (3) the HC emissions are already below the standard in the uncontrolled engine.

The newly manufactured engine standards for hydrocarbon (HC) and carbon monoxide (CO) remain at the current levels for engines of 20,000 pounds thrust and above. For commercial aircraft engines with rated thrust between 6,000 pounds and 20,000 pounds, a continuous transition of the standards with thrust is proposed to better account for the technology limitations of existing engines in this thrust range. This results in a slight relaxation of the standards. The implementation date of these standards is proposed to be delayed from January 1, 1979 to January 1, 1981.

It is proposed that the NOx standards be changed from an EPA Parameter (EPAP) of 3.0 to 4.0, with the implementation date delayed three years after the effective date for the HC and CO standards to January 1, 1984. It is further proposed that a rated compressor pressure ratio adjustment be applied to NOx emission measurement vaues for newly manufactured engines with pressure ratios greater than 25, This adjustment factor is proposed for the newly manufactured engine standards since existing engines have significantly different pressure ratios, and pressure ratio significantly affects NOx emission levels. An adjustment factor is therefore necessary to insure that the best available technology is used on all existing engines. A standard which could be met by the existing higher pressure ratio engines would require only minimal reductions (or none at all) from the lower pressure ratio engines.

In addition, the justification for imposition of NOx standards on newly manufactured aircraft engines will be reexamined after EPA has developed the necessary supporting information for responding to the August 1977 Clean Air Act Amendments relating to promulgation of a short term NO_2 ambient air quality standard. The EPA will take no action towards final promulgation of an NOx emissions standard for newly manufactured aircraft gas turbine engines until completing the necessary actions relating to the short term NO_2 standard and until a joint FAA/EPA air quality study is completed and considered. Completion of the joint FAA/EPA study is expected in the summer of 1979.

Existing rules for smoke and fuel venting standards will remain in effect as promulgated, except for a proposed modification in the T3 compliance schedule. The proposed modification will change the present full T3 engine fleet compliance date from January 1, 1981 to a phased program with full compliance by January 1, 1985. The revised compliance schedule is identical to the noise retrofit schedule specified in 14 CFR Part 91, Subpart E—Operating Noise Limits. The purpose of the extension is to avoid requiring the airlines to implement double retrofit programs or to retrofit aircraft that are scheduled to be phased out of service.

The present levels of the HC and CO emission standards for newly certified engines are considered feasible and require no change with respect to this proposed action. Based on technologi-

cal considerations it is proposed that the newly certified engine NOx standards be relaxed to the same level as that for newly manufactured engines, but without a pressure ratio adjustment. The effective date of the newly certified engine standards is proposed to be delayed from January 1, 1981 to January 1, 1984.

These proposed changes to the aircraft standards result from the continuing technology assessment which has been undertaken since the promulgation of the standards on July 17, 1973.

This proposed action would also extend the applicability of the proposed standards to certain in-use aircraft engines. The proposal of July 17, 1973 (38 FR 19050) applied only to T2 class engines of 29,000 pounds rated thrust or greater. The current proposal extends the applicability to include all commercial T2 engines of 12,000 pounds thrust or greater, and all commercial T4 engines. This results from a determination that the technology developed for HC and CO compliance with the newly manufactured engines is readily adaptable to in-use engines within a four year period, and the fact that engines in the 12,000 to 29,000 pound rate thrust category represent a substantial portion of the in-use fleet. It has also been determined that the NOx technology that has thus far evolved is not readily adaptable for retrofit and, therefore, no requirement for retrofit of oxides of nitrogen control technology is being proposed. EPA will monitor the further development and refinement of the emerging NOx control technology, and if in the future it appears this technology is reasonably capable of being retrofitted additional rulemaking will be considered. The applicability date is designed to correspond to the two year delay proposed for the newly manufactured engine standards. The proposed effective date for in-use engines thus is January 1, 1985.

In addition to the major proposed amendments summarized above, this action proposes that the units of measurement be converted to the International System of Units, that a clarification of the idle power setting be adopted and that a minor modification to the EPA parameter be incorporated into the regulations.

J.F.K. Aircraft Emissions

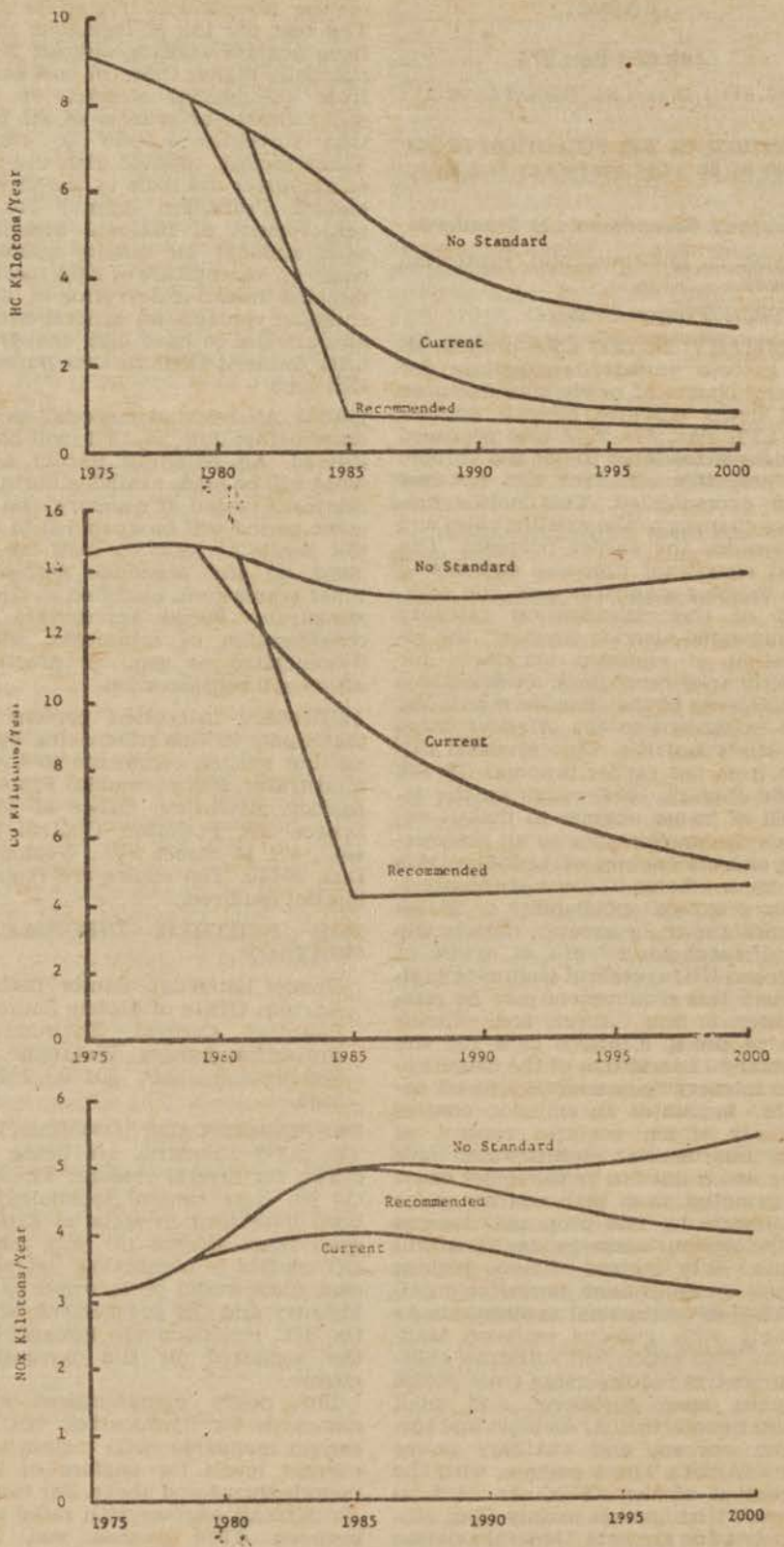


Figure 1

The proposed actions will greatly simplify the current aircraft regulations and will: (1) Eliminate expenditure of private funds and government resources, at this time, for controlling aircraft engines that contribute relatively little to air pollution problems; and (2) provide early cost-effective reduction of emissions from the existing aircraft fleet. The air quality effect of each of the changes compared to the present standards is summarized below:

Change	*Effect at major airports*
A. Elimination of standards applicable to general aviation engines and APU's.	Essentially none.
B. Change in the level of the standards.	HC: No significant effect. CO: 0 to 2 pct increase. NOx: Up to 30 to 35 pct increase (plus control delayed 5 yr).
C. Control of in-use engines in commercial aircraft only.	HC, CO: 50 pct decrease at maximum. NOx: 0 to 5 pct decrease.

While these proposed amendments in several cases represent a deletion of existing regulations and in other cases result in the relaxation of the levels of the standards and/or the implementation dates, the net result of this regulatory action will be to improve the effectiveness of the aircraft regulations for HC and CO control at the major commercial airports (aircraft air pollution problem areas), and to recognize that the full degree of NOx control called for in the existing standards is not technically achievable in the foreseeable future. The effectiveness of the existing standards as compared to the proposed standards is summarized of Figure 1. The improved effectiveness of HC and CO control is due exclusively to the proposed in-use engine retrofit standards.

Because of certain unresolved questions relating to the impact of NOx emissions from aircraft on public health, the EPA intends to participate with the Federal Aviation Administration in carrying out an updated study of the impact on urban air quality of commercial aircraft operations from large metropolitan airports, while this proposal is out for public comment. It is expected that this study will be completed by mid-1979. Accordingly, promulgation of the revised NOx standards will be delayed until completion of this study, to allow consideration of the updated air quality information.

Review of Earlier Actions

Section 231 of the Clean Air Act directs the Administrator of the Environmental Protection Agency to establish "standards applicable to emission of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Such standards were promulgated for new and certain in-use subsonic aircraft engines on July 17, 1973 (38 FR 19088) and appear in 40 CFR part 87.

In the preamble to these standards it was stated that, "EPA intends to monitor closely the development of this technology through programs sponsored both by other Federal agencies and by industry. If it should become evident that the standards as promulgated cannot be achieved by the technology approaches explored in these programs, additional rulemaking action wil be considered to ensure that the best technology available is reflected in the standards."

Standards limiting emissions from in-use subsonic aircraft turbine engines rated at greater than 29,000 pounds of thrust were proposed on July 17, 1973 (38 FR 19050). On September 10, 1974, EPA announced that the comment period for these proposed standards would remain open until more information had become available bearing on the technology for controlling emissions to the proposed levels (39 FR 32631).

On November 7, 1975 the Environmental Protection Agency published a Notice of Public Hearing (40 FR 52082) to obtain comments from interested parties on the proposed emission standards for in-use aircraft (38 Fr 19050). In addition the hearings were opened to the subject of the status of the development of technology necessary for compliance with certain emission standards applicable to new air craft turbine engines (40 CFR part 87). The comments on the status of technology developments along with subsequent submittals of supplemental data were analyzed and reported in the EPA report "Aircraft Technology Assessment—Status of the Gas Turbine Program," December 1976, which forms part of the basis for this proposed rulemaking. (Copies of this report and all reports subsequently cited in reference are available for inspection in the EPA Public Information Reference Unit.)

Environmental Impact of Aircraft Emissions

Prior to promulgating the present aircraft standards (40 CFR part 87) an air quality analysis was performed which concluded that "airports and aircraft are now, or are projected to be, significant sources of emissions of carbon monoxide, hydrocarbons, and nitrogen oxides in some of the air quality control regions in which the national ambient air quality standards are being violated, as well as being significant sources of smoke; and therefore that attainment and maintenance of the national ambient air quality standards and reduced impact of smoke emissions requires that aircraft and aircraft engines be subject to a program of control compatible with their significance as polution sources. Accordingly, the Administrator has determined that emissions from aircraft and aircraft engines should be reduced to the extent practicable with present and prospective technology ("Aircraft Emissions: Impact on Air Quality and Feasibility of Control", EPA 1972).

Recent studies have concluded that the air quality impact at major air terminals is much more significant than that at the smaller, general aviation airports and further, that the major aircraft contributors at the major air terminals are the commercial aircraft and not general aviation aircraft ("Aircraft Emissions at Selected Airports 1972-1985", EPA AC 77-01, January 1977, and "An Assessment of the Potential Air Quality Impact of General Aviation Aircraft Emissions", Bruce C. Jordan, EPA, June 6, 1977).

For large general aviation airports where general aviation traffic is a significant fraction of the total, it was found that CO approaches the ambient air quality standard only at the runway where people are exposed for only brief periods and therefore cannot be construed to be a problem. HC and NOx emissions were found to be less than 100 tons per year at any general aviation airport. Therefore, it is clear that emissions from general aviation airports do not provide strong justification for a program of Federal standards applicable to general aviation aircraft.

On the other hand, emissions from major air terminals dominated by commercial traffic continue to appear sufficient in magnitude to justify Federal standards applicable to commercial aircraft. At major terminals, the annual emissions due to aircraft alone are of the order of thousands of tons per year for each gaseous pollutant, while in comparison, a stationary source is defined as major under new section 302(j) of the Clean Air Act if it emits 100 tons per year or more of any pollutant. (42 U.S.C. 7602(j), as added by section 301(a), Pub. L. 95-95, 91 Stat. 769-770).

However, the air quality justification for control of airport NOx emissions has been questioned. ("Potential Impact of NOx Emissions from Commercial Aircraft on NO2 Air Quality," Bruce C. Jordan, EPA, November 15, 1977). Therefore, a study has been planned which will incorporate the up-to-date aircraft emissions estimates referenced above, the most recent meteorological information, and the most advanced available mathematical modelling techniques for prediction of ambient air concentrations of pollutants in the airport environment. This study will be carried out jointly by the EPA and the Federal Aviation Administration and is expected to be completed in 1979.

Accordingly, promulgation of amended NOx standards based on this proposal will be deferred until completion of the FAA-EPA study so that such action can be based on the best and most current technical data bearing on the impact of aircraft operations on urban ambient air quality. Although the EPA expects to promulgate revised HC and CO standards in 1978, to avoid production lead-time problems that could result from unanticipated delay, an announcement of a 2 year deferral in the implementation date for emissions standards having an implementation date of January 1, 1979, is being published concurrently with this proposal.

It should be pointed out that, notwithstanding the announced delay in final promulgation of these proposed standards, it is expected at this time that the standards will be promulgated at the emissions levels and on the schedules which are proposed herein. It is recommended that all parties affected by these proposed standards make their individual plans on this assumption.

Cost Impact

On the basis of the information available at this time from aircraft industry sources, the EPA Office of Mobile Source Air Pollution control (OMSAPC) estimated average costs of these proposed standards to be:

Rule	Cost per engine	Increase in price per engine (percent)
1981 NME*	$90,000	6
1984 NME	110,000	10
1985 retrofit with 1981 NME	44,000	7

*Newly manufactured engines.

These costs are considered by OMSAPC to represent an upper limit, and the actual costs may be lower. This translates into the following cost effectiveness (cost of control required per ton of pollutant eliminated) values:

Rule	In dollars per ton		
	HC	CO	NOx
1981 NME	560	220	.....
1984 NME	560	220	**1,316
1985 retrofit with 1981 NME	390	170	.....

**Excluding probable maintenance penalty of undetermined size.

The cost of control for the newly certified engine standards is expected to be lower due to a broader distribution of development costs. These costs and cost effectiveness values for HC and CO are in the same range as those of other pollution control strategies being implemented or considered for implementation by the Agency at this time. The NOx value is higher than costs associated with other NOx strategies being implemented (and may be even higher as more information on maintenance costs is obtained), but until a more comprehensive analysis can be performed based on more detailed comprehensive cost estimates, relative cost effectiveness alone cannot be a basis for rejecting aircraft NOx control. The basis for these costs are outlined in EPA Report SDSB TSR AC 77-02 "Cost-Effectiveness Analysis of the Proposed Revisions in the Exhaust Emission Standards for New and In-Use Gas Turbine Engines Based on Industry Cost Estimates."

Returning to general aviation aircraft, although the total HC emissions at the most active general aviation airports approach the level generally considered to describe a major source (100 tons HC per year), control would not be as cost effective as other mobile source HC control strategies. The cost of HC control from general aviation aircraft is estimated at $2,000 per ton of HC as compared to $500–$1,400 to achieve the .41 g/mile light-duty vehicle HC standard. (If the total national costs were assigned to the HC reduction achieved in specific air quality regions having long term oxidant problems, the cost effectiveness values would be far higher).

The cost data from which the foregoing cost effectiveness figures were derived are limited and were based solely on information obtained from the affected industry. Information is hereby requested on the detailed costs to comply with the proposed regulations, including all the assumptions and methodology used in the analysis, for engine manufacturers, aircraft manufacturers, and air carriers.

Major Decision Issues

Should the Emissions Standards Applicable to General Aviation Aircraft be Retained? The preceding discussions of air quality impact and cost efectiveness of control, in view of the fact that resources available to the EPA for the pursuit of achievement of the national air quality standards are substantially limited, suggest that further EPA efforts to impose emission controls on general aviation aircraft engines do not rank sufficiently high in priority to merit their being pursued at this time.

Emissions impact studies at airports have shown that the most significant contribution to airport pollution is due to commercial turbine powered aircraft. At the major air terminals this contribution ranged from 80 to 99 percent of the total aircraft pollution burden. However, at smaller airports where non-commercial aircraft are flown, the total pollutants produced are not sufficient to justify the costs required to reduce them. Therefore, it was concluded that the most cost effective control strategy for aircraft would be to control only those aircraft engines which cause the most significant pollution load, namely commercial aircraft engines.

Are the Levels of the Present Standards Applicable to Commercial Aircraft Appropriate? In determining appropriate levels for standards, consideration was given to air quality needs, technical feasibility, and comparative cost effectiveness.

The EPA technology assessment of newly manufactured engines concluded that the T2 class HC and CO standards were technically feasible for engines with rated thrust above 20,000 pounds. The smaller T2 engines and some T1 engines are subject to certain technological constraints requiring standards that are available with engine size, the smallest engines tending to have the highest emission rates. After consideration of the limited overall air quality impact of such engines, it was determined that control of engines less than 6,000 pounds rated thrust was not justifiable at this time.

The control of NOx is more complex and more extensive development is required. The technology developed under NASA sponsorship which is considered reasonable to implement will not achieve the current levels and a relaxation of the newly manufactured engine NOx levels by 30 percent is necessary.

The question arose whether it is cost effective and necessary to control NOx emissions from the small to medium sized newly manufactured commercial engines (i.e., less than 20,000 pounds of thrust). The most important factor in considering this question is the air pollution contribution of the JT8D engine (T4 class). Initially, it was thought that the JT8D family would cease production in the near future to be replaced by a newer, larger engine (over 20,000 pounds of thrust). This would have made the NOx contribution from this group relatively less important and certainly much less cost effective. Strong concerns have been expressed to EPA by the manufacturer of the JT8D engine (Pratt and Whitney) and by one of their customers (Douglas Aircraft) that publication of a proposal for NOx standards applicable to growth versions of the JT8D engine rated at above 20,000 pounds thrust might deter potential airline customers from ordering an advanced version of the Douglas DC9 aircraft which has recently been announced. These companies have stated that they believe the airlines would instead order competitive aircraft powered by the current, below 20,000 pounds thrust, version of the JT8D engine.

Recent information from Pratt and Whitney; however, forecasts a consid-

erable future market for new versions of the JT8D of less than 20,000 pounds of thrust as well as of growth versions of greater than 20,000 pounds of thrust. This suggests two alternative actions that may be appropriate, the first to control NOx from the small to medium sized newly manufactured engines (principally the JT8D), and second, to abandon NOx control of the T4 class altogether (regardless of thrust).

EPA has elected to control NOx for all commercial engines over 6,000 pounds thrust principally because of the need for control of the JT8D engine as reflected in its market forecast. Also, consideration was given to the need for equity between competing engines (in the context of growth versions of the JT8D) and to the expected availability of effective NOx control technology for the JT8D and other small to mid-sized engines. New engines recently announced by other manufacturers, such as the Rolls Royce RB. 432, would also be included in this action.

It may be argued that the less fuel efficient older design engines such as the JT8D have not yet been demonstrated to be capable of meeting NOx standards as low as have been demonstrated with the more efficient modern engines. While it is true that NASA sponsored research on the JT8D engine did succeed in achieving substantial reductions, the levels were not low enough to comply with the proposed standards. On the other hand, research on NOx control for the JT8D combustor was terminated at a relatively early stage and it is not known whether continued efforts to reduce NOx emissions might not have achieved greater success if the research had been continued through the engine demonstration stage, as was the case for the two engines whose demonstrated performance provides the technological basis for the NOx standard proposed herein. Comments are specifically invited on the achievability of this standard for the JT8D and for all other affected engines for which NOx control technology has not yet been demonstrated.

The Agency recognizes that the issue of requiring control of NOx from newly manufactured engines, regardless of their size, remains controversial and may not currently be amenable to resolution on the basis of available data. This factor arises because the currently promulgated ambient air quality standard for NO2 is expressed in terms of an annual average of 100 micrograms per cubic meter; in those terms, the contribution of aircraft to degradation of ambient air quality may no be large. However, the 1977 amendments to the Clean Air Act have directed the Agency to promulgate by August of 1978 and ambient air quality standard for NO2 over a period of not more than three hours, unless it is determined that such a standard is not needed to protect public health (Section 109(C) as amended). Quite clearly, the potential for aircraft NOx emissions to contribute significantly to violation of such a short-term NO2 ambient air quality standard is substantially higher than is the estimated contribution of aircraft to violation of the current annual standard. Thus the probability is high that in terms of the anticipated short-term NO2 standard the need for control of NOx emissions from aircraft will be substantially greater than such need may be in terms of the annual standard. For that reason, in anticipation of a short-term NO2 standard, the Agency is proposeing the imposition of the foregoing NOx standards. The Agency is specifically soliciting public comment on the anticipated impact on the violation of short-term ambient air quality standards that would be expressed in terms of a one hour standard with values ranging from 100 micrograms to 500 micrograms per cubic meter. The above ranges do not reflect a decision on the part of the Agency to set the short term NO2 standard at either extreme, but rather represent the range within which it at this time appears likely that the ultimate short-term NO2 standard may be established. The Agency also solicits comment on the technical feasibility and cost-effectiveness of controlling aircraft emissions to the proposed emission levels, and on the cost-effectiveness of such emission standards in terms of the overall contribution of aircraft to localized violations of an anticipated short term NO2 ambient air quality standard.

The Agency intends to defer, until after promulgation of the short-term ambient NO2 standard in August 1978 and after completion of the joint EPA/FAA airport air quality analysis discussed earlier, promulgation of the NOx standard based on this proposal.

Are the Present Compliance Dates for the Standards Appropriate? The manufacturers have claimed that insufficient lead time exists to introduce emission controls into production engines by the current January 1, 1979 compliance date. The majority of the commenters claimed that an additional three years would be required; that is, implementation on January 1, 1982. Analysis of the submitted information revealed that the industry has taken a highly conservative position with respect to time allotted for certain developmental elements, particularly service evaluation, especially when compared with past programs. It is the EPA's position that this schedule is unnecessarily long and implementation of initial emission controls need not be delayed beyond January 1, 1981 for newly manufactured engines. The NOx controls require significantly more complex hardware changes and are not as well developed as the HC and CO control systems. Therefore, the NOx system will take an additional three years resulting in implementation on January 1, 1984.

There has been little additional information or criticism submitted to EPA on lead time requirements for newly certified engines since publication of those standards. In view of the availability of adequate NOx control in 1984 and in consideration of the span of time between this date and the date of initial HC and CO control, an implementation date of January 1, 1984 for newly certified engines is proposed.

Should Special Provisions be Made for Low Production or Old Engines? The Agency received numerous comments that engines which are nearly the end of their production life would be terminated prematurely because there would be insufficient future sales to justify incorporating emission controls. As well, there exist old engine models which would continue to be produced in small numbers well beyond the implementation date of the standards; however, technology does not exist for these engines to reduce emissions sufficiently. Since all engines in this situation are produced for general aviation applications, the proposed rulemaking, which would impose no standards for these engines, will resolve this problem.

Is the Proposed In-Use Aircraft Engine Retrofit Program Appropriate? Comments on the proposed in-use engine standards generally fall into two categories. First, the standards should be set at levels which can be achieved with relatively non-complex hardward changes and, second, adequate time should be allowed for implementation of the retrofit of aircraft engines. The technology assessment study revealed that the control systems developed for compliance of large engines (greater than 29,000 pound thrust) to the newly manufactured engine HC and CO standards could be installed in in-use engines. Additionally, it was determined that the HC and CO control system for the JT8D engine could also be retrofitted without significant problems. Since the JT8D engine is used extensively in the U.S. commercial aircraft fleet any reasonable reductions which can be achieved from this engine would have a significant improvement on air quality in the near term. For example, the originally proposed in-use standard provided a CO reduction of 37 percent at JFK airport in 1985; retrofitting the JT8D engines increases the reduction to 50 percent. Thus the newly manufactured engine HC and CO standards are considered appropriate for existing in-use engines. Since no NOx control

scheme has yet been developed which can be readily retrofitted other than the costly water injection system, it was determined that a NOx retrofit standard for existing in-use aircraft engines is inappropriate at this time.

It was generally agreed among the commenters that a period of four years will be required to incorporate the necessary changes in the commercial aircraft fleet. Therefore projecting that the control systems will be available for application in 1981, the compliance date for in-use aircraft engines is proposed for January 1, 1985.

Has a Margin for Variability Been Included in Setting the Standards? Engine-to-engine variations, test-to-test variations and exhaust measurement uncertainties make it likely that the measured emissions performance of each aircraft gas turbine engine will be different. Manufacturers have stated that allowances should be provided for such variation in setting the standards. When the standards were originally established, technology had not been demonstrated which would achieve the required level of control. Subsequent technical evaluation of the feasibility of achieving the stated levels with the technology which has developed resulted in a determination that the levels could be achieved and that sufficient margin exists to allow for normal variability. Thus, the standards are to be considered upper limits with respect to compliance testing and manufacturers must set their design goals sufficiently below the standards to account for variability.

How Should the Idle Power Setting be Specified? Comments stated that the present definition of the idle power set point for compliance testing was ambiguous and inequitable and should be replaced with a clearer definition such as a fixed power level.

The compliance test procedure requires that emissions be measured at four power points, including idle. The procedure allows the manufaturer to specify the idle power setting while the remaining power points are set at prescribed levels. The intent behind this approach is to simulate the emissions produced by an engine in actual use. EPA has concluded that no single value will truly represent satisfactorily the in-use idle point of all engines and that the total cycle HC and CO emissions are highly dependent on the idle power setting selected. Therefore, to yield emission measurements representative of what can be expected from a given engine when operated at an airport it is necessary that the test idle point be set at the value used in the field.

Therefore, the "manufacturer's recommended idle" definition is expanded to explicitly state that the engine be tested at the minimum idle set point for each particular engine with simulation permitted of minimum accessory influences experienced by the engine when operated in the idle mode. This approach is equitable and eliminates much of the ambiguity problem. In addition, the enforcement of the in-use engine standards is simplified in that it is clear that engines must be operated at or above the certified idle level to insure compliance with the HC and CO standards.

Is the Parameter Presently Used for Specifying the Emission Standards Appropriate? The EPA has received comments that the controlling parameter (i.e., the dimensions of the standards) is not appropriate in that it incorporates factors outside the control of the combustor design engineer. These commenters suggest the use of the emission index (EI) is more appropriate. The EI describes the pollution produced relative to the amount of fuel burned. As such, standards based on the EI would control only the combustor design with the total engine pollution dependent upon the fuel efficiency of the engine. For engines of equal power the one with the greatest fuel consumption would be allowed to produce the greatest pollution. The EPA parameter (EPAP), conversely, describes the total pollution produced relative to the useful work performed. The EPA parameter is considered equitable and best represents the engine pollution when operated at an airport. Therefore, its continued use is proposed.

However, in order to simplify the parameter for easier use in air quality analysis and for other technical reasons which make it more appropriate, the EPA technical staff has recommended the use of the rated thrust, rather than the total impulse, as the normalizing useful work factor. This change is being proposed and has essentially no impact on the stringency of the standards.

Should NOx Limits Be Corrected for Engine Pressure Ratio? An adjustment to the NOx standard was requested in the comments to account for the unavoidable NOx penalties which arise from differences in the cycle pressure ratios between different engine models. The issue is different for existing designs and for future designs. For future designs, it is claimed that a failure to account for the adverse pressure effect on NOx will lead to a degradation in fuel economy because the designer will be forced to select a pressure level for the engine which is less than that which is most desirable from a fuel economy point of view. On the other hand, the development of ultra low NOx combustors combined with the fuel economy improvements may compensate for the tendency towards higher NOx arising from the higher pressure ratio. Thus, it appears premature to conclude that a pressure correction is necessary for NOx emissions to avoid compromising fuel economy in future engine designs. EPA has further concluded that it is better to promulgate equitable standards at an early point so that the selection and design of a new type of engine can be influenced by the emissions standards as a basic constraint, along with the other performance requirements which the engine must meet. The existence of the NOx standard as formulated is expected to influence the trend in engine design, but it will not dictate it. The EPA recognizes that in so dynamic a field as aircraft engine development it will be necessary, from time to time, to review existing emission standards for the purpose of determining their impact on the feasibility of utilizing technology that may not have been available when the standards were formulated. As a result of the current NASA work, or other future developments, technology may become available that for fuel consumption or other performance factors is clearly superior but that cannot meet promulgated emission standards. In that case all of the relevant issues will be reconsidered by EPA in the context of all technical and environmental data then available, and a decision made by the Administrator that is appropriate on the basis of the new information.

Considering next the problem of existing engine designs, a review of the progress of advanced technology combustors for reduced oxides of nitrogen reveals a wide range of emissions performance between competing engines which is attributable directly to differences in the cycle pressure ratio. The selection of the NOx standard should be based upon the performance of this advanced technology, but if the standard is selected high in order to accommodate the performance of the high pressure ratio engines, then the lower pressure ratio engines may comply without application of any advanced NOx technology, whereas if the standard is selected low reflecting the potential of the lower pressure ratio engines, then many of the higher pressure ratio engines will fail even utilizing the best demonstrated combustor technology.

A standard which permits higher emissions for high pressure ratio engines will force all existing engines to apply the best advanced technology that has been identified in order to achieve the required emissions levels and yet will not unduly penalize those engines which obtain high efficiency through high pressure ratios.

Are the Compliance Test Fuel Specifications Properly Defined? It has been brought to EPA's attention that the test fuel as now specified may change from time to time under the pressure of rising fuel costs and, in the

future, synthetically derived alternative fuels. It is known that combustion pollutant levels in an engine are related to fuel properties and composition. This may cause difficulties with the continuous compliance requirement and with the establishment of technology capable of achieving the standards with fuels significantly different from those used to develop the technology. Comments on this matter are requested.

Should the EPA Limit the Applicability of the Standards to U.S. Aircraft Only and Look to ICAO to Control International Aircraft? Consistent with the stated policy for SST aircraft (41 FR 34723, August 16, 1976) EPA intends to cooperate fully with the ICAO in the development of international standards for control of emissions from all classes of aircraft. Nevertheless, in order to fulfill EPA's responsibility under the Clean Air Act, it is necessary to minimize emissions from aircraft of both United States and foreign registry. Moreover, to exempt foreign aircraft would be unfair to domestic air carriers. Therefore, these standards will apply to aircraft of foreign registry until such time as the ICAO has promulgated regulations of at least equivalent stringency. At that time consideration can be given to applicability of ICAO standards to aircraft of foreign registry while the EPA standards would continue to apply to aircraft of United States registry.

Section 231 of the Act provides that the Administrator shall hold a public hearing with respect to proposed aircraft emission standards. a notice of time, date, and place for the hearing will be published in the FEDERAL REGISTER in the near future. This hearing is intended to provide an opportunity for interested persons to state their views or arguments, or provide information relative to the proposed amendments to the standards.

In addition, interested parties may participate in this rulemaking by submitting written comments to the EPA at the address given above. All relevant material received during the comment period will be considered.

It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made available to the public. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider, but will return to the commentor any comments which are claimed, in whole or in part, to be confidential.

In accordance with provisions of section 307 of the Clean Air Act, a copy of all data, information, and documents on which this proposal relies, all public comments, the transcript of public hearings, and certain other documents will be available for inspection and copying between 8 a.m. and 4:30 p.m., Monday through Friday at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460 (Docket No. OMSAPC—78-1). As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

The EPA believes that the costs of these proposed amendments will be substantially less than the costs of the present standards. Consequently, the resulting new economic impact on the regulated industry is expected to be less than the impact of the regulations already promulgated. It may be that this document constitutes a regulation that will not result in major economic impacts. Economic Impact Assessments under Executive Orders 11821 and 11949 and under OMB Circular A-107 are required for "major" regulations and under section 317 of the Clean Air are required for aircraft emission standards and substantial revisions of such standards. Because the industry has itself indicated a desire for EPA to avoid further uncertainty by promptly publishing this proposal, EPA is publishing this proposal before completion of the economic impact assessment. This economic assessment will be completed in two steps. First, an assessment that does not include the effect of NOx control on the JT8D engine will be available in the very near future.

A second economic assessment, analyzing the effect of NOx control on the JT8D engine, will subsequently be completed. Upon completion, each assessment will be included in the public docket for this rulemaking. EPA will then publish a supplement to this Notice of Proposed Rulemaking, announcing the completion and availability of the assessment, evaluating the extent to which this proposal is supported by the assessment, and revising this proposal if required by the analysis in the assessment. The supplement will explain the extent to and manner in which the Administrator has considered the analysis contained in the assessment. The comment period will continue for at least 60 days after publication of the supplement. A revised economic impact assessment will also be placed in the docket concurrently with final promulgation of these amendments.

Dated: March 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

In Title 40 of the Code of Federal Regulations it is proposed to revise Part 87 to read as follows:

Subpart A—General Provisions

Sec.
87.1 Definitions.
87.2 Abbreviations.
87.3 General requirements.
87.4 Test conditions.
87.5 Special test procedures.
87.6 Aircraft Safety.

Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

87.10 Applicability.
87.11 Standard for fuel venting emissions.

Subpart C—Exhaust Emissions (New Aircraft Gas Turbine Engines)

87.20 Applicability.
87.21 Standards for exhaust emissions.

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

87.30 Applicability.
87.31 Standards for exhaust emissions.

Subpart E [Reserved]

Subpart F [Reserved]

Subpart G—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft and Aircraft Gas Turbine Engines)

87.60 Introduction.
87.61 Turbine fuel specifications.
87.62 Test procedure (propulsion engines).
87.63 [Reserved]
87.64 Sampling and analytical system for measuring exhaust emissions.
87.65 Information to be recorded.
87.66 Calibration and instrument checks.
87.67 Sampling procedures.
87.68 Test run.
87.69 Chart reading.
87.70 Calculations.
87.71 Compliance with emission standards.

Subpart H—Test Procedures for Engine Smoke Emissions (Aircraft Gas Turbine Engines)

87.80 Introduction.
87.81 Fuel specifications.
87.82 Sampling and analytical system for measuring smoke exhaust emissions.
87.83 Information to be recorded.
87.84 Calibration and instrument checks.
87.85 Test procedures.
87.86 Test run.
87.87 Determination of SN.
87.88 Calculations.
87.89 Compliance with emission standards.

Subpart I [Reserved]

Subpart J—Temporary Exemption From Aircraft Emission Standards (Fuel Venting and Smoke)

87.101 Application for temporary exemption.
87.102 30-day suspension of fuel venting and smoke standards.

APPENDIX A.—INSTRUMENTATION (AIRCRAFT GAS TURBINE ENGINE MEASUREMENTS).

APPENDIX B [RESERVED]

AUTHORITY: Secs. 231, 301, Clean Air Act, as amended (42 U.S.C. 7571, 7601, formerly 42 U.S.C. 1857f-9, 1857g).

Subpart A—General Provisions

§ 87.1 Definitions.

(a) As used in this part, all terms not defined herein shall have meaning given them in the Act:

"Act" means the Clean Air Act, as amended (42 U.S.C. 7401 et seq.)

"Administrator" means the Administrator of the Environmental Protection Agency and any other officer or employee of the Environmental Protection Agency to whom the authority involved may be delegated.

"Aircraft" means any airplane for which a U.S. standard airworthiness certificate or equivalent foreign airworthiness certificate is issued.

"Aircraft engine" means a propulsion engine which is installed in or which is manufactured for installation in an aircraft.

"Aircraft gas turbine engine" means a turboprop, turbofan, or turbojet aircraft engine.

"Calibration gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

"Class P2" means all aircraft turboprop engines.

"Class T1" means all aircraft turbofan or turbojet engines except engines of Class T5 of rated power less than 35,600 newtons thrust.

"Class T2" means all turbofan or turbojet aircraft engines except engines of Class T3, T4, and T5 of rated power of 35,600 newtons thrust or greater.

"Class T3" means all aircraft gas turbine engines of the JT3D model family.

"Class T4" means all aircraft gas turbine engines of the JT8D model family.

"Class T5" means all aircraft gas turbine engines employed for propulsion of aircraft designed to operate at supersonic flight speeds.

"Commercial aircraft engine" means any aircraft engine used by an air carrier, foreign air carrier, supplemental air carrier, or charter air carrier engaging in: (1) Interstate or overseas air transportation, (2) foreign air transportation, or (3) intrastate air transportation with large aircraft.

"Commercial aircraft gas turbine engine" means a turboprop, turbofan, or turbojet commercial aircraft engine.

"Emission measurement system" means all of the equipment necessary to transport and measure the level of emissions. This includes the sample system and the instrumentation system.

"Engine pressure ratio (EPR)" means the ratio of the mean total pressure at the turbine exit plane to the mean total pressure at the fan/low pressure compressor entrance plant.

"Exhaust emissions" means substances emitted to the atmosphere from the exhaust discharge nozzle of an aircraft or aircraft engine.

"Fuel venting emissions" means all raw fuel, exclusive of hydrocarbons in the exhaust emissions, discharged from aircraft gas turbine engines during all normal ground and flight operations.

"Instrumentation system" means the system which consists of the analytical instruments necessary to measure the level of emissions plus any required support equipment.

"In-use aircraft gas turbine engine" means an aircraft gas turbine engine which is in service.

"New aircraft turbine engine" means an aircraft gas turbine engine which has never been in service

"Newly certified aircraft gas turbine engine" means an aircraft gas turbine engine which is originally type-certified on or after the effective date of the applicable emission standard.

"Oxides of nitrogen" means the sum of the amounts of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

"Power setting" means the power or thrust output of an engine in terms of newtons thrust for turbojet and turbofan engines and shaft power in terms of kilowatts for turboprop engines.

"Rated compressor discharge temperature (rT3)" means the combustor inlet total temperature achieved by an engine operating at rated output.

"Rated output (rO)" means the maximum power/thrust available for takeoff at standard day conditions as approved for the engine by the Federal Aviation Administration.

"Rated pressure ratio (rPR)" means the ratio between the combustor inlet pressure and the engine inlet pressure achieved by an engine operating at rated output.

"Reference day conditions" means the reference ambient conditions to which the gaseous emissions (HC, CO, CO_2, NOx and smoke) are to be corrected. The reference day conditions are as follows: Temperature=15° C, specific humidity=0.00629 kilograms of water per kilogram of dry air, and pressure=101325 Pa.

"Sample system" means the system which provides for the transportation of the gaseous emission sample from the sample probe to the inlet of the instrumentation system.

"Shaft power" means only the measured shaft power output of a turboprop engine.

"Smoke" means the matter in exhaust emissions which obscures the transmission of light.

"Smoke number (SN)" means the dimensionless term quantifying smoke emissions.

"Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

"Standard day conditions" means standard ambient conditions as described in the United States Standard Atmosphere, 1962, (i.e., temperature=15° C, specific humidity=0.00 Kg H_2O/Kg dry air, and pressure=101325 Pa).

"Taxi/idle (in)" means those aircraft operations involving taxi and idle between the time of landing roll out and final shutdown of all propulsion engines.

"Taxi/idle (out)" means those aircraft operations involving taxi and idle between the time of initial starting of the propulsion engine(s) used for the taxi and turn onto duty runway.

§ 87.2 Abbreviations.

The abbreviations used in this part have the following meanings in both upper and lower case:

abs.	Absolute.
ASA	American Standards Association.
ASTM	American Society for Testing and Materials.
C.	Celsius.
cc.	Cubic centimetre.
CO_2	Carbon dioxide.
CO	Carbon monoxide.
EPR	Engine pressure ratio.
FAA	Federal Aviation Administration, Department of Transportation.
FID	Flame ionization detector.
H	Specific humidity, kilograms of water per kilogram of dry air.
H/C	Hydrogen to carbon atomic ratio.
HC	Hydrocarbon(s).
Hg	Mercury.
hr.	Hour(s).
I.D.	Inside diameter.
J	Joule.
K	Kelvin.
LTO	Landing takeoff.
min.	Minute(s).
mm.	Millimetre(s).
mm. HgV.	Millimetre(s) of mercury, vacuum.
N	Newton(s).
N_1	First-stage rotor speed.
N_2	Second-stage rotor speed or nitrogen (as applicable).
N_3	Third-stage rotor speed.
NO	Nitric oxide.
NO_2	Nitrogen dioxide.
NOx	Oxides of nitrogen, NO and NO_2.
NDIR	Nondispersive infrared analyzer.
O_2	Oxygen.
O_3	Ozone.
P	Pressure.
Pa	Pascal(s).
p.p.m.	Parts per million by volume.
p.p.m.C	Parts per million carbon.
PT_7	Total pressure at station 7.
rO	Rated output.
rPR	Rated pressure ratio.
r.p.m.	Revolutions per minute.
rT_3	Rated compressor discharge temperature.
sec.	Second(s).
SP	Shaft power.
SN	Smoke number.
T	Temperature, degrees Kelvin.
TIM	Time in mode.
TT_7	Total temperature at station 7.
W	Watt(s).
°	Degree.
%	Percent.

§ 87.3 General requirements.

(a) This part provides for the approval or acceptance by the Administrator or his agents of testing and sampling methods, analytical techniques, and related equipment not identical to those specified in this

part. Before he approves or accepts any such alternate, equivalent, or otherwise nonidentical procedures or equipment, the Administrator shall consult with the Secretary of Transportation in determining whether or not the action requires rulemaking under sections 231 and 232 of the Clean Air Act, as amended, consistent with the Secretary's responsibilities under section 232 of the Act. (42 U.S.C. 7571, 7572)

(b) Under section 232 of the Act, the Secretary of Transportation issues regulations to insure compliance with this part and all amendments thereof.

(c) With respect to aircraft of foreign registry, these regulations shall apply in a manner consistent with any obligation assumed by the United States in any treaty, convention or agreement between the United States and any foreign country or foreign countries.

§ 87.4 Test conditions.

The complete engine as configured for final acceptance testing, including all accessories which might reasonably be expected to influence emissions to the atmosphere including auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed, shall be functional for all testing in this part.

§ 87.5 Special test procedures.

The administrator may, upon written application by a manufacturer or operator of aircraft or aircraft engines, prescribe test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures set forth herein. Prior to taking action on any such application, the Administrator shall consult with the Secretary of Transportation.

§ 87.6 Aircraft safety.

The provisions of this part will be revised if at any time the Secretary of Transportation determines that an emission standard cannot be met within the specified time without creating a safety hazard.

Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

§ 87.10 Applicability.

The provisions of this subpart are applicable to each new aircraft gas turbine engine of classes T2, T3, T4, and T5 manufactured on or after January 1, 1974, and all in-use aircraft gas turbine engines of classes T2, T3, T4, and T5 beginning January 1, 1974, and each new aircraft gas turbine engine of Classes T1 and P2 manufactured on or after January 1, 1975 and all in-use aircraft gas turbine gengines of Classes T1 and P2 beginning January 1, 1975.

§ 87.11 Standard for fuel venting emissions.

(a) No fuel venting emissions shall be discharged into the atmosphere from any new or in-use gas turbine engine subject to the subpart. This paragraph is directed at the elimination of intentional discharge to the atmosphere of fuel drained from fuel nozzle manifolds after engines are shut down and does not apply to normal fuel seepage from shaft seals, joints, and fittings.

(b) Conformity with the standard set forth in paragraph (a) of this section shall be determined by inspection of the method designed to eliminate these emissions.

Subpart C—Exhaust Emissions (New Aircraft Gas Turbine Engines)

§ 87.20 Applicability.

The provisions of this subpart are applicable to all aircraft gas turbine engines of the classes specified beginning on the dates specified.

§ 87.21 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T4 manufactured on or after January 1, 1974, shall not exceed: Smoke number of 30.

(b) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T2 and of rated output of 129,000 newtons thrust or greater, manufactured on or after January 1, 1976 shall not exceed: $SN=79\ (rO)^{-0.265}$ (rO is in kilonewtons).

(c) Exhaust emission of smoke from each new aircraft gas turbine engine of class T3 manufactured on or after January 1, 1978 shall not exceed: Smoke number of 25.

(d) Exhaust emissions from each commercial aircraft gas turbine engine of the classes and rated output ranges specified below manufactured on or after the dates indicated shall not exceed:

(1) Classes T1, T2, T3, T4 engines equal to or greater than 27,000 newtons rated output but less than 90,000 newtons rated output (January 1, 1981):

(i) Hydrocarbons: . . . $26.510\times10^{-0.0^{09637\times rO}}$ grams/kilo- newton (rO is in kilonewtons).

(ii) Carbon monoxide (January 1, 1981): . . . $169.47\times10^{-0.007462\times rO}$ grams/kilonewton (rO is in kilonewtons).

(iii) Oxides of nitrogen (January 1, 1984): . . .

(*a*) 33.0 grams/kilonewton for rPR less than or equal to 25; or

(*b*) 33.0 $(rPR/25)^{0.5}$ exp $[rT3/288.15-2.774]$ grams/kilonewton for rPR greater than 25.

(2) Classes T2, T3, and T4 engines equal to or greater than 90,000 newtons rated output:

(i) Hydrocarbons (January 1, 1981): . . . 6.7 grams/kilonewton.

(ii) Carbon monoxide (January 1, 1981): . . . 36.1 grams/kilonewton.

(iii) Oxides of nitrogen (January 1, 1984): . . .

(*a*) 33.0 grams/kilonewton for rPR less than or equal to 25; or

(*b*) 33.0 $(rPR/25)^{0.5}$ exp $[rT3/288.15-2.774]$ grams/kilonewton for rPR greater than 25.

(3) Class T5 (January 1, 1980):

(i) Hydrocarbons: . . . 30.7 grams/kilonewton.

(ii) Carbon monoxide: . . . 237.0 grams/kilonewton.

(iii) Oxides of nitrogen: . . . 70.8 grams/kilonewton.

(e) Smoke exhaust emissions from each aircraft gas turbine engine of the classes specified below manufactured on or after the dates indicated shall not exceed:

(1) Classes T1, T2, T3, T4 (January 1,dgr1981):lon. . . $SN=79(r$ kilonewtons).

(2) $SN=277(rO)^{-0.280}$ (rO is in kilowatts).

(3) $SN=79(rO)^{-0.265}$ (rO is in kilonewtons).

(f) Exhaust emissions from each newly certified commercial aircraft gas turbine engine of the classes and rated output ranges specified below manufactured on or after January 1, 1984, shall not exceed:

(1) Classes T1, T2, T3, T4 engines equal to or greater than 27,000 newtons rated power:

(i) Hydrocarbons: . . . 3.3 grams/kilonewton.

(ii) Carbon monoxide: . . . 25.0 grams/kilonewton.

(iii) Oxides of nitrogen: . . . 33.0 grams/kilonewton.

(2) Class T5:

(i) Hydrocarbons: . . . 7.8 grams/kilonewton.

(ii) Carbon monoxide: . . . 61.0 grams/kilonewton.

(iii) Oxides of nitrogen: . . . 39.0 grams/kilonewton.

(3) Class P2 engines equal to or greater than 2000 kilowatts rated output:

(i) Hydrocarbons: . . . 0.045 grams/kilowatt.

(ii) Carbon monoxide: . . . 0.34 grams/kilowatt.

(iii) Oxides of nitrogen: . . . 0.45 grams/kilowatt.

(g) The standards set forth in paragraphs (a), (b), (c), (d), (e), and (f) of this section refer to a composite gaseous emission sample representing the operating cycles set forth in the applicable sections of Subpart G of this part, and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart H of this part, and

measured and calculated in accordance with the procedures set forth in those subparts.

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

§ 87.30 Applicability.

The provisions of this subpart are applicable to all in-use aircraft gas turbine engines certified for operation within the United States of the classes specified beginning on the dates specified.

§ 87.31 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T4, beginning January 1, 1974, shall not exceed: Smoke number of 30.

(b) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of class T2 and of rated output of 129,000 newtons thrust or greater, beginning Janaury 1, 1976, shall not exceed: $SN=79(rO)^{-0.265}$ (rO is in kilonewtons).

(c) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T3 shall not exceed a smoke number of 25. Each operator shall achieve compliance in accordance with the following schedule:

(1) One quarter of its operational Class T3 engines by January 1, 1981.

(2) One half of its operational Class T3 engines by January 1, 1983.

(3) All of its operational Class T3 engines by January 1, 1985.

This compliance schedule notwithstanding, Class T3 engines which do not meet a smoke number of 25 may continue to be operated if, under an approved plan, replacement engines or replacement airplanes have been ordered and are scheduled for delivery prior to January 1, 1985, but not after the dates specified in the plan. For the purpose of this paragraph, replacement engines are engines of a class different from Class T3 and have been shown to meet the smoke emission standards in this part appropriate to their class.

(d) Exhaust emissions from each in-use commercial aircraft gas turbine engine of classes T2 and T4, beginning January 1, 1985, shall not exceed:

(1) Engines equal to or greater than 53,000 newtons rated output but less than 90,000 newtons rated output:

(i) Hydrocarbons: . . . $26.510\times10^{-0.000637\times rO}$ grams/kilonewton (rO is in kilonewtons).

(ii) Carbon monoxide: . . . $169.47\times10^{-0.007462\times rO}$ grams/kilonewton (rO is in kilonewtons).

(2) Engines equal to or greater than 90,000 newtons rated output:

(i) Hydrocarbons: . . . 6.7 grams/kilonewton.

(ii) Carbon monoxide: . . . 36.1 grams/kilonewton.

(3) Smoke exhaust emissions from each engine equal to or greater than 53,000d ewtonsbegshall not exceed: $SN=79(rO)^{-0.265}$ (rO is in kilonewtons).

(e) The standards set forth in paragraphs (a), (b), (c), and (d) of this section refer to a composite gaseous emission sample representing the operating cycle set forth in the applicable sections of Subpart G of this part and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart H of this part, and measured and calculated in accordance with the procedures set forth in those subparts.

(f) In addition to the requirements imposed by paragraphs (a), (b), (c), and (d) of this section, each in-use aircraft gas turbine engine shall not exceed the level of the standards applicable to such engine when it was new.

Subpart E [Reserved]

Subpart F [Reserved]

Subpart G—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft and Aircraft Gas Turbine Engines)

§ 87.60 Introduction.

(a) Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft gas turbine engines with the applicable standards set forth in this part.

(b) The test consists of operating the engine at prescribed power settings on an engine dynamometer (for engines producing primarily shaft power) or thrust measuring test stand (for engines producing primarily thrust). The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(c) The exhaust emission test is designed to measure hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen concentrations, and to determine mass emissions through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test for propulsion engines consists of at least the following five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emission for the modes are combined to yield the reported values.

(d) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories which might reasonably be expected to influence emissions to the atmosphere installed and functioning. This includes auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed as prescribed in § 87.62(a)(2).

§ 87.61 Turbine fuel specifications.

For exhaust emission testing, fuel meeting the specifications, ASTM D1655—latest version—Jet A, shall be used. Nonmetallic additives as specified in ASTM D1655—latest version—Jet A may be present. Additives used for the purpose of smoke suppression (such as organometallic compounds) shall not be present.

§ 87.62 Test procedure (propulsion engines).

(a)(1) The engine shall be tested in each of the following engine operating modes which simulate aircraft operation to determine its mass emission rates. Actual power setting, that when corrected to standard day conditions, corresponds to the following percentage of rated output, (rated output includes the reheat contribution and thrust augmentation due to water injection, if applicable):

Mode	Class P2	Class T1, T2, T3, or T4	Class T5
Taxi/idle (out)	(1)	(1)	(1)
Takeoff	100	100	100
Climbout	90	85	65
Descent	NA	NA	15
Approach	30	30	34
Taxi/idle (in)	(1)	(1)	(1)

[1] See subpt. (2) of this paragraph.

(2) The taxi/idle operating modes shall be carried out at the minimum idle power at which the engine can be operated in compliance with the applicable standards as specified by the manufacturer. Use of service air bleed and shaft power extraction to power auxiliary gearbox-mounted components required to drive aircraft systems is permitted at the minimum operating levels which can occur in use.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

§ 87.63 [Reserved]

§ 87.64 Sampling and analytical system for measuring exhaust emissions.

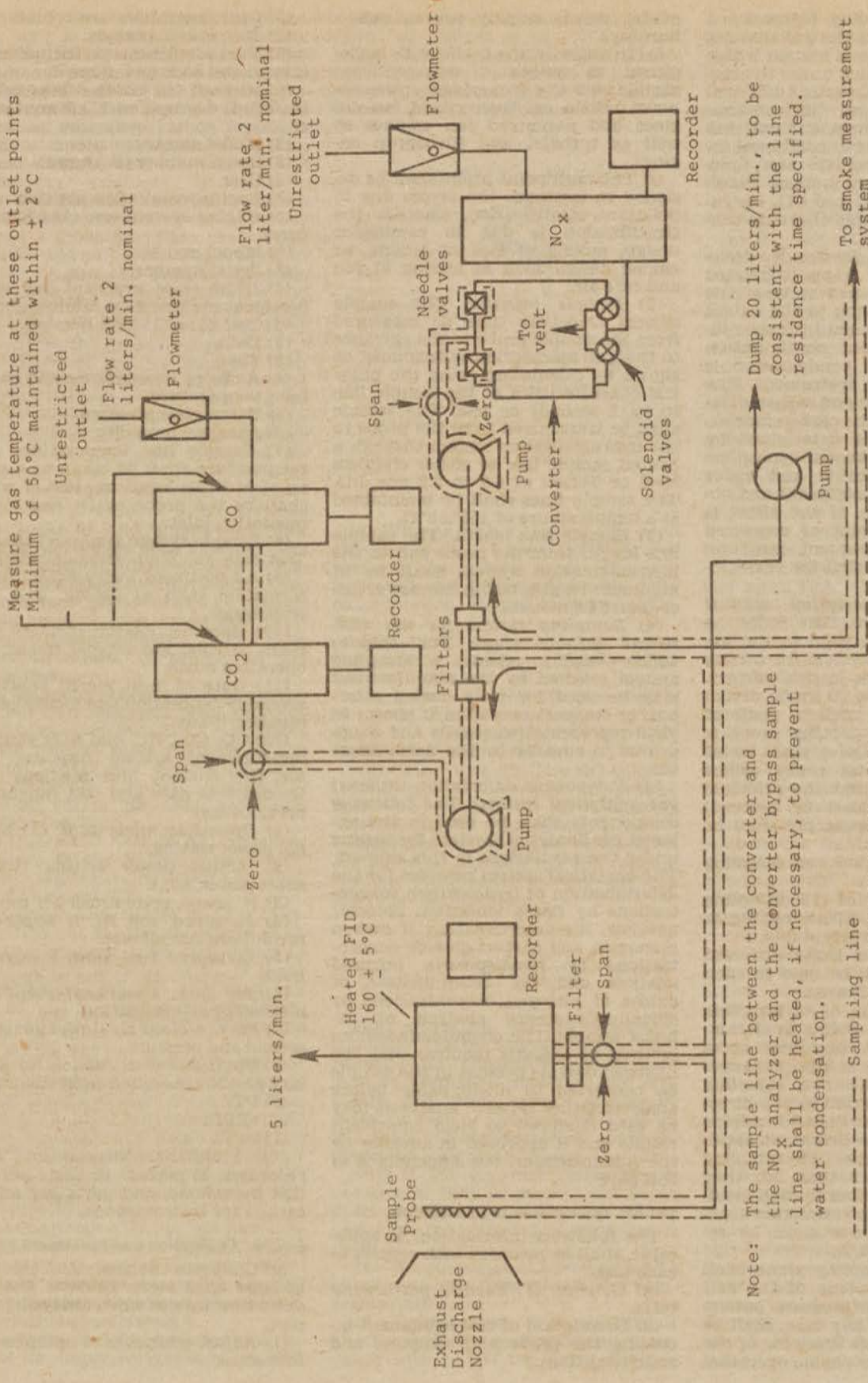


Figure 1 - SAMPLING SYSTEM AND INSTRUMENT ARRANGEMENT

(a) *Schematic drawing.* Figure 1 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems. Parallel installation of CO and CO_2 instruments are an acceptable alternate configuration of Figure 1.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation. NOx instrument configuration must be such that condensation is avoided through the instrument. The extent of water vapor and carbon dioxide interference on the carbon monoxide analyzer shall be determined by passing a range of known concentrations of carbon dioxide and water vapor through the instrument and observing the response. If the effect is greater than 2 percent of measured CO levels, all subsequent measurements shall be corrected for these interferences.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust gas sampling system for testing under the regulations in this subpart.

(1) *Sampling probe.* (i) Probe design concept: The probe shall be made of stainless steel. If a mixing probe is used, all sampling holes shall be of equal diameter. Total probe orifice area shall be such that the principal pressure drop (at least 80 percent) through the probe assembly shall be taken at the orifice(s).

(ii) Probe orientation and sampling location:

(*a*) A minimum of 12 sampling points shall be used. Either mixing or individual probes are acceptable.

(*b*) A minimum of three different radial positions shall be used in each of four sampling quadrants.

(*c*) If the minimum of 12 sampling points are used, the points in circumferentially adjacent sampling areas shall be separated by at least 80° angular displacement. No two sampling points shall be separated in any direction by a distance less than 0.1 tailpipe radius or 0.1 annular height, as applicable. If the number of sampling points (n) is greater than 12, they shall be equal in number in each quadrant or sector and the minimum separations specified above shall be reduced by a factor=12/n.

(*d*) The axial sampling plane shall be as close to the plane of the exit nozzle as engine performance parameters permit, but in any case, shall be within one exit nozzle diameter of the exit plane, except for engine operation modes which employ reheat (afterburning).

(*e*) In all cases, the probe shall be designed to obtain a representative sample over the area of the entire exhaust nozzle, on both mixed fan engines and nonmixed fan engines as well as turbojet and turboprop engines.

(*f*) The multipoint probe shall be designed to minimize the errors due to pollutant stratification, whether the stratification is due to combustor design, mixing or lack of mixing, or engine design such as mixing of fan and core air.

(2) *Sample transfer.* The sample system transport time as measured from the sample probe to the entrance to the instrumentation system must be shown by calculation using the physical characteristics of the sample line to be 2 seconds or less. The sample shall be transferred from the probe to the instrumentation system through a heated sample line of either stainless steel or Teflon of 4.5 to 8.2 mm I.D. The sample lines shall be maintained at a temperataure of 150°±5° C.

(3) *Sample line length.* The sample line length from the probe exit to the instrumentation system shall be of minimum length, but in no case greater than 24.5 metres.

(4) *Sampling system for use with reheat (afterburning).* For engines which employ reheat, a sampling system selected by the manufacturer may be used for tests during afterburner (reheat) operation if shown to yield representative results and if approved in advance by the Administrator.

(d) *Component description (exhaust gas analytical system).* The following components shall be used in the exhaust gas analytical system for testing under the regulations in this subpart. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence analysis of exhaust sample. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Appendix A of this part.

§ 87.65 Information to be recorded.

The following information, as applicable, shall be recorded with respect to each test.

(a) *General.* (1) Facility performing tests.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.

(4) Test stand operator.

(5) Fuel identification, including H/C ratio and additives, if any.

(b) *Aircraft (in which engine will be installed) description.* (1) Manufacturer.

(2) Model number.

(3) Serial number (if known).

(4) User.

(5) Engine installation position.

(c) *Engine description.* (1) Manufacturer.

(2) Model number.

(3) Serial number.

(4) Time since overhaul and other pertinent maintenance information.

(d) *Test data.* (1) Test number.

(2) Date.

(3) Time.

(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.

(6) Absolute humidity.

(7) Sample line temperature. Line temperature shall be taken at a minimum of three locations, two of which shall be the probe outlet and instrumentation inlet.

(8) Sample system transport time. (i) Test date. (ii) Supporting calculations.

(9) All pertinent instrumentation information such as tuning, gain, full scale range.

(10) Recorder charts: Identify zero, span, exhaust gas sample traces, and operating mode.

(11) Date of most recent analytical assembly calibration and identification number, if any.

(12) CO, CO_2, HC, and NOx emission measurement system response time for the current and previous test. Record test date and test number of previous test.

(e) *Operating mode data.* (1) Nominal power setting.

(2) Actual power setting (thrust, shaft power, etc.).

(3) N_1 speed, revolutions per minute.

(4) N_2 speed and N_3, if applicable, revolutions per minute.

(5) Measured fuel flow, kilograms/hour.

(6) Air flow, kilograms/second and method of determination.

(7) Service bleed air flow, kilograms/second and pressure.

(8) Shaft power extraction for auxiliary gearbox-mounted components.

(9) PT_7.

(10) EPR.

(11) TT_7.

(12) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

§ 87.66 Calibration and instrument checks.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxde, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 0.1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 350 p.p.m. carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired range. Select desired attenuation scale of the HC analyzer and adjust the electronic gain control to give the desired full scale range. Select the desired scale of the NOx analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 95 percent of full scale of each range used. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 30, 60, and 90 percent of full scale of each range used. Calibrate the NO_2 analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 95 percent of full scale of each range used. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction. Log gain reading.

(6) Check the NOx to NO converter efficiency by the following procedure. Use the apparatus described and illustrated in Figure 2.

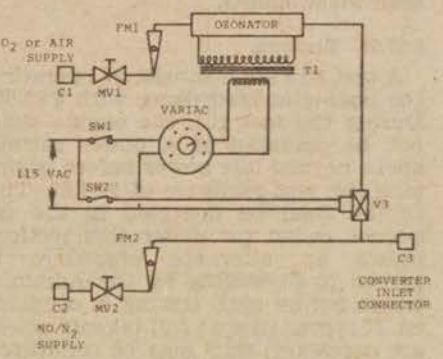
(i) Attach the NO/N_2 supply (150–250 p.p.m.) at C_2, the O_2 supply at C_1 and the analyzer inlet connection to the efficiency detector at C_3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector Variac off, place the NOx convertor in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the $NO+O_2$ reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

Figure 2 - NO_x CONVERTER EFFICIENCY DETECTOR



(v) When a stable reading has been obtained from (iv), place the NOx converter in the convert mode. The analyzer will now indicate the total NOx concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture $NO+O_2$ is still passing through the converter. This reading is the total NOx concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NOx converter by substituting the concentrations obtained during the test into the following equation.

$$\% \text{ Eff.} = \frac{(v) - (iv)}{(vi) - (iv)} \times 100\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(viii) If the converter efficiency is not greater than 90 percent, the cause of the inefficiency shall be determined and corrected before the instrument is used.

(ix) The converter efficiency shall be checked at least once weekly and preferably once daily.

(b) Verifications and instrument checks shall be performed in accordance with § 87.67 on in-use systems. Verification and instrument checks shall be performed before and after each test, but not less than once per hour.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air'" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18- and 21-mole percent.

§ 87.67 Sampling procedures.

(a) *HC, CO, CO_2, and NOx measurements.* Allow a minimum of 2 hours warmup for the CO, CO_2, HC, and NOx analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position). The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Check the sampling system for any leaks that could dilute the exhaust gas and replace or clean sample line filters.

(2) Introduce the zero grade gas at the same flow rates used to analyze the test samples and zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and electronic gain control, if provided, and the NOx analyzer high voltagae supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Respan at least at end of test but not less than once per hour. Show actual concentrations on chart. Log gain readings.

(4) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph, if required.

(5) Check the sample system line temperature. Also check the emission measurement system response time using the following procedure:

(i) In addition to the requirements of § 87.64, the sample system transport time shall be rechecked each time the emission measurement system is modified in any manner which may reasonably be expected to change the sample system transport time.

(ii) The emission measurement system response time shall be checked. Introduce an HC span gas at the sample probe and measure the time it takes for the instrument to respond to

15 percent of span concentration. The emission measurement system response time shall be 7 seconds or less.

(iii) Repeat (ii) for the CO, CO_2, and NOx instrumentation. The emission measurement system response time for all instruments shall be 7 seconds or less except for the NOx chemiluminescence instrument which shall have a response time of 9 seconds or less.

(iv) The results of (ii) and (iii) must compare with the emission measurement system response times of the previous test within ±1.0 second.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder output. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in Section 87.70.

(8) Measure, HC, CO, CO_2, and NOx concentrations of the exhaust sample at the various modes called for in § 87.62.

(9) If individual probes are used, the number to be reported (for each component) shall be the arithmetic average of the values obtained at each sampling point. If mixing probes are used, the number to be reported shall be the average of the values of the several probes, giving each probe a weighting factor equal to the number of sample points in that particular probe.

(10) Recheck zero and span points at the end of the test and also at approximately one hour intervals during the test. If either has changed by ±2 percent of full scale, the test shall be rerun after instrument maintenance: *Provided*, That if it is impractical to repeat the test, a correction based on an interpolation which is linear with time is acceptable for corrections within ±4 percent.

(b) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back purge with air or an inert gas may be necessary to protect the probe and sample line from particulate buildup which could affect smoke and hydrocarbon readings. Check sample line for contamination each time the instrument zero and span points are checked. Use the following procedure to check the sample line:

(i) Immediately after instrument zero and span measurements and necessary adjustments are complete, introduce hydrocarbon zero gas near the sample probe. If the instrument zero reading increases by more than 5 percent of the scale in use, the sample line shall be purged or cleaned as required, to bring the zero within limits.

(ii) When the requirements of (i) have been met, introduce hydrocarbon span gas into the inlet of the sampling system. If the instrument span reading is different by more than ±5 percent from the correct setting for the scale in use, the sample line shall be purged or cleaned, as required, to bring the span within limits.

§ 87.68 Test run.

A test run shall consist of operating the engine in accordance with § 87.62. During the test run the engine shall not be operated at a power setting above normal idle power before beginning the test sequence of § 87.62. The engine shall be operated in the sequence called for under this section, unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted. If repeat runs at full takeoff power are necessary, they may be conducted after the last idle run in the test sequence.

§ 87.69 Chart reading.

Determine the HC, CO, CO_2, and NOx concentrations of the exhaust sample during the various modes from the instrument deflections or recordings, making use of appropriate calibration charts.

§ 87.70 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

(1) Hydrocarbon:

HC grams/kilonewtons-thrust or kilowatts, as appropriate/cycle=

$$\frac{\text{Sum of the HC mass/mode of each mode}}{\text{Rated power}}$$

(2) Carbon monoxide:

CO grams/kilonewtons-thrust or kilowatts, as appropriate/cycle=

$$\frac{\text{Sum of the CO mass/mode of each mode}}{\text{Rated power}}$$

(3) Oxides of nitrogen:

NOx grams/kilonewtons-thrust or kilowatts, as appropriate/cycle=

$$\frac{\text{Sum of the NOx mass/mode of each mode}}{\text{Rated power}}$$

(b) The pollutant mass per mode shall be computed by use of the following formulas:

(1) HC mass/mode=HC emission rate×TIM.

(2) CO mass/mode=CO emission rate×TIM.

(3) NOx mass/mode=NOx emission rate×TIM.

(c) The emission rates of each mode shall be computed by use of the following formulas:

(1) HC emission rate $= \dfrac{M_{HC}\frac{(HC)_F}{10^6}}{(M_C+aM_H)\left(\frac{(CO)}{10^4}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(2) CO emission rate $= \dfrac{M_{CO}\frac{(CO)}{10^4}F}{(M_C+aM_H)\left(\frac{(CO)}{10^4}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(3) NOx emission rate $= \dfrac{M_{NO_2}\frac{(NOx)}{10^6}F}{(M_C+aM_H)\left(\frac{(CO)}{10^4}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(d) The times in mode (TIM) shall be as specified below:

Times in mode (minutes)	Class P2	Class T1, T2, T3 or T4	Class T5
(1) Taxi/idle (out)	19.0	19.0	19.0
(2) Takeoff	.5	.7	1.2
(3) Climbout	2.5	2.2	2.0
(4) Descent	NA	NA	1.2
(5) Approach	4.5	4.0	2.3
(6) Taxi/idle (in)	7.0	7.0	7.0

(e) Meaning of symbols:

(1)(i) HC mass/mode=Total mass of hydrocarbon emissions in grams emmitted during an operation mode as specified in § 87.62 and paragraph (d) of this section.

(ii) CO mass/mode=Total mass carbon monoxide emissions in grams emitted during an operational mode as specified in § 87.62 and paragraph (d) of this section.

(iii) NOx mass/mode=Total mass of oxides of nitrogen emissions in grams enitted during an operational mode as specified in § 87.62 and paragraph (d) of this section.

(2)(i) HC emission rate=grams/hour of exhaust hydrocarbons emitted in an operational mode.

(ii) CO emission rate=grams/hour of exhaust carbon monoxide emitted in an operational mode.

(iii) NOx emission rate=grams/hour of exhaust oxides of nitrogen emitted in an operational mode.

(3)(i) M_{HC}=Molecular weight of methane, M_{HC}=16.04.

(ii) M_{CO}=Molecular weight of carbon monoxide.

(iii) M_{NO2}=Molecular weight of nitrogen dioxide.

(iv) M_C=Atomic weight of carbon.

(v) M_H=Atomic weight of hydrogen, M_H=1.008.

(vi) a=Atomic hydrogen-carbon ratio of fuel.

(4) For each operating mode:

(i) (HC)=Concentration of hydrocarbons in the exhaust sample in parts per million carbon equivalent, i.e., equivalent propane ×3.

(ii) (CO)=Concentration of carbon monoxide in the exhaust sample in parts per million by volume.

(iii) (CO_2)=Concentration of carbon dioxide in the exhaust sample in volume percent.

(iv) (NOx)=Concentration of oxides of nitrogen in the exhaust sample in parts per million by volume, $NO+NO_2$.

(v) F=Mass rate of fuel flow in kilograms per hour.

(5) TIM=Time in mode as specified in paragraph (d) of this section, divided by 60 to yield time in mode in hours.

§ 87.71 Compliance with emission standards.

Compliance with each emission standard by any aircraft engine shall be determined by comparing the pollutant level in grams/kilonewton thrust/cycle or grams/kilowatt/cycle as calculated in § 87.70(a) with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed the standard.

Subpart H—Test Procedures for Engine Smoke Emission (Aircraft Gas Turbine Engines)

§ 87.80 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use gas turbine engines with the applicable standards set forth in this part. The test is essentially the same as that described in §§ 87.60-87.62, except that the test is designed to determine the smoke emission level at various operating points representative of engine usage in aircraft. Other smoke measurement systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 87.81 Fuel specifications.

Fuel having specifications as provided in § 87.61 shall be used in smoke emission testing.

§ 87.82 Sampling and analytical system for measuring smoke exhaust emissions.

(a) *Schematic drawing.* Figure 3 is a schematic drawing of the exhaust smoke sampling and analytical system which shall be used in testing under the regulation in this subpart.

(b) *Component description.* The following components shall be used in the sampling and analytical system for testing under the regulations in this subpart.

(1) *Sample size measurement.* A wet or dry positive displacement meter shall be used to measure sample size to an accuracy of ±0.283 standard litre. Pressure and temperature shall be measured immediately upstream of meter. Accuracy shall be no less than ±2.5 mm. Hg and ±2° C, respectively. If a dry type meter in used, it may be located between the filter holder and the vacuum pump.

(2) *Sample flow rate measurement.* Sample flow rate shall be measured with a rotameter with accuracy of no less than ±0.01 litre per second.

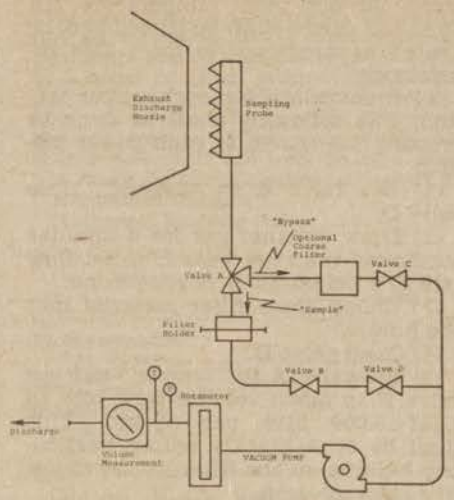
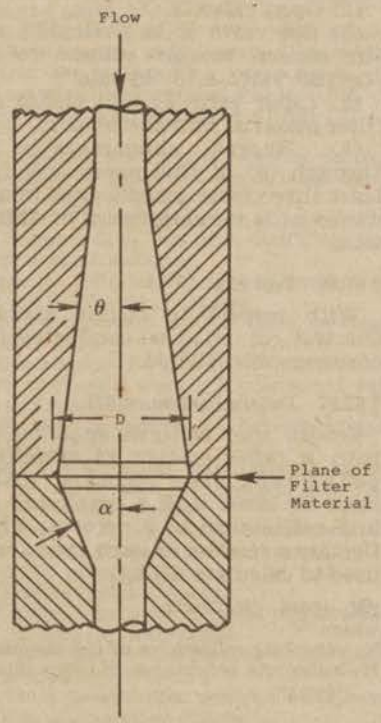


Figure 3 - SAMPLING SYSTEM SCHEMATIC DIAGRAM

(3) *Filter holder.* The filter holder shall firmly clamp the filter material so that overall system leakage does not exceed that provided in § 87.84(c). The holder internal geometry shall be such that the variation of SN over the sample spot surface is not greater than two. Required elements of the filter holder design are given in Figure 4. The filter holder shall be made of corrosion resistant material.



D (Spot diameter) = 0.50 to 1.50 in.
θ = 5° to 7.5°
α = 20° to 30°

Figure 4 - FILTER HOLDER SCHEMATIC DIAGRAM

(4) *Sampling probe.* The sample probe and procedure shall be the same as used to show compliance with § 87.64(c).

(5) *Sampling lines.* The sampling lines shall be straight through with no kinks or loops, and no bends having a radius of less than 10 line diameters. Sampling line inside diameter shall be within 4.5 to 8.2 mm. The sampling line section from the probe exit to valve A entrance shall be of minimun length, not greater than 23 metres with a minimum of fittings or other breaks. Line material shall be such as to not encourage build-up of either particulate matter or static electric charge, such as stainless steel or copper.

(6) *Valving.* Four valve elements shall be provided. Valve A shall be a quick acting, full-flow, flow diverter with "closed", "sample", and "bypass" positions. Valve A may consist of two valves: *Provided,* That they are interlocked so that one of the pair cannot act independently of the other. Valves B and C shall be throttling valves used to establish a system flow rate. Valve D shall be a shutoff valve used in isolating the filter holder. All valves shall be made of corrosion resistant material.

(7) *Vacuum pump.* The vacuum pump shall have a no-flow vacuum capability of at least 560 mm hg V, and full-flow capacity of 0.48 standard litre per second minimum.

(8) *Reflectometer.* A reflectometer conforming to ASA standard for diffues reflection density, number Ph 2.17-1958, shall be used. The diameter of the reflectometer light beam on the filter paper shall be no more than one-half of "D", the diameter of the filter spot. The allowable range of "D" is given in Figure 4.

(9) *Filter material.* The filter material shall be Whatman No. 4 filter paper or equivalent approved by the Administrator.

§ 87.83 Information to be recorded.

The following information shall be recorded with respect to each test in addition to that information called for in § 87.65 (a) through (c).

(a) Sample temperature.

(b) Sample pressure.

(c) Actual sample volume at sampling conditions.

(d) Actual sample flow rate at sampling conditions.

(e) Leak and cleanliness checks substantiation as required by § 87.84 (b) and (c).

§ 87.84 Calibration and instrument checks.

(a) *Reflectometer calibration.* The reflectometer required by § 87.82(b)(8) shall be calibrated in accordance with manufacturer's specifications.

(b) *System maintenance.* The need for cleaning or replacement shall be determined by conducting the following cleanliness check:

(1) Full open valves B, C, and D.

(2) Use the vacuum pump and alternately set valve A to "bypass" and "sample" to purge the entire system with clean air for at least 5 minutes.

(3) Set value A to "bypass".

(4) Close valve D and clamp clean filter material into the holder. Open valve D.

(5) Set valve A to "sample", reset back to "bypass" after 0.0439 standard litre of air per square millimetre of filter area has passed through the filter material.

If the filter spot exhibits SN greater than 3, the system lines must be cleaned or replaced. The system shall not be used until this cleanliness requirement has been met.

(c) *Leak check.* The following procedure shall be used to leak check the system.

(1) Clamp clean filter material into the holder.

(2) Close valve A, full open valves B, C, and D.

(3) Run the vacuum pump for 5 minutes.

The system shall be satisfactory if no more than 5.6 standard litres passed through the volume meter during 5 minutes. The system shall not be used until this requirement has been met.

§ 87.85 Test procedures.

(a) The engine shall be operated as provided in § 87.62. The leak check and cleanliness check requirements of § 87.84 shall be confirmed before and after each engine test. The test shall be repeated if the requirements of § 87.84 are not confirmed.

(b) Precautions: The material being measured is composed of low-micron and/or submicron size agglomerated particles. Precautions should be taken to assure that steady state conditions have been achieved prior to taking a sample. To prevent material accumulation, the system shall not be left in a no-flow condition when exhaust gas is contained.

(c) Sampling: Not less than 1 minute shall be allowed to assure that the system is fully charged with a representative gas sample. The sampling flow rate shall be maintained at 0.236±0.009 litres per second. At least four sample sizes shall be taken within the range of 0.0054 to 0.080 grams of exhaust gas per square millimetre of filter. Samples shall be taken both above and below 0.0162 gm. of exhaust gas per square millimetre of filter.

(d) Temperature control: The gas temperature from the sampling probe entrance to the filter material shall be above the dew point temperature. All lines and valves shall be lagged and/or heated as necessary to meet this requirement.

(e) Preparation for each power setting: The following shall be done to prepare the system at each power setting:

(1) Set valve A to "bypass", close valve D.

(2) Draw exhaust gas for 5 minutes minimum, then use valve C to set flow rate at 0.236±0.009 litre per second.

(3) Clamp clean filter material into the holder.

(4) Open valve D.

(5) Set valve A to "sample" and use valve B to again set the flow rate to 0.236±0.009 litre per second. This shall be done quickly before particulate buildup on the filter causes excessive pressure drop.

(6) Set valve A to "bypass" and close valve D.

(7) Clamp clean filter material into the holder.

(f) Sampling procedure: The procedure for smoke sampling at each power setting shall be as follows:

(1) With valve D closed and valve A set at the "bypass" position, charge the lines with exhaust gas for 1 minute minimum. Reestablish flow rate at 0.236±0.009 litre per second as required, using valve C.

(2) Open valve D.

(3) Set valve A to "sample", allow the chosen sample volume to pass, then set valve A to "bypass".

(4) Close valve D and clamp clean filter material into the holder.

(5) Repeat subparagraphs (2) through (4) of this paragraph for at least three more sample sizes in accordance with paragraph (c) of this section.

§ 87.86 Test run.

With respect to engine operation, the test run shall be conducted in accordance with § 87.68.

§ 87.87 Determination of SN.

Smoke spot analysis shall be made with a reflectometer as specified in § 87.82(b)(8). The backing material shall be black with a maximum absolute reflectance of 3 percent. The reflectance reading of each spot shall be used to calculate SN by:

$SN = 100[1 - (Rs/Rw)]$,

where

Rs = absolute reflectance of the sample spot.

Rw = absolute reflectance of clean filter material.

§ 87.88 Calculations.

(a) *Calculation of W.* The sample mass (w) shall be calculated by:

$W\,(gm) = 0.465(PV/T)$,

where P and T are sample pressure and temperature in units of millimetres of mercury absolute and degrees Kelvin, respectively, measured immediately upstream of the volume meter. V is the measured sample volume in litres.

(b) *Calculation of W/A.* The sample mass in grams per square millimetres of filter spot area (W/A) shall be calculated for each sample size taken.

(c) *Plotting SN versus W/A.* All SN shall be plotted as a function of W/A on semilog coordinates with W/A as the logarithmic abscissa. A straight line shall be fitted to these points using the method of least squares. Such a line shall be produced for each power setting specified.

(d) *Plotting reporting values of SN versus power setting.* Values of SN shall be read from the straight line functions of paragraph (c) of this section for W/A=0.0162 gm/sq.mm. These SN are the values to be reported and shall be presented by plotting them as a function of power setting on rectangular coordinates.

§ 87.89 Compliance with emission standards.

Compliance with each emission standard shall be determined by comparing the plot of SN as a function of power setting from § 87.88 with the applicable emission standard under this part. The SN at every power setting shall not exceed the standard.

Subpart I—[Reserved]

Subpart J—Temporary Exemption From Aircraft Emission Standards (Fuel Venting and Smoke)

§ 87.101 Application for temporary exemption.

(a) The Administrator of the Environmental Protection Agency may grant to any aircraft or aircraft engine temporary exemption from any applicable standard under § 87.11(a) or § 87.31(a), provided that the owner or operator of such aircraft or aircraft engine demonstrates:

(1) All good faith efforts to achieve compliance with such standard,

(2) Inability to comply with such standard due to circumstances beyond his control, and

(3) A plan by which he will achieve such compliance in the shortest time which is feasible.

(b) Applications for temporary exemption from the requirements of § 87.31(a) shall be submitted in duplicate to the Administrator of the Environmental Protection Agency and shall contain the following information:

(1) The name and address of the applicant,

(2) The standard or requirement from which temporary exemption is requested,

(3) The number of aircraft or aircraft engines subject to the requirement for which a temporary exemption is requested,

(4) The efforts made by the applicant to accomplish compliance, including ordering of equipment and scheduling of maintenance work, and the dates of these efforts,

(5) A detailed statement of reasons why the applicant will not be in compliance when the standard or requirement becomes effective,

(6) The name of the equipment supplier and/or the name of the firm retained to perform the maintenance work,

(7) The applicant's proposed timetable for installation of equipment and obtaining necessary approvals for each aircraft or aircraft engine for which temporary exemption is requested, and

(8) The name of the person responsible for accomplishing compliance according to the timetable proposed by the applicant.

(c) Prior to taking action on an application for temporary exemption, the Administrator shall consult with the Secretary of Transportation. A copy of the applicant's request should be submitted by the applicant to the Secretary of Transportation.

(d) The Administrator shall publish in the FEDERAL REGISTER the name of the the owner or operator to whom a temporary exemption is granted and the period of such exemption.

(e) No state or political subdivision thereof may attempt to enforce a standard respecting fuel venting or smoke emissions from an aircraft or engine if such aircraft or engine has been granted an exemption from such standard.

§ 87.102 Thirty-day suspension of fuel venting and smoke standards.

(a) The applicability of the standards of § 87.11(a) and § 87.31(a) to aircraft subject to such standards is suspended until February 1, 1974.

(b) Application for temporary exemption from the standards of § 87.11(a) and § 87.31(a) for aircraft which will not be in compliance by February 1, 1974, must be submitted in accordance with the procedures of § 87.101.

APPENDIX A—INSTRUMENTATION (AIRCRAFT GAS TURBINE ENGINE MEASUREMENTS)

(a) *NDIR instruments.* Nondispersive infrared (NIDR) analyzers, shall be used for the continuous monitoring of carbon monoxide and carbon dioxide.

The NDIR instruments operate on the principle of differential energy absorption from parallel beams of infrared energy. The energy is transmitted to a differential detector through parallel cells, one containing a reference gas, and the other, sample gas. The detector, charged with the component to be measured, transduces the optical signal to an electrical signal. The electrical signal thus generated is amplified and continuously recorded. The NDIR analyzer used in accordance with Subpart H of this part shall meet the following specifications:

(1) *Response time (electrical).* 90 percent full scale response in 0.5 seconds or less. Zero drift—less than ±1 percent of full scale in 2 hours on most sensitive range. Span drift—less than ±1 percent of full scale in 2 hours on most sensitive range. Repeatability—±1 percent of full scale. Noise—less than 1 percent of full scale on most sensitive range. Cell temperature—minimum 50° C maintained within 2° C.

(2) *Range and accuracy.*

Range	Accuracy excluding interferences
Carbon monoxide:	
0 to 100 ppm	± 2 pct of full scale.
0 to 500 ppm	± 1 pct of full scale.
0 to 2,500 ppm	Do.
Carbon dioxide:	
0 to 2 pct	Do.
0 to 5 pct	Do.

(3) All NDIR instruments shall be equipped with cells of suitable length to measure exhaust concentrations within the ranges encountered to the indicated accuracy. Range changes shall be accomplished either by the use of stacked sample cells or changes in the electronic circuitry, or both.

(b) *Total hydrocarbon analyzer.*—(1) *General design specifications.* The measurement of total hydrocarbon is made by an analyzer using a flame ionization detector (FID). With this type dtector an ionization current, proportional to the mass rate of hydrocarbon entering a hydrogen flame, is established between two electrodes; the small current is measured by an electrometer amplifier and continuously recorded.

The analyzer shall be fitted with a constant-temperature oven housing the detector and sample-handling components. It shall maintain temperature within ±2° C of the set point, which shall be within 155° to 165° C.

The detector and sample handling components shall be suitable for continous operation at temperatures to 200° C.

(2) The FID analyzer used in accordance with Subpart G of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—±1 percent of full scale on most sensitive range.

Repeatability—±1 percent of full scale.

Zero drift—less than ±1 percent of full scale in 2 hours on all ranges.

Span drift—less then ±1 percent of full scale in 2 hours.

Linearity—Response with propane in air shall be linear with ±2 percent over the range of 0 to 2000 ppmC.

Accuracy: 0 to 10 ppmC—±5 percent of full scale with propane calibration gas.

0 to 100 ppmC—±2 percent of full scale with propane calibration gas.

0 to 1,000 ppmC—± 1 percent of full scale with propane calibration gas.

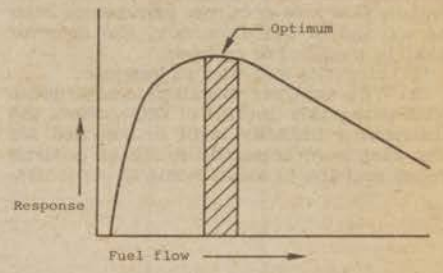
0 to 2,000 ppmC—±1 percent of full scale with propane calibration gas.

(3) Total hydrocarbon analyzer shall have an initial alignment as follows:

(i) *Optimization of detector response.* (*a*) Follow manufacturer's instructions for instrument start-up and basic operating adjustment. Fuel shall be 60 percent helium, 40 percent hydrogen containing less than 2 ppmC hydrocarbon. Air shall be "hydrocarbon-free" grade containing less than 2 ppmC.

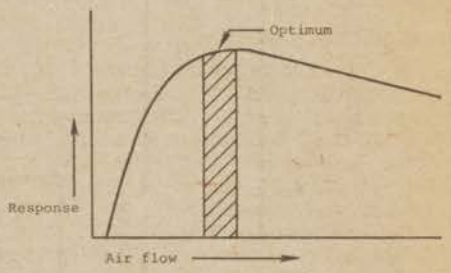
(*b*) Set oven temperature at 160° ±5° C and allow at least one-half hour after oven reaches temperature for the system to equilibrate. The temperature is to be maintained at set point ±2° C.

(*c*) Introduce a mixture of propane in air at a propane concentration of about 500 ppmC. Vary the fuel flow to burner and determine the peak response. A change in zero may result from a change in fuel flow; therefore, the instrument zero should be checked at each fuel-flow rate. Select an operating flow rate that will give near maximum response and least variation in response with minor fuel-flow variations. A typical curve for response versus fuel flow is shown in the following figure.



RESPONSE VS. FUEL FLOW

(*d*) To determine the optimum air flow, use fuel flow setting determined above and vary air flow. A typical curve for response versus air flow is shown in the following figure:



RESPONSE VS. AIR FLOW

After the optimum flow settings have been determined these flows are to be measured and recorded for future reference.

(ii) *Oxygen effect.* Check the response of the detector with varied concentrations of oxygen in the sample following the steps outlined below; this test shall be made with oven temperature at the set point and with gas flow to the detector at optimum conditions, as determined in paragraph (b)(3)(i) of this section.

(*a*) Introduce nitrogen (N_2) zero gas and zero analyzer; check zero using hydrocarbon-free air; the zero should be the same.

(*b*) The following blends of propane shall be used to determine the effect of oxygen (O_2) in the sample.

Propane in N_2

Propane in 10%±0.5% O_2 and balance N_2.
Propane in zero grade air (refer to § 87.66(c)).

The volume concentration of propane in the mixtue reaching the detector should be about 500 ppmC, and the concentration of both the O_2 and hydrocarbon should be known within ±1 percent of the absolute value. The zero shall be checked after each mixture is measured. If the zero has changed then the test shall be repeated.

The response to propane in air shall not differ by more than 3 percent from the response to propane in the 10 percent-O_2/90 percent-N_2 mixture, nor differ by more than 5 percent from the response to propane in nitrogen.

The difference between the response to propane in nitrogen and response to propane in dilutent containing 10 percent O_2 shall not exceed 2 percent. If the 2 percent specification cannot be met by changing the sample flow rate or burner parameters, such as air and/or fuel-flow rate, the detector shall be modified or replaced.

(iii) Linearity and relative response.

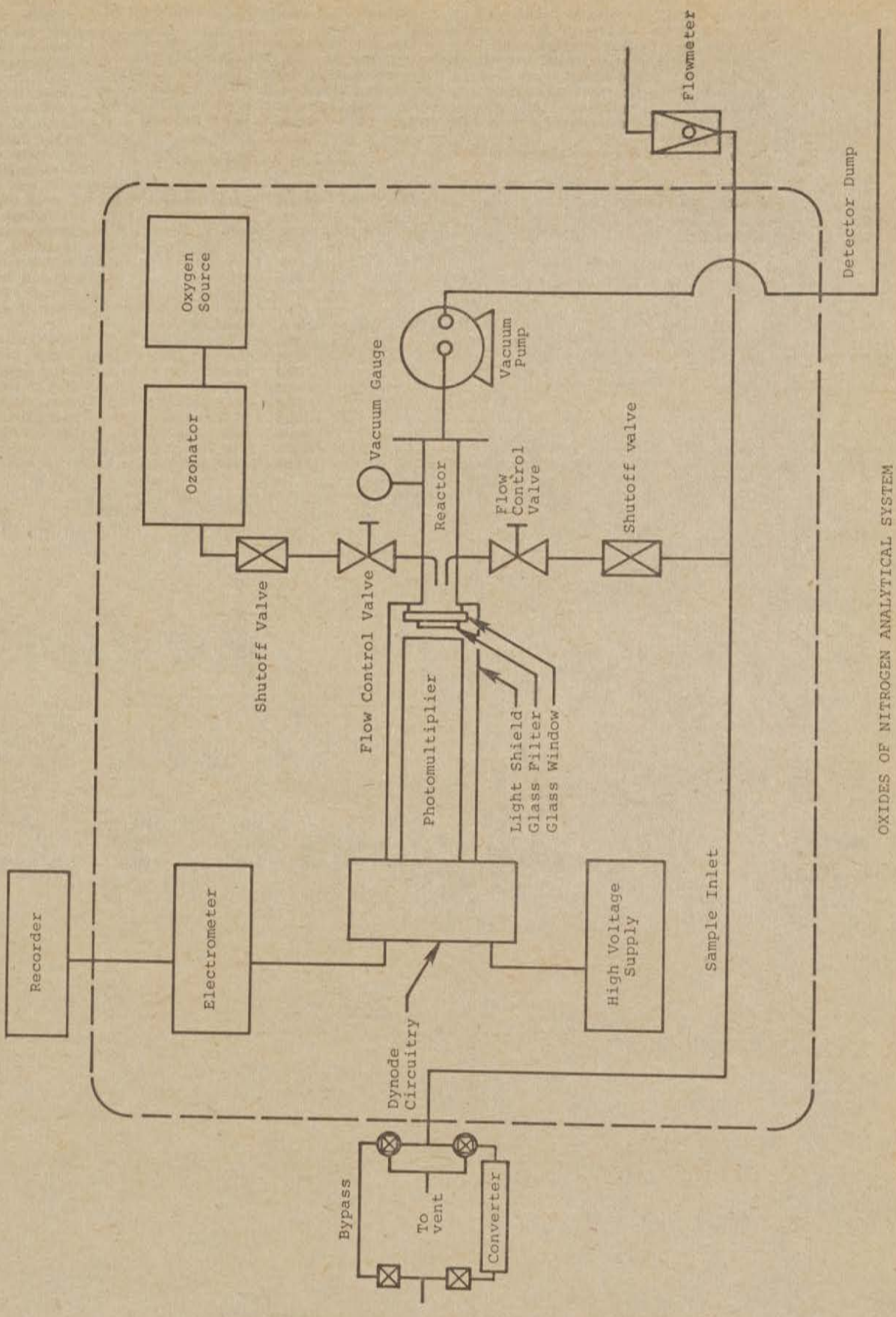
(*a*) With analyzer optimized in accordance with paragraph (b)(3)(i) of this section, the instrument linearity shall be checked for the ranges covering the range of analysis using propane in air at nominal concentrations of 30, 60, and 90 percent full scale of each range. The deviation of a best-fit curve from a least-squares best-fit straight line should not exceed 2 percent of the value at any point. If this specification is met, concentration values may be calculated by use of a single calibration factor. If the deviation exceeds 2 percent at any point, concentration values shall be read from a calibration curve prepared during this alignment procedure.

(*b*) A comparison of response to the different classes of componds shall be made using (individually) propylene, toluene, n-hexane, and propane, each at 20 to 50 ppmC concentration in air. If the response to propylene, toluene or n-hexane differs by more than 5 percent from the response to propane, check instrument operating parameters. Reducing sample flow rate improves uniformity of response.

(*c*) *Oxides of nitrogen analytical system.* The chemiluminescence method utilizes the principle that nitric oxide (NO) reacts with ozone (O_3) to give nitrogen dioxide (NO_2) and oxygen (O_2). Approximately 10 percent of the NO_2 is electronically excited. The transition of excited NO_2 to the ground state yields a light emission (600–2600 nanometer region) at low pressures. The detectable region of this emission depends on the PM-tube/optical filter being used in the detector. The intensity of this emission is proportional to the mass flow rate of NO into the reactor. The light emission can be measured utilizing a photomultiplier tube and associated electronics.

The method also utilizes the principle that the thermal decomposition of NO_2 (i.e., $2NO_2 \rightarrow 2NO + O_2$), is complete at about 600° C. The rate constant for the dissociation of NO_2 at 600° C is approximately 10^4 (litres/mole-second). A 1.83 metre length of 3.175 mm outside diameter, 0.711 mm wall thickness, flawless stainless steel tubing resistance heated using a low voltage, high current power supply to a temperature of 650° C provides sufficient residence time at a sample flow rate of 700 cc per minute for essentially complete conversion of nitrogen dioxide to nitric oxide. Other converter designs may be used if shown to yield equivalent results.

The method permits continuous monitoring of NOx concentrations over a wide range. Response time (2 to 4 seconds is typical) is primarily dependent on the mechanical pumping rate at the operating pressure of the reactor. The following figure is a flow schematic illustrating one configuration of the major components required for the oxides of nitrogen analytical system.



OXIDES OF NITROGEN ANALYTICAL SYSTEM

The oxides of nitrogen analyzer used in accordance with Subpart G of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 second or less.

Noise—less than 1 percent of full scale.

Repeatability—±1 percent of full scale.

Zero drift—less than ±1 percent of full scale in 2 hours.

Span drift—less than ±1 percent of full scale in 2 hours.

Linearity—linear to within ±2 percent of full scale on all ranges.

Accuracy—±1 percent of full scale on all scales.

(*d*) The dynamometer test stand and other instruments for measurement of power output and the fuel flow measurement instrumentation in accordance with Subpart G of this part shall be accurate to within ±2 percent at all power settings.

APPENDIX B—[RESERVED]

[FR Doc. 78-7690 Filed 3-23-78; 8:45 am]

federal register

FRIDAY, MARCH 24, 1978
PART IV



CONSUMER PRODUCT SAFETY COMMISSION

■

Establishing Technical Requirements for Toys and Other Articles Intended for Use by Children Under 8 Years of Age

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Technical Requirements for Determining a Sharp Metal or Glass Edge in Toys and Other Articles Intended for Use by Children Under 8 Years of Age

AGENCY: Consumer Product Safety Commission.

ACTION: Final regulation.

SUMMARY: The Commission is issuing a regulation which establishes technical requirements for toys and other articles intended for use by children under 8 years of age. These requirements identify sharp metal or glass edges on such articles that could injure children. If the Commission identifies sharp edges on particular children's articles that present an unreasonable risk of injury to children under 8 years of age, it will initiate rulemaking proceedings to ban those articles.

DATE: The regulation becomes effective on March 26, 1979, and it applies to all products subject to the regulation and introduced into interstate commerce after that date.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1975 the Consumer Product Safety Commission, pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261(f)(1)(D)), proposed for public comment regulations to ban toys intended for children under 8 years of age[1] that present an unreasonable risk of personal injury from avulsion or laceration hazards due to sharp edges (40 FR 1488). The proposed regulations included test criteria for determining whether such toys present these hazards.

Following extensive review of the public comments received, as well as staff reevaluation of the proposal, the Commission withdrew the January 1975 proposal and proposed a new regulation for public comment on September 1, 1977 (42 FR 44160-67).

The primary reason for proposing a new regulation in September 1977 was that the Commission decided not to pursue a regulation of sharp edges on toys that automatically banned all toys not meeting specified technical criteria. Accordingly, the September 1977 proposed regulation was designed to identify toys containing sharp metal or glass edges that the Commission preliminarily believed to be hazardous to children under 8 years of age, but not to ban them automatically.

The final regulation issued below, like the September 1977 proposal, is a technical requirements regulation which preliminarily identifies hazardous toys. The Commission will regulate those toys on a product-by-product basis whenever it believes that they present a mechanical hazard, as defined in the FHSA.

The September 1977 proposal also contained some technical changes that were made to the test method of the January 1975 proposal, including a new set of articulated probes to determine accessibility of sharp edges, clarification of the specifications for the tape that is used with the sharp edge test device, and an adjustment in the force level used in the test procedure.

In addition, the September 1977 proposal applied only to metal and glass edges, while the January 1975 proposal had been applicable to edges made of all materials. The primary reason for this limitation was that the research leading to the sharp edge test procedure evaluated the laceration hazards of metal edges only. The relevant physical properties of glass are sufficiently similar to metal to allow for meaningful application of the research to glass edges. However, the research did not take into account the softness, elasticity, and other properties of plastics and other non-metal materials. Further, the test method that was developed for sharp edges proved to be unsuitable for detecting harzardous edges made of those materials. Edges made of non-metal and non-glass materials were therefore excluded from the September 1977 proposed regulation.

All of the changes were fully discussed in the September 1, 1977 FEDERAL REGISTER document. The provisions of the September 1, 1977 proposal are fully discussed below.

Proposed Regulation

(a) Risk of Injury

In issuing the proposed regulation, the Commission found that certain toys intended for children under 8 years of age can tear or cut skin and cause bleeding, during normal use or reasonably foreseeable misuse, and thus present an unreasonable risk of injury. This finding was based in part on the staff's investigation of the sharp edges present on such toys that have been in the marketplace during the past few years.

In addition, the Commission relied on an analysis of toy-related injuries contained in its in-depth investigation reports and reported through its National Electronic Injury Surveillance System (NEISS). NEISS is a computer-based network of 119 statistically-selected hospital emergency rooms throughout the country which transmits injury data to the Commission.

A review of NEISS injury data indicates that a substantial number of children under 8 years of age receive laceration and avulsion injuries in toy-related incidents. In calendar year 1976, for example, an estimated 43,300 children in that age category were treated in hospital emergency rooms for such toy-related injuries.

To determine the extent to which lacerations and avulsions occur from toys intended for children under 8 years of age, the Commission staff divided toys into the following three categories:

a. Toys primarily intended for use by children under the age of 8 years.

b. Toys primarily intended for use by children 8 years to 14 years of age.

c. Toys intended for use by children in both age groups.

Of the estimated 43,300 toy-related laceration and avulsion injuries treated in emergency rooms in 1976, an estimated 9,000 were associated with products intended primarily for use by children under 8 years of age. An additional 30,800 such injuries were associated with products intended for use by children in both the under-8-year and the 8-to-14-year age groups. In addition, based on NEISS estimates, laceration and avulsion injuries accounted for over half (approximately 53 percent) of all toy-related injuries to children under 8 years of age.

By definition, the NEISS-reported injuries which support the need for the technical requirements are serious enough to be treated in hospital emergency rooms. A purchaser of toys for children under 8 years of age certainly does not expect them to cause such injuries to children. While many toy-related laceration injuries may cause only minor bleeding, there are a substantial number of injuries which are more severe. Such injuries warrant the adoption of reasonable regulations to reduce or eliminate their occurrence.

[1] The Commission intends that the scope of the technical requirements regulation issued below will include other articles intended for use by children under 8 years of age, as well as toys. However, in an effort to simplify reading the preamble, the term toy(s) will be used inclusively for both toys and other articles intended for use by children.

In the proposal, the Commission emphasized that the proposed technical requirements were intended to set a standard of safety to reduce the risks of injury not only for the products currently available to young children, but also for the new and redesigned products for which there are no hazard experience data available to the Commission. The Commission estimates that between 3,000 and 5,000 new children's products (of which a large number are intended for children under 8) are introduced into the marketplace each year.

(b) PROCEDURES

On September 1, 1977, the Commission proposed a technical requirements regulation that established criteria for sharp metal and glass edges on toys intended for children under 8 years of age, but did not ban automatically toys failing to meet those criteria. Under this approach, the Commission would regulate such toys on a product-by-product basis whenever they both failed to meet the test criteria and presented a mechanical hazard as defined in the FHSA, in the judgment of the Commission. (The reasons supporting this approach are detailed in the September 1, 1977 FEDERAL REGISTER document.)

If the Commission decided to initiate banning actions against any toys found to be out of compliance with the technical requirements, it could proceed in several different ways. Under relevant provisions of the Administrative Procedure Act (5 U.S.C. 553), which govern regulations issued under sections 2(f)(1)(D) and 3(e) of the FHSA (unless the Commission specifically selects alternative procedures), the Commission cannot ban a toy until it publishes a general notice of proposed rulemaking in the FEDERAL REGISTER. In the alternative, persons subject to the proposed rule could be named and either personally served or otherwise have actual notice of it (5 U.S.C. 553(b)).

Depending upon the individual circumstances of a potential banning situation, the Commission will decide how best to provide the required prior notice to manufacturers and others who are subject to a toy banning regulation. If the timing of a ban is a crucial factor, the Commission may decide that individualized notice to those subject to the proposed rule will best protect the public. Alternatively, if comment from consumers and other members of the public is considered particularly important, the Commission would probably publish a notice in the FEDERAL REGISTER and accept comments for a specified time period.

It may even be that the Commission would first notify a manufacturer of a toy that has failed the test criteria before deciding whether to solicit public comment in a FEDERAL REGISTER banning proposal. All of these options will be open to the Commission when it discovers that a particular toy does not meet the technical requirements and when it decides preliminarily that such a toy presents a mechanical hazard under the FHSA.

In whatever manner the Commission provides the necessary notice of a proposed ban, a toy is not banned unless and until the Commission issues a final regulation classifying the toy as a hazardous substance (and thus a banned hazardous substance) according to sections 2(f)(1)(D), 2(q)(1)(A), and 3(e) of the FHSA.[2] If the Commission decides that a toy that fails to meet the technical requirements does not present a mechanical hazard, the Commission will not initiate action against that toy. For example, the underside of a play pen or other piece of juvenile furniture could have an edge that fails to meet the requirements. Nevertheless, the location of that edge may be such that it would not be hazardous under normal conditions of use and storage.

(c) SHARP EDGE TEST CRITERIA

1. *Test device.* The sharp edge test criteria in the September 1977 proposal relied, to a large extent, on a test device that the National Bureau of Standards (NBS) developed for the Commission.

NBS designed a sharp edge test device to distinguish, on the basis of sharpness, between sharp and dull edges that children can contact during the casual handling of toys. Casual handling includes the range of activity associated with unpacking, handling, operating, and playing with toys including foreseeable misuse and other types of play not intended by the manufacturer.

Under the sponsorship of the Commission and its predecessor agency, the Food and Drug Administration, NBS conducted research on certain aspects of human skin cutting. The results are contained in an NBS report entitled "Some Cutting Experiments on Human Skin and Synthetic Materials", NBSIR 73-262 (October 1973). In the study, tests were performed in which the cutability of excised cadaver skin was examined using "standard edges" of differing edge geometries. The edges for these tests were selected for having typical geometries and varied abilities to cut skin. Skin samples were wrapped around a cylindrical hardwood mandrel that turned a single rotation while the test edge was held stationary and a known force applied. The resultant data were summarized for various force levels and the edges were ranked in order of sharpness.

In another study relied on by the Commission, NBS reported in a document entitled "A Study of the Strength Capabilities of Children Ages Two Through Six", NBSIR 73-156 (August 1973), that the average maximum gripping force for children 5 years of age is 20 pounds. Older children are stronger and attain higher force levels but have a more accurate sense of judgment and are less likely to grasp an object indiscriminately with maximum force.

In addition to the NBS studies, the Commission considered the results of tests on sharp edges performed by the Department of Anatomy at the University of Virginia. The testers evaluated blades, with edges of similar geometries to those used in the NBS tests, for their ability to cut live and dead pigs' skin and cadaver skin, both on the body and excised from the body.

The tests, performed over a range of force levels, did not support any implication that human skin and pigs' skin differ in their resistance to cutting since excised samples of each behaved generally in similar ways in the cutting tests. Skin with subcutaneous tissue removed (as used in the NBS tests) and cadaver skin in place over bone (leg skin over shinbone) showed the least resistance to cutting injury.

In a summary of observations on cuts, the University of Virginia report was able to identify blades with certain edge geometries which are considered sharp since they consistently cut deeply into or through the skin under the application of light forces. Other blades, however, were considered dull because they rarely cut skin unless it was tested with the subcutaneous tissue removed and against a hard backing.

NBS developed a prototype test device for sharp edges in toys which is described in an NBS report entitled "An Inspection Procedure for Detecting Hazardous Edges," NBSIR 74-428 (April 1974). The device is designed to be hand-held, usable in any orientation, and easy to operate. The diameter of the rotating mandrel approximates the size of a child's finger and is wrapped with a simulated skin. Material suitable for use with the test device as the simulated skin is tape made from polytetrafluoroethylene (TFE) which has an adhesive backing to provide for easy mounting on the mandrel. (The tape is discussed below.)

In January 1975 the Commission proposed as part of the test procedure that an edge be applied to the tape-covered mandrel at a force of 3.8 pounds. In response to comments that

[2] An exception is that, under section 3(e)(2) of the FHSA (15 U.S.C. 1262(e)(2)), a toy presenting an "imminent hazard" may be banned immediately by publication of a single notice in the FEDERAL REGISTER.

criticized this force, the Commission conducted some tests on edges taken from toy samples that were reported to have caused laceration injuries to children during normal play. Based on these tests, the Commission proposed in September 1977 that the force be 1.35 pounds. (These tests are fully described in the preamble to the September 1977 proposal at 42 FR 44162.)

2. *Tape.* The characteristics of the tape wrapped around the mandrel of the test device are crucial in distinguishing between sharp and dull edges. Various brands of polytetrafluoroethylene tape have different degrees of cutability. Therefore, the Commission proposed a tape qualifying procedure in January 1975, along with the sharp edge test method it proposed at that time. Certain standard edges which NBS had chosen as sharp and dull edges based on the human skin cutting tests were used to select and qualify the tape, thereby reducing variability in results obtained during actual testing. This would allow several tapes to qualify.

In response to numerous critical comments, however, the Commission included different tape specifications in its September 1977 proposal. The Commission performed additional tests to determine the cutting variability of a single brand of tape from different rolls, as well as the variability within a single role. As a result of these tests, the Commission's proposal specified the use of a single brand of tape known as CHR type "T" TFE tape.

During subsequent testing the Commission found that TFE tape is temperature sensitive and that temperatures above 30° (86° F) could change its cutability characteristics. The September 1977 proposal also included a provision addressed to this circumstance.

3. *Use and abuse.* The testing criteria in the September 1977 proposal involved testing for sharp edges before and after application of the Commission's "use and abuse" test procedures (16 CFR 1500.50–53). These test procedures are intended to expose potential hazards that could result from normal use or the reasonably foreseeable damage or abuse to which toys and games are subjected.

The Commission has concluded that, pending additional staff review, the bite test provisions in the use and abuse regulations (16 CFR 1500.51(c), 52(c), and 53(c)) should not be incorporated into the sharp edge test criteria. The September 1977 proposal reflected this conclusion.

(d) *Accessibility criteria.* The September 1977 proposal included criteria for determining when a sharp edge was sufficiently accessible to present a hazard to children under 8 years of age. Any edge that was inaccessible would not fail to meet the criteria, even if it would be considered sharp by the sharp edge test device.

The proposal specified two articulated probes that were intended to determine accessibility of children's fingers to potentially hazardous edges. The Commission selected the anthropometric measurements[3] of young children for the lengths and the diameters of the small and middle fingers as well as the dimensions for hand clearance. Because children up to the age of 8 years are in a period of rapid growth, the anthropometric measurements were divided into two age groups—0 to 3 years and 3 years to 8 years of age. The two probes correspond to these same age groups.

To insure protection of the greatest number of children in each age group, the Commission selected anthropometric measurements that reflect the following assumptions:

i. That the younger children in each age group have narrower hands and therefore can reach into openings which would be inaccessible to an older child.

ii. That the older children in each age group have longer fingers and therefore can touch the inside components of toys which would be inaccessible to a younger child.

Furthermore, anthropometric data were not available for the dimensions of a child's index finger. Those dimensions have been approximated by averaging the respective dimensions of the small and middle fingers of children in the two age groups.

In the 0 to 3 year age group, measurements for a 5th percentile[4] 3-month-old's small and middle fingers were averaged and used to approximate the diameter of the index finger. Measurements for a 95th percentile[5] 3-year-old's small and middle fingers were averaged and used to approximate the length of the index finger. The minimum hand-clearance measurement of a 5th percentile 3-month-old child was selected. These measurements were then used to define the dimensions of Probe A.

Similarly for the 3-year to 8-year age group, measurements for the small and middle fingers of a 5th percentile child 37–42 months of age were averaged to approximate the diameter of the index finger. Measurements for the small and middle fingers of a 95th percentile child 85–96 months of age were averaged and used to approximate the length of the index finger. The minimum hand-clearance dimensions for a 5th percentile child 37–42 months of age were selected. These dimensions were then used to define the dimensions of Probe B.

Probe A determined the accessibility of edges in holes, recesses, or openings on toys intended for children 3 years of age or less. Probe B determined the accessibility of edges in holes, recesses, or openings on toys intended for children over 3 years up to 8 years of age.

Based on staff recommendations and the anthropometric measurements from the University of Michigan study on the physical characteristics of children (cited in Footnote 2, above) in the two age groups, the Commission defined accessibility for holes, recesses, and openings on toys and other children's articles as follows:

(1) *Finger access.* Section 1500.49(c)(3)(i) of the proposed regulation provided that access into openings which are large enough to accept a child's finger but too small to accept a child's hand would be determined by the appropriate accessibility probe.

Each of the two joints on a probe could be rotated up to 90 degrees to simulate knuckle movement and the total depth of insertion for accessibility would be up to the collar on the probe that is appropriate for either the 0 to 3-year age group (Probe A) or the 3-year to 8-year age group (Probe B).

The diameter of the collar on each probe was representative of the hand-clearance diameter of a 5th percentile child in the youngest age category within each age group. For the 0 to 3-year age group, the youngest age category is 0–3 months of age and for the 3-year to 8-year age group, the youngest age category is 37–42 months of age.

(2) *Hand access but not shoulder access.* Section 1500.49(c)(3)(ii) of the proposed regulation provided that access into openings large enough to accept a child's hand and arm but too small to admit the child's torso (body trunk) would be determined by the dimensions of the entrance of the opening. Such openings include openings that are larger than the width of a child's hand but smaller than the breadth of a child's shoulders. The Commission proposed that a depth-of-insertion factor of 2¼ multiplied by the minor dimension of an opening be used to determine the accessibility of edges in such openings.

The Commission defined a minor dimension of an opening as the diameter of the largest sphere that will pass

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[3] All measurements were obtained from the University of Michigan's study, "Physical Characteristics of Children as Related to Death and Injury for Consumer Product Design and Use" (Highway Safety Research Institute, The University of Michigan, Ann Arbor, Mich. 48105).

[4] A 5th percentile 3-month-old child represents a child this age who is smaller than 95 percent and larger than 5 percent of children the same age.

[5] A 95th percentile 3-year-old child represents a child this age who is larger than 95 percent and smaller than 5 percent of children the same age.

through the opening, and it could be determined by using a pair of calipers. This dimension, multiplied by 2¼, determined the maximum depth of insertion for accessibility.

The value of 2¼ is the approximate average of the ratio of arm length to shoulder breadth for a 50th percentile child in each of the two age groups. For example, the depth of insertion into an opening with a minor dimension slightly smaller than the breadth of a child's shoulders will be slightly less than the length of the child's arm.

(3) *Total accessibility.* The Commission proposed that openings larger than the breadth of a child's shoulders should be considered totally accessible.

For the 0 to 3-year age group, the Commission selected a shoulder breadth measurement of 7.36 inches. This measurement represents a 5th percentile 1-year-old child, since children who are under 1-year of age are less mobile and therefore are less likely to climb into cavities than children who are 1-year of age or older.

For the 3-year to 8-year age group, the Commission selected a shoulder breadth measurement of 9 inches. This measurement represents a 5th percentile child in the age category of 37-42 months.

The Commission proposed that, for toys intended for children 0 to 3-years of age, access into openings with a minor dimension of 7.36 inches or larger would be considered totally accessible to a child. For toys intended for children 3 years to 8 years of age, access into openings with a minor dimension of 9 inches or larger would be considered totally accessible to a child. Because openings that are totally accessible to children in the 0-8 years age span may contain smaller openings that are not totally accessible to such children, access into these smaller openings would be determined by the appropriate procedures explained above.

(4) *Inaccessible edges.* From the results of sharp edge tests conducted on a representative sample of toys, the Commission observed that tabs and other protrusions or edges do not present a laceration or avulsion hazard if such protrusions or edges are flush with a protecting surface which is part of the toy. The Commission therefore decided that an edge should be considered inaccessible if it is protected by an adjacent surface and any gap between the edge and the adjacent surface does not exceed 0.020 inch.

(e) *Exemptions.* The proposed regulation exempted baby cribs and bicycles that are the subject of safety regulations already issued by the Commission under the FSHA (see 16 CFR 1500.18(a) (12), (13), and (14); 16 CFR Parts 1508, 1509, and 1512). These children's products, because they have already been addressed by the Commission in specific regulations, did not need to be addressed by the generic safety requirements for sharp edges.

Although the Commission had considered whether other children's products should be exempted from coverage, it decided in issuing the proposal that no other such exemptions were necessary or appropriate. Of course if any toy or children's article intended for children under 8 does not comply with the technical requirements but does not present a hazard, the Commission would not initiate any banning action against such an article.

The Commission included in the proposed technical requirements an exemption for children's products that have sharp edges by reason of their functional purpose (and that do not have any nonfunctional sharp edges). Toys with functional sharp edges, such as toy scissors and toy tool kits, were exempted as long as the toy was identified by a conspicuous, legible, and visible label as having a sharp edge(s). Other children's articles with functional sharp edges, such as children's ice skates and children's cutlery, were exempted and did not require any labeling.

In addition, the Commission discussed the applicability of the regulation to model and craft kits. Most children under 8 years of age do not have the dexterity and the reading ability necessary for assembling complicated model and craft kits, and such products in the marketplace today are usually not intended for children in the under 8 age category. Therefore, the Commission clarified that model and craft kits were excluded from the scope of the proposed regulation.

(f) *Preemption.* Whether a technical requirements regulation would preempt a State or local regulation that applies to sharp metal or glass edges on toys is a crucial issue. However, it is possible that the Commission's interpretation of the FHSA's preemption provision would not affect resolution of this question if a dispute arose. For example, if a State banned a toy and the manufacturer of the toy claimed that the State's authority was preempted by the existence of the Commission's regulation, the Commission would not necessarily be a party to any litigation or any out-of-court negotiation which might occur.

Nevertheless, the Commission interpreted the FHSA preemption provision (section 18 of the FHSA) and stated its view of how that provision would apply to a technical requirements regulation established to protect against the hazard of sharp metal or glass edges on toys intended for children under 8 years of age. The Commission's position, as stated in the September 1, 1977 FEDERAL REGISTER document, was that State and local governments would be prohibited from establishing or enforcing any nonidentical requirement that addresses the hazard of sharp metal or glass edges on toys intended for children under 8.

The Commission's proposed regulations are technical requirements that establish technical criteria for toys intended for children under 8. As long as States or local governments use these same criteria to regulate such toys, their requirements would be considered to be identical to the Commission's requirements, and thus not preempted according to the Commission's stated view of the preemption provision.

Even if a State or local government were to impose different penalties or use different procedures to regulate toys, there would be no preemption as long as the technical criteria were identical. As an example, if a State were to ban automatically any toy not meeting the criteria, such a ban would not be preempted by the Commission's technical requirements, according to the position taken by the Commission when it proposed the requirements in September 1977.

(g) *Effective date.* The regulation was proposed to become effective 365 days after its publication in final form in the FEDERAL REGISTER, and to apply to all products introduced into interstate commerce after that date.

The Commission further proposed that introduction into interstate commerce, for purposes of the regulation, be defined as follows: A toy manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A toy manufactured in the United States is introduced into interstate commerce: (a) At the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate, whichever occurs earlier.

(h) *Environmental considerations.* Before proposing the technical requirements regulation, the Commission assessed the environmental impact and concluded that no potentially significant environmental effects would be associated with the regulation. The Commission therefore found that there was no need for an environmental impact statement.

COMMENTS ON PROPOSAL

The Commission received 22 comments on its September 1977 proposal of a technical requirements regulation. Nineteen of these came from the industry, including comments from four trade associations, from individual toy manufacturers, and from a large retailer. In addition, an individual consumer, Consumers Union, and Underwriters Laboratories, Inc., commented

on the proposal. These comments are discussed below, according to the issues they address.

(a) *Procedures.* The banning procedure for toys which fail to meet the criteria and which the Commission believes present an unreasonable risk of injury is discussed in section (b) of this preamble under "Proposed Regulation." The procedure under the final regulation is the same as the procedure proposed in September 1977.

Before any toy can be banned, the Commission must notify those who would be affected by the ban, such as the manufacturer of the toy. The trade association Toy Manufacturers of America, Inc. (TMA), and other industry commenters have suggested that the notification be divided into two stages. They believe that manufacturers should be guaranteed a reasonable opportunity to respond to the Commission before any proposed ban is published in the FEDERAL REGISTER.

The Commission recognizes that a publicly proposed ban could adversely affect the marketability of a product, even if a final ban is never imposed. However, this factor must be balanced against the need for expeditious banning procedures. This need can be especially important because the current procedures already require a prescreening procedure (testing according to the technical requirements), a banning proposal, and a final ban to remove a product from the market.

Although the Commission may decide that prior notice to manufacturers of potentially hazardous toys would be fair and appropriate in particular circumstances, it does not believe that it should be restricted to this approach in all cases. If safety demands that a toy be removed from the market without any unnecessary delay, the Commission plans to notify affected persons individually or by FEDERAL REGISTER publication and then issue a final ban as soon as it has considered the comments received.

In a different comment concerning the procedures, a toy manufacturer has suggested that Commission staff opinions on the safety of new toys be easily obtainable. The enforcement staff is always available to discuss the applicability of the criteria to new toys, although it cannot, of course, provide premarket approval of toys or of any other product.

Finally, two commenters have pointed out that the Commission and its staff will evaluate toys that fail to meet the technical criteria in order to determine whether such toys should be the subject of banning procedures. These commenters have suggested that language be added to the regulation to identify some of the factors the Commission would use in this evaluation. Particular factors suggested were the location, accessibility, degree of sharpness, and length of the edge, as well as the likelihood of occurrence of an injury.

The Commission has no disagreement with the suitability of any of these factors for use in the evaluation process. However, this process is not within the scope of the technical requirements regulation issued below. As discussed in section (b) of the "Proposed Regulation" portion of this preamble, the first stage of the banning procedures involves compliance or non-compliance with the technical criteria of sharp metal or glass edges and is fully contained in the regulation. The second stage is the statutory banning proceeding that is governed by provisions of the FHSA and the Administrative Procedure Act.

The Commission has discussed the second stage rulemaking proceeding in this preamble and in the preamble to the proposed regulation in order to provide the perspective of how toys with sharp edges might be banned. However, the technical requirements regulation addresses only the first stage. Inclusion in this regulation of factors to be applied in the second stage would therefore be inappropriate and premature.

(b) *Sharp edge test criteria.* Nearly all of the industry commenters have criticized the sharp edge test method proposed by the Commission in September 1977. The comments pertaining to the test method and the Commission's responses are:

1. Comments. The test instrument is impractical, cumbersome, time consuming, unreasonably expensive, and incapable of being operated as a hand-held device. Further, the Commission's test data were accumulated on "precise fixture experiments" and would not correlate with the varying data anticipated from tests performed with hand-held instruments.

The Commission emphasizes at the outset that the sharp edge regulation does not require manufacturers to perform any tests on their toys. Rather, it specifies test criteria that the Commission will use to screen toys for potentially hazardous sharp edges. Of course the Commission does expect and encourage manufacturers to test their toys to assure compliance with the test criteria.

The regulation does not specify use of a hand-held test instrument or any other test instrument. The regulation does, however, reference engineering drawings for "a suitable portable sharp edge test instrument." The Commission may well test sharp edges by using the hand-held instrument described in these drawings. Commission staff persons have already performed many preliminary tests using an instrument manufactured according to these drawings.

A novice operator may encounter some of the particular testing problems cited by the commenters, such as the mandrel "kicking out and walking" when it begins its rotation. However, with a little practice an operator can perform the test in the manner intended. The Commission will not permit persons unfamiliar with the procedure to conduct tests on sharp edges which would be the basis of an ultimate toy ban.

Any difference in test results obtained from a hand-held sharp edge test instrument and those obtained from "precise fixture experiments" (bench tests) would, in the Commission's view, not be significant.

As to the costs of testing to manufacturers, the Commission anticipates that frequent testing of toys during a production cycle will not be necessary. This is true in part because many recent changes in the design of toys have already reduced the existence of potentially sharp edges.

Previously unprotected edges, which may not have complied with the criteria, have in many cases been eliminated by their concealment behind plastic molding or by hemming. For those toys on which it is not practical or economical to conceal edges, automated deburring processes have been introduced to dull the edges and eliminate laceration hazards. The Commission believes that an individual with some sharp edge test experience soon becomes able to touch an edge and determine whether there is any chance at all that it will not comply with the sharp edge test criteria. The use of such an informal test might well reduce the number of formal tests required to ascertain whether complying edges are being produced.

Finally, the Commission notes that none of the comments on the difficulties associated with the test instrument were accompanied by any test data to substantiate or provide specific instances of these difficulties.

2. Comments: The instrument is difficult to use and not totally consistent. The operator has exceptional difficulty in maintaining a constant 1.35 pounds force and, if the mandrel is not held exactly and steadily square to the sample, the cutting track is a wide line and the test results are both variable and invalid.

The Commission recognizes that the results of the sharp edge tests, like many laboratory procedures in common usage, may be materially influenced by operator technique. Despite these limitations, the Commission has confidence in the validity of the sharp edge test method as a screening procedure for sharp metal and glass edges on toys.

In testing edges, the Commission will calibrate any instrument it uses to be sure that no more than 1.35 pounds will be applied to the mandrel. This calibration will be checked periodically

and then verified before any toy is found to be in noncompliance with the technical criteria issued below. Section 1500.49(d)(2)(iii) has been modified to incorporate this principle.

In contrast, the Commission recommends that manufacturers using the sharp edge test method calibrate their instruments so that a force slightly greater than 1.35 pounds will be applied. This would provide the manufacturers with a margin of safety and an increased likelihood that their toys will comply with the test criteria.

The orientation of the test edge with respect to the mandrel involves at least two different variables. First, the line of the test edge and the mandrel axis must be positioned at 90 degrees ±5 degrees with respect to each other. Figure 1 of the regulation, as proposed and as issued below, illustrates this positioning. Even when Commission staff members used the hand-held instrument, they experienced no difficulty in maintaining the angle well within these specifications. The Commission will certainly insure that no toy will be banned if it has been identified as containing a sharp edge due to a deviation in the angle during the test procedure.

Second, the angle between the mandrel axis and the plane of the material on which the test edge is located is critical to the test results, because manufacturing processes can cause various types of edge conditions. For example, burrs on the edges of sheet metal toys produced by a punching process are generally at right angles to the plane of the metal. In contrast, flashing on the edges of metal toys produced by casting are generally in the plane of the metal forming the body of the toy. Therefore, the angle between the mandrel axis and the plane of the material cannot be specified in the regulation but should be varied by the test operator to seek the "worst case," the position at which the tape is most easily cut (as illustrated in Figure 1). The Commission believes that a manufacturer, who is aware of the fabrication process of the product, is in a better position to find this critical angle than the Commission's testing staff. It is therefore unlikely that the Commission will test and fail an edge which a manufacturer has tested and found satisfactory.

3. Comments: The test method is deficient because only one point on an edge, rather than the entire edge, is being tested. The rotating cylinder is unnecessarily complex and does not represent how a cutting injury usually occurs (it is more likely that a child's finger would be cut by moving along an edge than by a point on the edge moving around the finger).

During its development of the test method, the Commission considered but rejected the testing of a longer portion of an edge. In particular, the Commission does not believe that an alternative "wiping" test procedure—a procedure in which there is linear motion of a mandrel along the line of an edge, such as the one submitted by Underwriters Laboratories Inc.—is better than the procedure adopted by the Commission. In fact, NBS and CPSC staff persons were aware of the Underwriters Laboratories test method while they were developing the procedure issued below.

The Commission agrees that a "wiping" test more nearly simulates the injury pattern of the majority of cuts than the rotating mandrel. Nevertheless, the rotating mandrel is a more versatile and adaptable procedure because a "wiping" test can be applied only to relatively straight and long edges and many of the toys that are within the scope of the regulation are small and/or contain short edges. In distinguishing between sharp and dull edges, the Commission believes that the correlation between its rotating mandrel test and a "wiping" test would be high.

The commission notes that the "worst case" point on an edge should be tested by the rotating mandrel. Various points along an edge might, when tested, give different test results, and the point on an edge that seems most likely to cut the tape should therefore be tested.

4. Comment: It is impossible to keep the mandrel free of nicks and burrs, as the regulation requires, because an edge that cuts the tape "inevitably scratches the mandrel."

In the many tests conducted by the Commission staff, there has been no evidence of scratching or burring. This is true even though many of these tests were conducted with hardened steel edges and not the softer steel and other metals commonly used in the manufacture of toys. Scratching of a mandrel could result from its not having a minimum hardness of 40 on the Rockwell "C" scale, as specified in the regulation.

5. Comment: The tape specified in the test procedure is so sensitive that it repeatedly tears while being removed from the mandrel.

The Commission staff, in conducting many sharp edge tests using the procedure specified in the regulation, has not experienced this problem. If the tape appears to tear while being removed from the mandrel, it has, in all likelihood, been cut by the sharp edge being tested. The Commission staff has not observed cuts which are less than the full thickness of the tape. The tape is either grooved by the edge (no cut) or it is cut through the full thickness. In the Commission's experience, a tape sample which has been merely grooved has not shown any tendency to tear when removed from the mandrel.

6. Comments: The test procedure leads to subjective results because the tape is unreliable. In fact, the Commission itself has pointed out that in 10 percent of the cases repeatability of result was not attained.

Only with edges at the borderline between sharp and dull does the Commission believe that the tape may be cut in some cases and not in others. It is in part for this reason that noncompliance of an edge with the test procedure is never the sole factor supporting the ban of a toy.

As to the 10 percent statistic, the commenter does not cite the source and neither the Commission nor its staff is aware of ever making a statement like this. The commenter may be referring to the following statement contained in a staff memo: "One is 95 percent certain that no more than 5 percent of the tapes in the population are more sensitive than the most sensitive tape in the sample." If so, there is some confusion between repeatability and confidence. It is inappropriate to infer from this statement that re- peatability of result was not attained for 5 percent of the tapes (and certainly not for 10 percent of the tapes).

7. Comment: The test procedure specifies use of CHR type "T" tape manufactured by The Connecticut Hard Rubber Co. This violates all procurement requirements of the Federal Governmnent and "raises a serious question of propriety in the government direction of the private sector to a sole source procurement."

The test procedure calls for the use of tape meeting certain generic specifications. For the convenience of manufacturers and others who may want to test toys for sharp edges, the Commission has footnoted the brand of tape that it intends to use in its testing. This does not mean that no other brand of tape is acceptable or that no other brand meets the specifications in the regulation.

Since manufacturers need not test at all, they are certainly not required to use a particular brand of tape. There is no valid question of propriety because the Commission did not single out one brand of tape to the exclusion of others. In addition, the references in the comment to Federal procurement requirements are inappropriate because no Federal procurement is involved.

8. Comment: It will be difficult to obtain the tape since it can be supplied by just one source.

The tape referenced in the regulation is available through a distributor network in 35 States in the United States and through 12 distributors in foreign countries. Many major cities in the United States have several distributors. The availability of this product should therefore present no difficulty to anyone who wishes to purchase it.

If anyone does have difficulty finding the tape, the Commission's Office of the Secretary can supply a list of distributors.

9. Comment: Serious consideration should be given to the durability of the tape.

If this comment refers to the consistency of results over the expected life of a roll of tape, tests conducted by the Commission on a sample of tape rolls in 1975 are relevant. Date codes on the rolls of tape in this sample showed that 5 years of production were represented. Tests conducted to observe the consistency with which tapes in the sample were cut by a standard edge did not show any noticeable aging effects. Rather than relying solely on these tests, the Commission will use tape manufactured within a time period of no longer than 2 years when it tests edges for compliance with the technical criteria.

10. Comment: Figure 1 of the regulation ("Principle of Sharp Edge Test") should specifically reference the engineering drawings on file with the Commission.

Figure 1 is intended to clarify the principle of the sharp edge test method included in the regulation. In particular, it clarifies the proper angular position of the mandrel with respect to the test edge. As long as the sharp edge test method principles are followed, any device may be used. (As stated above, manufacturers need not test at all.)

In a footnote to the proposed regulation, and now in the text of the final regulation issued below, engineering drawings for a suitable sharp edge test instrument are referenced. The Commission stresses that this is not the only suitable instrument for sharp edge testing by the Commission or by manufacturers.

In an attempt to clear up any ambiguities, the Commission has modified the device sketched in Figure 1 so that it is no longer has a handle and so that it is labeled as "any suitable device, portable or non-portable, to apply known force and rotation to mandrel."

(c) *Accessibility criteria.* 1. Consumers Union (CU) has commented in some detail about the accessibility probes that are incorporated into the test criteria at section 1500.49(c), and has suggested the following:

A. Taper the finger portion of the probe (a) to correspond with the cross sectional dimensions that vary and (b) to be equated with the 5th percentile of the respective age group.

B. Taper the transition area, from the finger to the hand, to reflect more accurately the contour of the hand. CU has stated that the values of 1.02 inches and 1.51 inches (for hand clearance in the two age groups) seem to be too large for the dimension representing the region of the hand, where the third joint of the finger joins the hand.

C. Insert the probe, during testing, into the test openings with a force representative of the amount of force that children of the respective age groups may be expected to exert.

D. Articulate the probes at the junction of the finger to the hand and at the junction of the hand to the extension.

In addition, Consumers Union does not find any realistic relationship between the minor dimension of the opening multiplied by 2¼ and the depth to which a child may insert his or her fingers, hand, and arm through an opening. Practical observations by CU indicate that a 4½-year-old child could insert his or her hand and arm a distance of 9.7 inches through a 1¾-inch-wide opening and a distance of 16.5 inches, i.e. to the shoulder (torso) through a 2-inch-wide opening. Based on these observations, the multiplication factors should be 5.5 and 8.3, respectively.

CU has concluded that the probes should be revised dimensionally and, with regard to articulation, should more accurately simulate the finger, hand, and arm of the respective age ranges of children. CU also believes that the probe should be inserted into openings under evaluation as far as possible, in all directions possible, and at all degrees of articulation. If force of insertion causes flexing that may expose sharp edges to contact, then insertion should be made with forces suitable for each age group.

For a number of reasons, the Commission does not believe that any changes in the probes or the accessibility criteria are necessary.

The development of the accessibility probes proposed in September 1977 was conducted in response to a number of comments on the January 1975 proposal. Those comments stated that any probe should be based solely on child anthropometric data and not on data which incorporated adult dimensions.

Child dimensional data were available for the fingers, hand, and arm. However, it is obvious that children in the age range of concern, 0-8 years, become larger as they get older. Therefore, the problem of setting dimensions for accessibility is a dynamic one. One must first choose a small age range for which the dimensions are desired and then decide what percentile within that group would be appropriate. It immediately becomes apparent that for a given percentile in a set of data, the selected dimension will increase as age increases.

With the above background points in mind, the Commission considered the problem of constructing a device which simulates the finger of a 95th percentile child. Since the device must have only one dimension each for length and diameter, it becomes necessary to select these single dimensions from the data. In order to construct the test device, the Commission made the following determination:

Only two probes should be used, one each for the age spans of 0-3 years and over 3 and up to 8 years. This was done in the interests of simplicity and economy. Rather than build eight probes based on data at yearly increments, the Commission decided that two probes would be sufficient to cover the age ranges. The division point of 3 years was selected to correspond with that established in the already-issued Commission use and abuse testing procedures (16 CFR 1500.50-53). To select another division point would have simply added confusion to the Commission's overall toy safety program.

The Commission believes that adoption of CU's first two suggestions would conflict with the philosophy behind the probes which is reasonable representation and simplicity. With the use of the extreme dimensions within each range there is no advantage to tapering the probes at any particular place. Tapering would not resolve the basic problem of which dimension should be required. Further, tapering the probes would add to the cost of fabrication without adding any appreciable degree of safety.

Adoption of CU's suggestion that the probe be inserted with a force appropriate to the respective age group would add substantially to the complexity of screening toys for accessible sharp edges. To accomplish this suggestion would require a force transducer in series with the probe and the suspected sharp edge. This added feature would complicate the probe and substantially raise its cost without adding any measurable degree of safety. The suggestion is therefore rejected.

With regard to articulation of the probe at the junction of the finger to the hand, very little safety would be gained for the added cost of fabrication and complexity. The existing probes have the capability of flexing through an arc of 180 degrees. The suggested change would add 90 degrees to this capability after certain engineering changes. In only one instance would this capability be useful. This would be an opening through which a child would curl his finger as in making a fist and then have sufficient strength left to puncture the skin. The Commission does not believe the situation occurs with frequency sufficient to justify the addition. For the same reason, the Commission is rejecting the suggestion for articulation at the wrist.

Finally, CU has contended that there is no rationale for the 2.25 mul-

tiplication factor with regard to large openings. This multiplication factor was derived from the ratio between a child's arm length and shoulder breadth and was found to be approximately 2.25 for children in any age group between 1 and 8 years of age. The Commission wishes to point out that if an opening is large enough to permit entry of a child's hand, the depth to which the child could reach would be equal to the child's arm length. However, in its efforts to derive accessibility criteria which are reasonable and which reflect the probable actions of the majority of children, the Commission believes that the location of sharp edges subject to the test should be related to the size of the entrance of the opening. The Commission therefore finds that the 2.25 multiplication factor is reasonable and, in the absence of further information to guide the Commission, there is no compelling argument to change the multiplication factor to another quantity.

2. Other commenters have suggested some clarifying language changes to the provision of the proposed regulation concerning inaccessible edges (section 1500.49(c)(4)). The suggestions are to add the word "inside" to the definition of the edge considered inaccessible and to delete a sentence which provides an example of an inaccessible edge.

If the Commission correctly understands these suggested language changes, their adoption could modify the substance of the regulation rather than clarify its meaning. Therefore, a discussion of the "inaccessible edge" provision of the regulation, with particular reference to Illustration 1, might be helpful as a response to the comment.

A piece of metal used in a toy, as an example, will have more than one edge if it has any appreciable thickness. In this situation, only the edge closest to the protecting surface will be considered inaccessible under this provision, if the gap between the edge and the surface is no greater than 0.020 inches. In the example sketched in Illustration 1, this would apply to Edge A, an "inside" edge. In contrast, Edge B in the illustration would be unaffected by the provision. Regardless of the size of the gap, Edge B would be considered accessible.

The Commission rejects the suggested language changes because they do not clarify the inaccessible edge provision. However, the Commission has added to the provision a second example of an inaccessible edge with the hope that it will clarify the intent and effect of the provision. The example included in the proposed regulation concerned a lap joint. The new example concerns a hemmed edge such as the one in Illustration 1.

3. Two commenters have raised as an issue the accessibility of edges on toys that are sold in an unassembled state. They suggest that the following language be added to the regulation: "Toys reasonably intended to be assembled by an adult and not intended to be taken apart by a child shall be tested only in the assembled state if the shelf package and the assembly instructions prominently indicate that the article is to be assembled only by an adult."

The identical language is contained in the Commission's use and abuse regulations (16 CFR 1500.50(b)(5)) to prescribe how the use and abuse test procedures will be applied to toys not intended to be handled in their unassembled state by children.

The sharp edge regulation addresses injuries which occur to children during their casual handling of toys. In the Commission's view, such handling does not include their assembly of a toy which is intended to be assembled by an adult. The Commission further believes that appropriate cautionary labeling will sufficiently reduce the risk posed to a child from assembly of such toys. In most cases a parent or other adult—either as a purchaser of the toy or as a supervisor of the child—can be expected to heed the warning and assemble the toy before giving it to a child under 8 years of age.

The sentence suggested by the commenters has therefore been added to § 1500.49(c)(1) of the regulation, as issued below.

(d) *Applicability.* 1. Various manufacturers and TMA have supported exemptions for various products, including: replicas of real-life devices that are neither model nor craft kits; sporting goods, camping goods, and athletic equipment; musical instruments and furniture (but not toys which are counterparts of such products); playground equipment; and kites. TMA has mentioned that its voluntary standard PS 72-76 excludes most of the above products, and has asserted that the listed products are not intended to be covered by the Commission's regulation.

The Commission, as stated clearly in the preamble to the September 1977 proposed regulation, does intend the regulation to include other articles intended for use by children under 8 years of age, as well as toys. The only intended exemptions and exclusions have been discussed in section (e) of this preamble under "Proposed Regulation." If the Commission did exempt a wide variety of products, as suggested, the purpose and effectiveness of a generic regulation would be defeated. In fact, one of the reasons for changing the "self-executing" regulatory approach was to issue a broad generic regulation that applies to nearly all of the numerous products comprising the play environment of children from birth to 8 years. In addition, the Commission has received specific reports of laceration and avulsion injuries to children under 8 years of age involving children's furniture, playground equipment, kites, and science kits.

With regard to TMA's request for an exemption for musical instruments, the Commission believes that full-size real-life musical instruments are not within the scope of the regulation, even though they could occasionally be used by children under 8 years of age. Therefore, no exemption for such instruments has been added. Toy musical instruments and real-life musical instruments that because of their smaller size are intended primarily for children under 8, however, are clearly within the scope of the regulation.

A commenter has suggested that model and craft kits be exempted from the regulation. However, as discussed in section (e) under "Proposed Regulation" in this preamble, the Commission does not believe that these products are within the scope of the regulation. An exemption for model and craft kits is therefore unnecessary.

2. TMA has requested that the regulation include a formal exemption procedure for future use. Since the regulation can be amended according to the informal notice and comment rulemaking procedures of the Administrative Procedure Act, the Commission intends that this would be the procedure for exempting any products it subsequently believes should be exempt from coverage. Any interested person may, of course, petition the Commission to amend the regulation to exempt products from coverage.

3. A trade association of the bulk vending industry has commented that many of the technical requirements would not apply to the toys with which this industry is associated. The only stated support for this view is that such toys are "quite small in order that they may be dispensed through a bulk vending machine."

The Commission fails to see any connection between size and applicability of the regulation issued below. Unless exempted or excluded for some other reason, bulk vending machine toys are subject to the regulation if they are intended for children under 8 years of age.

(e) *Preemption.* As discussed in the preamble to the September 1977 FEDERAL REGISTER proposal and as discussed in section (f) under "Proposed Regulation" in this preamble, the Commission believes that State and local regulations would not be prempted by a technical requirements regulation, as long as they use the identical technical criteria. The use of different procedures by State and local govern-

ments, including an automatic banning approach for toys not meeting the criteria, would not change this result.

Nearly all of the industry commenters disagreed with this portion of the Commission's interpretation of the preemptive effect of the regulation issued below. They cited and discussed the legislative history of the FHSA preemption provision to show the congressional intent that State and local governments should be prohibited from addressing the same risk of injury in a different manner than the Federal Government. Chaos and a severe economic impact would result from the Commission's position, in the opinion of the industry commenters.

The Commission agrees that Congress intended manufactureres to be protected from the difficult task of complying with different manufacturing criteria in different parts of the country. As Senator Moss stated, in legislative history cited by TMA in its comments, "* * * to the extent possible, manufacuturers who produce products for a national market should be require to comply with only national standards" (Cong. Rec., April 28, 1976, page 56147, Col. 3, daily edition). It is partly for this reason that the Commission interprets the FHSA preemption provision as preventing State and local governments from using nonidentical technical criteria.

Under the Commission's interpretation of preemption, manufacturers can rely on the technical criteria set forth in the regulation below. No State or locality could use differing criteria to ban, because of sharp metal or glass edges, a toy intended for children under 8 years of age. Despite the strong and articulate comments submitted by the industry, however, the Commission still does not believe that the FHSA preemption provision prohibits States and localities from using different procedures in conjunction with the technical criteria. FHSA preemption applies only to "requirements" and the Commission's two-stage banning approach is neither included in nor required by the technical requirements regulation issued below.

Nevertheless, the Commission believes that the technical requirements regulation should not be used to ban automatically all toys not meeting the technical criteria. As a matter of public responsibility and of fairness, a regulatory body should evaluate the hazard presented by any toy which fails to meet the technical criteria before banning that toy.

The Commission's two-stage banning procedure, which provides an opportunity for considering the comments of the affected industry prior to banning, guarantees this responsibility and fairness at the Federal level. The Commission strongly encourages the use of the same or similar procedures at the State and local levels prior to the banning of any toy intended for use by children under 8 years of age that contains sharp metal or glass edges.

In addition to the many commenters who disagreed with the Commission's proposed preemption position, one commenter asserted that the Commission should not discuss preemption at all. This commenter characterized the Commission's interpretation of the FHSA preemption provision as unnecessary and noted that it could lead to "confusion, disruption, and perhaps unnecessary litigation."

The Commission recognizes that its interpretation of the FHSA preemption provision would not be binding on a court in which the industry and a State or local government are litigating the preemptive effect of the regulation issued below or of any other FHSA regulation. In fact, the Commission considered the possibility of taking no position on preemption for this reason.

However, the Commission administers the FHSA and believes that it should not remain silent when a matter of FHSA statutory interpretation is affected but unresolved by a Commission action. This is especially true where the Commission has proposed a statutory interpretation and has received many public comments on it.

(f) *Effective date.* The Commission has received one comment on its proposal that the regulation become effective 365 days from the date of its publication in the FEDERAL REGISTER. A toy manufacturer has termed this proposal "an effective date that will afford a reasonable opportunity for affected manufacturers to revise their tooling and packaging." However, this manufacturer then states that, because the technical requirements for sharp edges and sharp points are inseparable, neither regulation should become effective until the other is finalized and effective. (The Commission published a sharp point regulation in final form in the FEDERAL REGISTER on December 22, 1977 (42 FR 64288) and it becomes effective on December 22, 1978.)

The Commission believes that the sharp edge and sharp point regulations are related but not "inseparable." No other manufacturer has indicated that a 1-year effective date for the regulation issued below cannot be met. The Commission still believes that a full year of lead time is ample and fair, even though the sharp point regulation will become effective prior to the effective date for the sharp edge regulation.

Accordingly, all products introduced into interstate commerce after March 26, 1979 are subject to the sharp edge regulation issued below. The Commission has incorporated into the regulation the applicable definition of introduction into interstate commerce.

(g) ECONOMIC CONSIDERATIONS

A number of commenters have claimed that the regulation will cause substantially higher retail prices for toys and that it discriminates against manufacturers of metal and glass toys.

The Commission's economics staff has surveyed the market and analyzed the expected economic impact of the sharp edge regulation on manufacturers of toys and other children's articles, including those made from metal and glass. Based on this information, contained in an April 1977 report that is available from the Office of the Secretary, the Commission believes that a wide range of products will be affected but that price increases caused by the regulation will be small. The Commission expects the economic impact of the regulation on individual manufacturers to vary, depending on such factors as the type of article produced, the size of the product line, the number of products needing production changes, and the existing state of compliance with the regulation.

Because edges made of materials other than metal and glass cannot be meaningfully evaluated by the sharp edge test method issued below, the regulation addresses only metal and glass edges. However, the National Bureau of Standards is continuing its research on sharp edges, on behalf of the Commission, in an attempt to develop a meaningful test procedure for plastics and for other materials. If and when such a procedure is available, the Commission intends to regulate edges made of materials other than metal and glass.

In issuing a regulation that extends only as far as current technology permits, the Commission does not believe that it has discriminated against the manufacturers of products covered by the regulation. The illogic of the alternative approach is clear. The Commission would have to withhold all safety regulations until it is ready to regulate simultaneously every product within its jurisdiction.

(h) *Environmental considerations.* The Commission has received no comments on the environmental impact of the regulation or on its decision that there is no need for an environmental impact statement.

(i) *Miscellaneous.* 1. TMA has suggested that the Commission reference section 2(q) of the FHSA as authority for issuing the technical requirements regulation. As TMA has pointed out, the Commission's preemption position makes clear its view that the regulation is issued for the enforcement of section 2(q). Nevertheless, the regulation is authorized by section 10(a),

which authorizes regulations "for the efficient enforcement" of the FHSA, and section 2(s), which defines articles that are "mechanical hazards." Section 2(q) defines "banned hazardous substances" and the regulation issued below does not ban any product. The suggestion is therefore rejected.

2. A consumer has questioned the need for the proposed regulation and has asserted that consumers should be free "to try different things and make their own mistakes." The Commission believes that the existing hazard data support the need to reduce the potential unreasonable risk of injury associated with certain sharp metal or glass edges on toys. Especially since children are the victims of these injuries, the Commission disagrees with the suggestion that it let consumers make their own mistakes rather than try to reduce or prevent injuries.

FINAL REGULATION

The regulation issued below addresses the hazard presented by toys, intended for children under 8 years of age, which contain sharp glass edges. This is the same hazard which the Food and Drug Administration (FDA) addressed in 1973 by proposing to ban under the FHSA certain toys or other children's articles containing glass (38 FR 9310-11, April 13, 1973). (Before the Commission was established, the FDA administered the FHSA.) Because the FDA proposal has been superseded by the regulation issued below, it is hereby withdrawn.

Although it was not the subject of any comments from the public, the Commission has noted that certain language in the regulation, as proposed in September 1977, was repetitious. The second sentence in the section 1500.49(b)(1) provision on the scope of the regulation described the application of the use and abuse tests to sample edges. Equivalent language is contained in the 1500.49(c)(1) provision on accessibility. The Commission believes that the sentence in the scope provision is unnecessary and it has been deleted from the final regulation.

In addition, the Commission restates that English figures are used throughout the regulation. Their metric approximations are included in parentheses for convenience and information only.

With the exception of the changes discussed in this preamble and editorial changes, the final technical requirements regulation is identical to the September 1977 proposal. Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(s), 10(a), 74 Stat. 378 (15 U.S.C. 1261, 1269)), in accordance with the provisions of 5 U.S.C. 553, and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-753, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a))), the Commission amends 16 CFR Part 1500 by adding a new § 1500.49, as follows:

§ 1500.49 Technical requirements for determining a sharp metal or glass edge in toys and other articles intended for use by children under 8 years of age.

(a) *Objective.* The sharp edge test method prescribed by paragraph (d) of this section will be used by the Commission in making a preliminary determination that metal or glass edges on toys and other articles intended for use by children under 8 years of age, and such edges exposed in normal use or as a result of reasonably forseeable damage or abuse of such toys and articles, present a potential risk of injury by laceration or avulsion under section 2(s) of the Federal Hazardous Substances Act (15 U.S.C. 1261(s)). The Commission will further evaluate toys and other articles with edges that are identified as presenting a potential risk of laceration or avulsion injury to determine the need for individual product regulation.

(b) *Scope*—(1) *General.* The sharp edge test of paragraph (d) of this section is applicable to toys or other articles containing metal or glass edges that are introduced into interstate commerce after March 26, 1979. Such articles manufactured outside the United States are introduced into interstate commerce when first brought within as U.S. port of entry. Such articles manufactured in the United States are introduced into interstate commerce (a) at the time of first interstate sale, or (b) at the time of first intrastate sale if one or more components and/or raw materials were received interstate, whichever occurs earlier.

(2) *Exemptions.* (i) Toys and other children's articles that are the subject of any of the following regulations are exempt from this § 1500.49: The regulations for bicycles, non-full-size baby cribs, and full-size baby cribs (Parts 1508, 1509, and 1512 of this chapter).

(ii) Toys that by reason of their functional purpose necessarily present the hazard of sharp metal or glass edges and that do not have any nonfunctional sharp metal or glass edges are exempt from this section: Provided, the toy is identified by a conspicuous, legible, and visible label at the time of any sale, as having functional sharp metal or glass edges. Examples of these are a pair of toy scissors and toy tool kits.

(iii) Articles, besides toys, intended for use by children that by reason of their functional purpose necessarily present the hazard of sharp metal or glass edges and that do not have any non-functional sharp metal or glass edges are exempt from this section. Examples of these are children's ice skates and children's cutlery.

(3) *Definitions*—(i) *Glass.* For the purpose of this regulation the Commission defines glass as a hard, brittle, amorphous substance produced by fusion, usually consisting of mutually dissolved silica and silicates that also contain soda and lime.

(ii) *Metal.* For the purpose of this regulation the Commission intends the word metal to include both elemental metals and metal alloys.

(c) *Accessibility.*—(1) *General.* Any metal or glass edge that is accessible either before or after the test of §§ 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section) are performed shall be subject to the sharp edge test of paragraph (d) of this section. Toys reasonably intended to be assembled by an adult and not intended to be taken apart by a child shall be tested only in the assembled state if the shelf package and the assembly instructions prominently indicate that the article is to be assembled only by an adult.

(2) *Accessible edges.* (i) An accessible metal or glass edge for a toy or article intended for children 3 years of age or less is one that can be contacted by any portion forward of the collar of the accessibility probe designated as probe A in Figure 2 of this section.

(ii) An accessible edge for a toy or article intended for children over 3 years and up to 8 years of age is one that can be contacted by any portion forward of the collar of the accessibility probe designated as Probe B in Figure 2 of this section.

(iii) An accessible edge for a toy or article intended for children of ages spanning both age groups is one that can be contacted by any portion forward of the collar of either Probe A or Probe B, as shown in Figure 2 of this section.

(3) *Insertion depth.* (i) For any hole, recess, or opening having a minor dimension (the minor dimension of an opening is the diameter of the largest sphere that will pass through the opening), smaller than the collar diameter of the appropriate probe, the total insertion depth for accessibility shall be up to the collar on the appropriate probe. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement.

(ii) For any hole, recess, or opening having a minor dimension larger than the collar diameter of Probe A, but less than 7.36 inches (186.9 millimeters), when Probe A is used, or a minor dimension larger than the collar diameter of Probe B, but less than 9 inches (228.6 millimeters), when Probe B is used, the total insertion depth for accessibility shall be determined by inserting the appropriate probe with the extension, shown in Figure 2, in any direction up to 2¼ times the minor dimension of the hole, recess, or opening, measured from any point in the

plane of the opening. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement.

(iii) For any hole, recess, or opening having a minor dimension of 7.36 inches (186.9 millimeters) or larger when Probe A is used, or a minor dimension of 9 inches (228.6 millimeters) or larger when Probe B is used, the total insertion depth for accessibility is unrestricted unless other holes, recesses, or openings within the original hole, recess, or opening are encountered with dimensions specified in paragraph (c)(3) (i) or (ii) of this section. In such instances, the appropriate paragraphs (c)(3) (i) or (ii) of this section shall be followed. If both probes are to be used, a minor dimension that in 7.36 inches (186.9 millimeters) or larger shall determine unrestricted access.

(4) *Inaccessible edges.* Metal or glass edges shall be considered inaccessible without testing with a probe if they lie adjacent to a surface of the test sample, and any gap between the edge and the adjacent surface does not exceed 0.020 inch (0.50 millimeter) both before and after the tests of 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section) are performed. For example, in a lap joint in which a metal edge is overlapped by a parallel surface, any burr or feather-edge on the side closest to the protecting parallel surface is considered inaccessible if the gap between the edge and the parallel surface is no greater than 0.020 inch (0.50 millimeter). As an additional example, when sheet metal has a hemmed edge a portion of the sheet adjacent to the edge is folded back upon itself, approximately 180 degrees, so that it is roughly parallel to the main sheet. Any burrs or feathering on the inside edge, the side closest to the protecting parallel surface of the main sheet, will be considered inaccessible if the gap between the inside edge and the parallel surface does not exceed 0.020 inch (0.50 millimeter).

(d) *Sharp edge test method.*—(1) *Principle of operation.* The test shall be performed with a sharp edge tester which contains a cylindrical mandrel capable of rotation at a constant velocity. (Engineering drawings for a suitable portable sharp edge test instrument are available from the Commission's Office of the Secretary.) The full circumference of the mandrel shall be wrapped with a single layer of polytetrafluoroethylene (TFE) tape as specified in paragraph (e)(3) of this section. The mandrel shall be applied to the edge to be tested with a normal force of 1.35 pounds (6 Newtons) such that the edge contacts the approximate center of the width of the tape as shown in Figure 1 of this section. The mandrel shall be rotated through one complete revolution while maintaining the force against the edge constant. Linear motion of the mandrel along the line of the edge shall be prevented. The edge shall be identified as sharp if it completely cuts through the tape for a length of not less than ½ inch (13 millimeters) at any force up to 1.35 pounds (6 Newtons).

(2) *Procedure* (i) The edge of the sample to be tested shall be held in such a manner that it does not move during the test. If the full mandrel force of 1.35 pounds (6 Newtons) causes the edge to bend, a reduced mandrel force may be used.

(ii) Part of the test sample may need to be removed to allow the sharp edge testing device to test an edge that is accessible by the criteria of paragraph (c) of this section. Such dismantling of the test sample could affect the rigidity of the edge in question. The sharp edge test shall be performed with the edge supported so that its stiffness approximates but is not greater than the edge stiffness in the assembled sample.

(iii) Conduct of a sharp edge test is as follows: Wrap one layer of polytetrafluoroethylene (TFE) tape, described in paragraph (e)(3) of this section, around the full circumference of the mandrel in an unstretched state. The ends of the tape shall be either butted or overlapped not more than 0.10 inch (2.5 millimeters). Apply the mandrel, at the approximate center of the tape, to the edge of the test sample with a force of 1.35 pounds (6 Newtons) measured in a direction at right angles to the mandrel axis. The mandrel shall be placed so that its axis is at 90 degrees ±5 degrees to the line of a straight test edge or 90 degrees ±5 degrees to a tangent at the point of contact with a curved test edge. The point of contact between the test edge and the mandrel shall be in the approximate center of the width of the tape. The axis of the mandrel may be positioned anywhere in a plane which is at right angles to either the line of a straight test edge or to a tangent at the point of contact with a curved test edge. The operator should seek the orientation most likely to cause the edge to cut the tape. Maintain the force against the edge and rotate the mandrel through one complete revolution while preventing any linear motion of the mandrel along the edge. Release the mandrel from the edge and remove the tape without enlarging any cut or causing any score to become a cut. A cut in the tape with a length of not less than ½ inch (13 millimeters) identifies an edge as sharp. (The test instruments used by the Commission in its test for compliance with the regulation will be calibrated to insure that the force with which the mandrel is applied to a test edge does not exceed 1.35 pounds.)

(e) *Specifications for sharp edge test equipment.* The following specifications shall apply to the equipment to be used in the sharp edge test described in paragraph (d) of this section:

(1) The rotation of the mandrel shall produce a constant tangential velocity of 1±0.08 inch per second (25.4±2 millimeters per second) during the center 75 percent of its rotation and shall have a smooth start and stop.

(2) The mandrel shall be made of steel. The test surface of the mandrel shall be free of scratches, nicks, or burrs and shall have a surface roughness no greater than 16 microinches (0.40 micron). The test surface shall have a hardness no less than 40 as measured on the Rockwell "C" scale, as determined pursuant to ASTM E 18-74 entitled "Standard Test Methods for Rockwell Hardness and Rockwell Superficial Hardness of Metallic Materials," published July 1974 and which is incorporated by reference in this regulation.[1]

(3) The tape shall be pressure-sensitive polytetrafluoroethylene (TFE) high temperature electrical insulation tape as described in Military Specification MIL-I-23594B (1971) which is incorporated by reference in this regulation.[1] (Copies are available from Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120.) The thickness of the poly- tetrafluoroethylene backing shall be between 0.0026 inch (0.066 millimeter) and 0.0035 inch (0.089 millimeter).[2] The adhesive shall be pressure-sensitive silicone polymer with a nominal thickness of 0.003 inch (.08 millimeter). The width of the tape shall not be less than ¼ inch (6 millimeters). While

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[1]Incorporation by reference provisions approved by the Director of the Federal Register, March 16, 1978, and copies of the incorporated material are on file in the Federal Register library. (Copies are available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.) The diameter of the mandrel shall be 0.375±0.005 inch (9.35±0.12 millimeters). The mandrel shall be of suitable length to carry out the test.

[2]The tape that the Commission will use for the sharp edge test is CHR type "T" manufactured by The Connecticut Hard Rubber Co., New and East Streets, New Haven, Conn. 06509.

conducting sharp edge tests the temperature of the tape shall be maintained between 70° F (21.1° C) and 80° F (26.6° C).

(f) For the purpose of conformance with the technical requirements prescribed by this § 1500.49, the English figures shall be used. The metric approximations are provided in parentheses for convenience and information only.

AUTHORITY: Secs. 2(s), 10(a), 74 Stat. 378 (15 U.S.C. 1261, 1269).

Dated: March 14, 1978.

SHELDON D. BUTTS,
Assistant Secretary, Consumer Product Safety Commission.

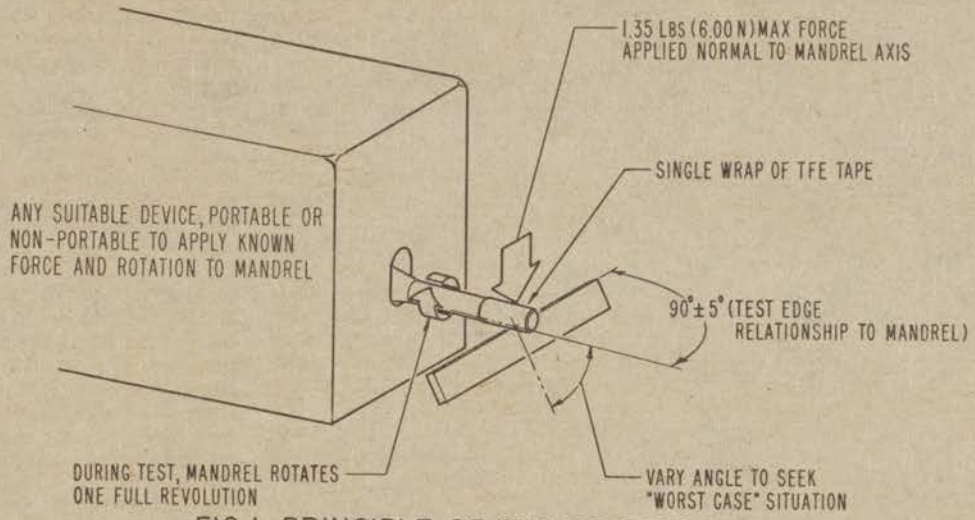
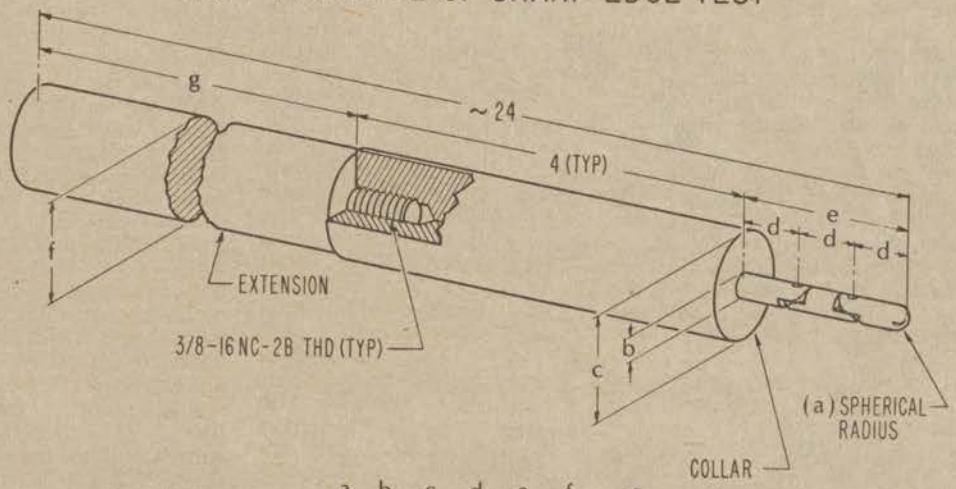


FIG 1—PRINCIPLE OF SHARP EDGE TEST



		a	b	c	d	e	f	g
(CHILDREN 0-36 MONTHS INCL)	PROBE A	110	220	1.020	577	1.731	1	18 9/32
(" 37-96 " ")	PROBE B	170	340	1.510	760	2.280	1 1/2	17 25/32

ALL DIMENSIONS IN INCHES

FIG 2—ACCESSIBILITY PROBES

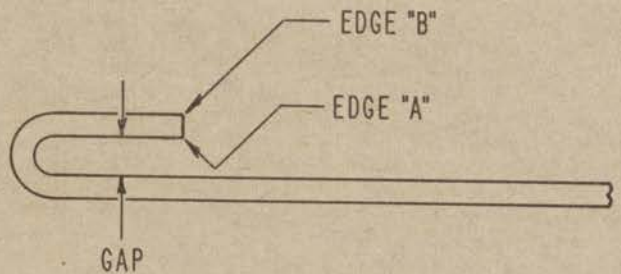


ILLUSTRATION 1—HEMMED EDGE

[FR Doc. 78-7689 Filed 3-23-78; 8:45 am]

FRIDAY, MARCH 24, 1978
PART V



federal register

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Proposed Revision for Implementation of Formula Grant Provisions

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Proposed LEAA Guideline Revision for Implementation of Formula Grant Provisions

Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et. seq., proposes to issue a revision of the State Planning Agency Grants Guideline Manual, M 4100.1F, January 18, 1977, Chapter 3, paragraphs 51 and 52.

This revision is made necessary by the Juvenile Justice and Delinquency Prevention Act Amendments of 1977 (Pub. L. 95-115) as well as the need to further emphasize the importance placed on juvenile justice and delinquency prevention by the Administration and by Congress.

The major areas of change in the 1977 Amendments, which are reflected in this revision, involve the use of Juvenile Justice formula grant funds for planning and administration purposes, formula grant matching funds, formula grant pass through requirements on the deinstitutionalization of status offenders and nonoffenders such as dependent and neglected children, provision for the confidentiality of program records, and the role of the Office of Juvenile Justice and Delinquency Prevention in formula grant development and plan review and approval.

Office of Juvenile Justice and Delinquency Prevention. Congress' concern about the role of the Office of Juvenile Justice and Delinquency Prevention in LEAA is reflected in new provisions that emphasize the intent of Congress that LEAA Juvenile programs, including the formula grants, be administered through the Office. This was evidenced by the following statement in the conference report on the amendments:

> The conferees intend that the Department of Justice fully implement section 527 of the 1974 Act so as to assure that all Crime Control Act juvenile programs are actually administered by the Administrator of the Office or at least subject to the Office's policy direction and concurrence. In this regard, it is expected, as required by the 1976 maintenance of effort amendment and by comparable language in the 1974 Act, that each Crime Control Act program component of activity, including, but not limited to, all direct assistance, all collateral assistance, and management and operations, allocate at least 19.15 percent of its resources for juvenile justice and delinquency programs. (Conference Report, Juvenile Justice Amendments of 1977, Report No. 95-368, July 27, 1977, p. 15.)

The executive head of the Office is designated as Associate Administrator of LEAA and as the Administrator of the Office of Juvenile Justice and Delinquency Prevention. The amendments provide that the Associate Administrator shall report directly to the LEAA Administrator and add the Associate Administrator to the executive schedule of Presidential appointees.

Formula Grants. The formula grant program is designed to help prevent delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to juvenile detention and correctional facilities, and to encourage a diversity of alternatives within the juvenile justice system. This is accomplished through developing, maintaining and expanding programs and services in the following areas:

1. Community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes for runaway, homeless, neglected or abused youth; group homes; halfway houses; homemaker and home health services; and any other designated community-based diagnostic, treatment or rehabilitative service.

2. Community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained at home.

3. Youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent.

4. Educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in elementary and secondary schools or in alternative learning situations.

5. Expanded use of probation and recuritment and training of probation officers, other professional and paraprofessional personnel, and volunteers to work effectively with youth.

6. Youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional assistance programs.

7. Provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means that are designed to:

(a) Reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

(b) Increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(c) Discourage the use of secure incarceration and detention.

The amendments. While reaffirming that the strengthening of families, traditional and nontraditional, is a major aim of the JJDP Act, Congress stressed additional specific priority areas in the amendments.

1. The scope of the definition of prevention programming is expanded to include all youth who would benefit from delinquency prevention services. This precludes the need to identify a youth as "in danger of becoming delinquent" in order to establish eligibility for program services.

2. A new emphasis is placed on programs and services designed to encourage a diversity of alternatives within and outside the juvenile justice system, a 24-hour intake screening, volunteer and crisis home programs, day treatment and home probation, youth advocacy programs aimed at improving services for and protecting the rights of youth and their families, and programs and activities to establish and adopt standards for the improvement of juvenile justice.

3. The special emphasis (discretionary) grant programs were amended in several respects to complement changes in the formula program, including new programs to:

(a) Develop and support programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

(b) Improve the juvenile justice system to conform to standards of due process, i.e., through implementation of existing judicial orders; and,

(c) Encourage and enable State legislators to consider and further the purposes of the fomula grant programs, both by amending State laws where necessary, and devoting greater resources to those purposes, i.e., through an incentive program.

Additionally, the amendments provided new research priorities for the Office in the following areas: To assess the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating role of recreation and the arts, and the extent and ramification of disparate treatment of youth in the juvenile justice system on the basis of sex. In addition, the amendments encourage the Office to develop and support model state legislation to implement the mandates of the formula grant program.

The integrated structure of the Office, which was designed to effectively carry out the purposes of the formula grant program, was highlighted during the reauthorization process by the following statement in the conference report:

> The conferees strongly reaffirm the original integrated approach contemplated for

the Office of Juvenile Justice and Delinquency Prevention and each of its component parts, especially as regards its Institute, which has helped to assure that the Office has avoided most of the disappointing experiences of the Crime Control Act program. (Conference Report, supra, p. 22.)

In signing the amendments, President Jimmy Carter said, in part:

One of the most serious problems that faces our country, of course, is that of rampant crime. And we know from experience and from examining the statistics that almost half of the crimes are committed by juveniles. We also realize that, unfortunately, in our country there has been an absence of adequate distinction between those juveniles who commit serious crimes * * * and those who commit crimes that are no threat to their neighbors, like being a runaway child. In many communities of our country these two kinds of crime—one serious and one not very serious—are treated the same, and young people have been incarcerated for long periods of time who have committed offenses that would not even be a crime at all if they were adults * * * This Act very wisely draws a sharp distinction between these two kinds of crime. It also encourages local administrators, states and local governments to deinstitutionalize these young people who have not committed serious crimes. (Weekly Compilation of Presidential Documents, October 10, 1977, Volume 13, No. 41, pp. 1465-66.)

It is the formula grant program which the 1977 amendments strengthened to help accomplish this Congressional and Administration priority.

It was in recognition of this goal, the proven record of the Office's integrated approach, and, unfortunately, the clear need for stability, that those intimately familiar with the program on the Senate Judiciary and the House Education and Labor Oversight Committees provided the following guidance: "It is the strong intention of the conferees that the Office of Juvenile Justice and Delinquency Prevention be retained with the Department of Justice." (Conference Report, supra, p. 22.)

To help assure that the goals of the formula grant programs are reflected as a matter of Federal Government policy, the amendments require the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the formula grant dual goals of deinstitutionalization and the separation of juvenile offenders and adults in the justice system.

These amendments are among the cornerstones of the Act and reflect the commitment of the Committee to such priorities. It is important to know whether the Federal Government is engaging in practices or providing funds for any programs or activities that are inconsistent with this commitment. (U.S. Senate Judiciary Report, supra, p. 59.)

The Office and the Council, which is chaired by the Attorney General and vice-chaired by the Administrator of the Office, intend to work diligently to assure that the Federal Government responds consistently with the formula grant priority of deinstitutionalization which the states are pursuing. It is vitally important, not solely for consistency sake, but to provide necessary resources. It is intended that this topic will be the sole item on the Council's agenda at its next meeting.

Similarly, a fiscal year 1979 priority of the Office will be to fully implement a new section 341(b) of the Act which requires close coordination between the Office and programs within the Department of Health, Education and Welfare, particularly those designed exclusively to assist status offenders such as the runaway youth programs. Coordination in the development and implementation of such programs with the formula grant program designed to deinstitutionalize status offenders is essential.

The 1977 amendments raise the minimum formula grant allocation for each State from $200,000 to $225,000 (and from $50,000 to $56,250 for the smaller territories).

Beginning with fiscal year 1979, the non-Federal matching share for planning and administration funds will be set at a minimum of 50 percent cash and the Federal contribution to these activities will be limited to a maximum of 7.5 percent, rather than 15 percent, of a State's formula grant. The aim in this regard is to streamline the planning process while targeting more action money for the key objectives of the formula grant program for the next several years, namely, compliance with section 223(a)(12) and (13). To eliminate red tape, the amendments deleted the requirement that match be provided for formula grant programs. Thus, unnecessary and complex accounting for match and buy-in will be eliminated.

In sum, beginning in fiscal year 1979, planning and administration activities will require a 50-percent cash match and funded program activities will require no match.

State advisory groups, established by the 1974 Act to advise and assist the State Planning Agency (SPA), are strengthened by the addition of new resources and responsibilities. The amendments provide that 5 percent of the minimum annual allotment of any state (i.e., $11,250) shall be available to assist the advisory group to carry out its functions. Further examples of private agency interests that may be represented on the state advisory groups were added by the amendments and provision made that at least three of the youth members must have been or currently be under the jurisdiction of the juvenile justice system.

The amendments require that a role be provided for the advisory group in plan development as well as review, that the advisory group may, upon request, advise the Governor and legislature on matters related to its functions, and shall have an opportunity for review and comment on juvenile justice and delinquency prevention grant applications submitted to the State planning agency. SPAs are given additional authority to involve the advisory group in monitoring compliance, and program review activities.

The amendments also provide that the Chairperson and at least two other citizen members of the advisory group shall be appointed to the SPA Supervisory Board and, in addition, that any SPA executive committee shall include proportional representation of advisory group/SPA agency members.

The amendments modify the requirement that 66⅔ percent of the formula grant award be passed through to units of general local government or combinations thereof by including programs of local private agencies as eligible for direct award of such funds. However, as a prerequisite it is required that the private agency have applied for and been denied funding by the cognizant local unit or combination prior to applying to the state planning agency. In a related development, the Congress made clear the relationship contemplated for the state planning agencies or local agencies regarding Office discretionary programs that "they have solely an advisory role and under no circumstances do the views of such agencies have a determinative effect. These sections were intended mainly to inform those agencies of special emphasis grants and contracts." (Senate Report, supra, p. 62.)

In 1974, States receiving Juvenile Justice and Delinquency Prevention Act funds were required to demonstrate that within 2 years after submission of the initial plan juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children are removed from juvenile detention and correctional facilities.

The key deinstitutionalization of status offenders requirement (section 223(a)(12)) is modified to extend the 2-year period for compliance to 3 years and to specify that failure to achieve compliance shall terminate a state's eligibility for funding unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement (defined as 75 percent deinstitutionalization) and has made, through appropriate executive or legislative action, an unequivocal commitment to full compliance within a reasonable time (defined as not to exceed

2 additional years). In addition, the amendments clarify that nonoffenders, such as dependent and neglected children, are within the scope of the deinstitutionalization requirement and that both status offenders and nonoffenders are within the scope of section 223(a)(13) requirement for separation of adult offenders from delinquent offenders in incarcerative institutions.

A new subpart (B) to section 223(a)(12) requires an annual report to the Associate Administrator on the State's progress toward deinstitutionalization and a review of the State's progress in meeting the goal of insuring that status offenders and nonoffenders, if placed in facilities, are placed in the least restrictive appropriate alternative, which is in reasonable proximity to the family and home community of the juvenile, and which provides services appropriate to the needs of the juvenile. Likewise, the amendments provide that the SPA submit its analysis and evaluation, including any modification and the survey of needs, to the Associate Administrator. Similarly, the Associate Administrator may prescribe additional terms and conditions to assure the effectiveness of assisted programs.

A significant new section is added by the Amendments to provide for confidentiality of program records in activities assisted by Juvenile Justice Act funds. This section restricts disclosure of program records unless otherwise authorized by law, with the consent of the service recipient or legally-authorized representative, or as necessary to perform the functions required by the Act.

Definitions Reconsidered. Although the definitions of correctional and detention facilities were developed over a several year period by the Ford Administration, working closely with the Council of State Governments and others, they are being reissued for comment. These definitions were originally issued on May 20, 1977, in M 4100.1F, Change 1, after all normal internal and external clearance procedures had been completed. Few comments were received. Subsequently, the Congress reviewed the definitions and found that they "fairly reflect Congressional expectations of the criteria to be applied in distinguishing juvenile detention and correctional facilities from other types of facilities * * *." (Senate Report, supra, p. 60.) In spite of this chronology, the Office has reluctantly concluded that an additional period of time for comment will help assure that those in the juvenile justice and child welfare field have had ample opportunity to provide the Office with specific documentation as to the impact of existing definitions.

Plain English. The Office has attempted to eliminate duplication and to consolidate all juvenile justice requirements into a single comprehensive program. In addition to eliminating unnecessary, burdensome redtape, the guidelines have been rewritten in the interest of eliminating "gobbledygook" by converting bureaucratic babble into plain English. Additionally, the total length of the guideline has been reduced significantly, and it is anticipated that the FY 79 JJDP plan submission will be targeted on the key aspects of the Act but be significantly shorter, readable and understandable. The Office solicits comments that will improve the guideline to meet these objectives, as well as pure program or policy matters.

In order to ensure that interested organizations, agencies and individuals have an opportunity to review the revised guideline, this notice and opportunity to submit written views and comments is provided as a supplement to the formal LEAA guideline clearance process provided under Title IV of the Intergovernmental Cooperation Act (Pub L. 90-577) and the Office of Management and Budget Circular No. A-85 (January 20, 1971).

Interested persons are invited to submit written comments or suggestions to Mr. John M. Rector, Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Room 442, Washington, D.C., 20531, on or before April 25, 1978.

It is therefore, proposed to revise LEAA State Planning Agency Grants Guideline Manual, M 4100.1F, January 18, 1977, Chapter 3, paragraphs 51 and 52 read as set forth below.

51. MAINTENANCE OF EFFORT REQUIREMENTS FOR JUVENILE JUSTICE UNDER THE CRIME CONTROL ACT

a. *Act Requirement.* Section 520(b) of the Crime Control Act of 1976 and section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, require that in addition to funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Administrator shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriation for the Administration for juvenile delinquency programs.

b. *Individual Level of State funding.* In order to maintain a proportionate share of the statutory maintenance level, the states will be required to allocate and expend, on a state-by-state basis, at least 19.15 percent of the total annual allocation of Parts B, C and E block grant funds for juvenile justice and delinquency prevention-related programs and projects.

c. *Basis for Assuring Maintenance Requirement.* (1) The basis for assuring individual state allocations and expenditures equal to the state's proportional share of the maintenance requirement is to establish individual state allocations equal to 19.15 percent of the total Parts B, C and E allocations to the particular state. Each state's required minimum allocation level for Fiscal Year 1979 and succeeding fiscal years is equal to 19.15 percent of the sum of its Parts B, C and E allocations of Crime Control Act funds for each year. However, individual states may allocate and expend more than the required minimum allocation on juvenile justice and delinquency prevention programs.

(2) Funds allocated to meet the maintenance of effort requirement as well as formula grants and other funds available for allocation under the State Plan will be considered in making the determination that the State Plan includes a comprehensive program for the improvement of juvenile justice as required by section 303(a).

(3) Part B funds will be presumed to be allocated to juvenile justice planning and administration activities based on a percentage of Part B funding equal to the aggregate percentage of Parts C and E funds allocated for juvenile justice programs and projects. However, individual states may document that a greater amount of Part B funds are utilized for planning and administration activities related to juvenile justice.

d. *Plan Requirement.* The State Plan must identify Parts C and E funded programs and projects related to juvenile justice and delinquency prevention and their corresponding fund allocations.

e. *Prohibition Against Reprogramming Out of Juvenile Justice Area.* There is a general prohibition against reprogramming out of the juvenile justice area. The exercise of reprogramming authority out of the juvenile justice area is therefore subject to prior LEA approval when a state has allocated more than the minimum 19.15 percent level.

52. REQUIREMENTS FOR STATE PLANNING AGENCIES PARTICIPATING IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

a. *Applicability.* The provisions of this paragraph apply to those states that have elected to participate in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (herein referred to as the JJDP Act). This paragraph now contains all of the requirements for application and receipt of funds under the JJDP Act.

(1) For those states participating in the JJDP Act, the provisions of the comprehensive program for the improvement of juvenile justice, as required by the Omnibus Crime Control

and Safe Streets Act, and the provisions of the JJDP Act are to be addressed jointly in a separate section of the comprehensive plan. The requirement of a separate juvenile section emphasizes the distinctions between the juvenile justice system and the criminal justice system, and the importance placed on juvenile justice by the Congress. Further, a separate juvenile section will facilitate review and monitoring of progress towards deinstitutionalization and separation.

(2) For those states not participating in the JJDP Act, the provisions of the comprehensive program for juvenile justice should address the requirements of the Omnibus Crime Control and Safe Streets Act.

b. *Plan Review Criteria.* The requirements of this paragraph are statutorily mandated and must be addressed. OJJDP has determined the following programmatic areas to be of critical concern: Deinstitutionalization of Status Offenders and Non-Offenders; Contact with Incarcerated Adults; Monitoring of Jails, Detention Facilities and Correctional Factilities; Advanced Techniques; Juvenile Justice Advisory Groups; and Detailed Study of Needs. Failure to fully address these programmatic areas shall result in plan disapproval. Failure to adequately address any other requirements may result in a special condition. Where indicated, an assurance is sufficient for compliance providing that no change has been made from the previous year. If a change has been made, the state shall revise and resubmit its response.

c. *Plan Supervision, Administration and Implementation*—(1) *Act Requirement.* Sections 223(a) (1) and (2) of the JJDP Act require the State Plan to designate the State Planning Agency, established under section 203 of the Crime Control Act, as the sole agency for supervising and preparation and administration of the Plan, and that the Plan contain Statisfactory evidence that the designated State Agency has or will have authority to implement the Plan.

(2) *Plan Requirement.* The State Planning Agency shall provide assurances:

(a) That it is the sole agency for plan administration and has the authority to carry out the mandate of the JJDP Act. If the SPA does not currently have such authority, indicate the steps to be taken to give it such authority.

(b) That, if an administrative mechanism other than the SPA is utilized for implementation of the Act, the SPA shall set forth a procedure for management of the Juvenile Justice Action Program by that implementing agency.

(c) That it will facilitate the coordination of human services to youth and their families to insure effective delinquency prevention and treatment programs.

d. *Planning and Administration of Funds*—(1) *Act Requirement.* Section 222(c) of the JJDP Act requires that a portion of any allotment to any state under this part shall be available to develop a State Plan or for other preaward activities associated with such State Plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ percent of the total annual allotment of the state shall be available for such purposes, except that any amount expended or obligated by such state, or by units of local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such state or by such units or combination, from state or local funds, as the case may be. The state shall make available needed funds for planning and administration within the state on an equitable basis.

(2) *Plan Requirement.* The state shall:

(a) Indicate on Attachment A the amount of planning and administration funds to be utilized by units of general local government. Planning and administration funds shall not exceed 7½ percent of the total JJDP award and must be matched on a dollar for dollar basis. Cash match must be provided.

(b) Describe the formula and rationale to be used in making available on an equitable basis an appropriate amount of its JJDP planning and administration funds to units of general local government.

(c) List the local planning units and specify the amount of planning and administration funds to be made available to them.

(d) Describe the procedure used to make local planning units directly aware of their eligibility for JJDP planning and administration funds, and the SPA's timetable for announcement and award of JJDP local planning and administration funds.

e. *Juvenile Justice Advisory Group*—(1) *Act Requirement.* (a) Section 223(a)(3) of the JJDP Act requires that the State Plan provide for the appointment of an advisory group by the chief executive of the state. Section 223(a)(3)(A) through (E) describes the eligibility criteria for membership and the overall composition of the juvenile justice advisory group which shall:

(*1*) Consist of not less than twenty-one and not more than thirty-three persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency for the administration of juvenile justice.

(*2*) Include representation of units of local government, law enforcement, correction or probation personnel, and juvenile or family court judges and public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, or youth services departments.

(*3*) Include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice education or social services for children which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with specialized experience regarding the problem of learning disabilities; and organizations which represent employees affected by this Act.

(*4*) Not have a majority of its members (including the chairperson) employed full-time with Federal, state, or local government.

(*5*) Have at least one-third of its members appointed to the board prior to their 26th birthday, at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system.

(b) Section 223(a)(3)(F) specifies the roles and responsibilities of the advisory group. The advisory group shall:

(*1*) Participate in the development and review of the state's juvenile justice plan prior to submission to supervisory board for final action.

(*2*) Consistent with the provisions of Title II of the JJDP Act, advise the State Planning Agency and the supervisory board.

(*3*) Have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State Planning Agency other than those subject to review by the state's judicial planning committee established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group and shall be given a role in:

(*a*) Monitoring state compliance with requirements of paragraph (13).

(*b*) Advising on State Planning Agency and regional supervisory board composition.

(c) Advising on the state' maintenance of effort under section 261(b) and section 520(b) of the Crime Control Act, as amended.

(*d*) Reviewing the progress and accomplishments of juvenile justice and

delinquency prevention projects funded under the comprehensive State Plan.

(e) Advising the Governor and Legislature on matters related to its function.

(2) *Plan Requirement.* The state shall demonstrate that the provisions of section 223(a)(3), related to the composition and roles and responsibilities of the advisory group, have been met by:

(a) Providing a list of all current advisory group members indicating their respective dates of appointment, and a description of how each current member meets the membership requirements specified in paragraph 52e(1).

(b) Indicating the roles, responsibilities and activities of the advisory group with respect to those duties listed in paragraph 52(e)(1)(b).

f. *Advisory Group Allotment*—(1) *Act Requirement.* Section 222(e) of the JJDP Act requires that 5 percent of the minimum annual allotment to any State under Part B of the Act be available to assist the advisory group established under section 223(a)(3). For purposes of computing the 5 percent allotment, the following procedures shall be used.

(a) Each state shall allocate $11,250 and the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands shall allocate $2,812.50. These funds are not to be part of the maximum 7½ percent monies set aside for planning and administration funds. The maximum 7½ percent funds for planning and administration is calculated on the total formula grant award.

(b) The funds allocated to the advisory groups may be used for such function and responsibilities consistent with Section 223(a)(3) of the JJDP Act. Funds allocated to the advisory group shall not supplant any funds currently allocated to them.

(c) The 5 percent allotment does not preclude the state from providing additional financial and technical assistance to the advisory groups. However, the provision of any additional funds for the advisory group shall be consistent with the approved JJDP Act Plan and must be from planning and administration monies unless the funded activities are of a program or project nature.

(2) *Plan Requirement.* Describe the steps taken to notify the advisory group of this requirement. The advisory group shall develop a plan for the utilization of these funds which, upon review by the state, shall be submitted as a part of the comprehensive plan. Indicate the amount of funds allocated to the advisory group.

g. *Consultation with and Participation of Units of General Local Government.*—(1) *Act Requirement.* Section 223(a)(4) and (6) of the JJDP Act require that the state provide for active consultation with an participation of units of general local government, or combinations thereof, in the development of a State Plan which adequately takes into account the needs and requests of the units of general local government. Nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the state from making grants to, or entering into contracts with local private agencies or the advisory group. The state shall assign responsibility for the preparation and administration of the local government's part of a State Plan to that agency within the local government structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this Act and shall provide for supervision of the programs funded under this part by that local agency.

(2) *Plan Requirement.* The state shall provide assurance that:

(a) The Chief Executive Officer of a unit of general local government has assigned responsibility for the preparation and administration of its part of the State Plan.

(b) The state recognizes, consults with, and incorporates the needs of units of general local government into the State Plan.

h. *Participation of Private Agencies.*—(1) *Act Requirement.* Section 223(a)(9) of the JJDP Act requires in part that the State provide for the active consultation with and participation of private agencies in the development and execution of the State Plan.

(2) *Plan Requirement.* The state shall provide assurance that private agencies have been actively consulted and allowed to participate in the development and execution of the State Plan.

i. *Pass-Through Requirement.*—(1) *Act Requirement.* Section 223(a)(15) of the JJDP Act requires that at least 66⅔ percent of funds received by the state under Section 222, other than funds made available to the State Advisory Group under Section 222(e) shall be expended through:

(a) Programs of units of general local government insofar as they are consistent with the State Plan.

(b) Programs of local private agencies, to the extent such programs are consistent with the State Plan, except that direct funding of the local private agency by a state shall be permitted only if such agency requests funding after it has applied for and been denied funding by the cognizant unit of general local government or combination thereof.

(2) *Plan Requirement.* The state must specify the amount and percentage of funds to be passed through the units of general local government and local private agencies. Local private agency is defined as a private nonprofit agency or organization that provides program services within an identifiable unit of general local government or combination thereof.

(3) *Inclusion and Compilation of Pass-Through.* Formula grant funds made available to units of general local government by the State Planning Agency for planning and administration purposes, as well as program purposes, may be included in calculating the amount of funds to be expended through programs of units of general local government. Formula grant funds made available to private agencies for programs that are consistent with the State Plan, after the agency has been denied funding by a unit of general local government, shall also be included in compilation of the pass-through. In instances where funding is distributed directly by the State Planning Agency, a private agency need not first apply to a unit of general local government for funding. These funds can also be included as pass-through. In addition, if a unit of general government receives pass-through funds from the state and, in turn, refuses to fund a project submitted by a private agency, the state can reduce the local award if it funds the project.

(4) *Waiver of Pass-Through Requirements.* The Administrator of OJJDP is authorized to waive the pass-through requirement for any state upon making a determination that the state's services for delinquent or other youth are organized primarily on a statewide basis. Upon granting the waiver, the Administrator of OJJDP shall substitute a pass-through requirement representative of the proportion of services organized primarily on a statewide basis. In making the determination under this section, the Administrator of OJJDP will examine the state's total program of juvenile justice and delinquency prevention, including the entire range of available youth services. A request for waiver must be accompanied by a statement setting forth the following:

(a) The extent of implementation of juvenile justice and delinquency prevention programs at the state level and at the local level.

(b) The extent of financial responsibility for juvenile delinquency programs borne at the state level and at the local level.

(c) The extent to which services provided by the state or direct outlays by the state are made for or on behalf of local governments (as opposed to statewide services.)

(d) The approval of the State Planning Agency Supervisory Board.

(e) Specific comments from local units of government which express their position regarding the waiver.

j. *Rights of Privacy for Recipients of Services*—(1) *Act Requirement.* Section 223(a)(16) requires that the state shall provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State Plan.

(2) *Plan Requirement.* As set forth in Section 229 of the JJDP Act, the state shall provide documentation that procedures have been established to ensure that programs funded by LEAA and OJJDP shall not disclose program records containing the identity of individual juveniles except with the consent of the service recipient or legally authorized representative. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.

k. *Equitable Arrangements for Employees Affected by Assistance Under this Act*—(1) *Act Requirement.* Section 223(a)(17) requires that the State Plan provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under the Act. The Act further specifies the provisions which must be included in such protective arrangements.

(2) *Plan Requirement.* The state must provide assurance that all terms and conditions for protective arrangements of employees affected by the JJDP Act are established.

1. *Deinstitutionalization of Status Offenders and Non-Offenders*—(1) *Act Requirement.* (a) Section 223(a)(12)(A) of the JJDP Act requires that within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(b) Section 223(a)(12)(B) of the JJDP Act provides that the state shall submit annual reports to the Administrator of OJJDP containing a review of the progress made by the state to achieve deinstitutionalization of juveniles described in subparagraph (A) of 223(a)(12) and a review of the progress made by the state to provide that juveniles, if placed in facilities, are placed in facilities which (1) are the least restrictive alternatives appropriate to the needs of the child and the community; (2) are in reasonable proximity to the family and home communities of such juveniles; and (3) provide the services described in Section 103(1) of the JJDP Act.

(c) Section 223(c) of the JJDP Act states that failure to achieve compliance with Section 223(a)(12)(A) within the three-year time limitation shall terminate any state's eligibility for formula grant funds unless the LEAA Administrator, with the concurrence of the Administrator of OJJDP, determines that the state is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.

(2) *Status offenders* are juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult. Further classification defining this term for purposes of monitoring and reporting, as required in Section 223(a)(12)(B) and 223(A)(14) of the Act, can be found in "Status Offenders: A Working Definition," published under an OJJDP grant by the Council of State Governments.

(3) *Plan Requirement.* (a) Describe in detail the state's specific plan, procedure, and time-table for assuring that within three years of the date of its initial plan submission, that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(b) This plan must also include a description of the barriers, including financial, legislative, judicial and administrative, faced by the state in achieving full compliance with the provisions of this paragraph.

(c) All barriers discussed in 521(3)(b) shall be accompanied by a description of the technical assistance needed to overcome these barriers. The description of technical assistance needs shall include the recipient's name and the type of technical assistance needed.

(d) Reports required under Section 223(a)(12)(B) of the JJDP Act shall be submitted as part of the annual monitoring report required by paragraph 52n.

m. *Contact with Incarcerated Adults.*—(1) *Act Requirement.* Section 223(a)(13) of the JJDP Act requires that juveniles alleged to be or found to be delinquent, and youths within the purview of Section 223(a)(12)(A), shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

(2) *Purpose.* This provision is intended to assure that juveniles alleged to be or found to be delinquent, status offenders and non-offenders, if detained or confined in jails, lockups, detention or correctional facilities, shall not have regular contact with adult inmates, including inmate trustees.

(3) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each state in light of the constraints on immediate implementation to be described below. In addition, OJJDP encourages states to implement programs and procedures resulting in total separation of juveniles from adults, consistent with Section 223(a)(10)(H) of the JJDP Act.

(4) *Regular Contact.* The State Plan must provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. This prohibition against "regular contact" permits no more than haphazard or accidental contact between juveniles and incarcerated adults so as to effect absolute separation.

(5) *Plan Requirement.* (a) Describe in detail the state's specific plan and procedure for assuring that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders will be removed from any institution in which they could have regular contact with incarcerated adults. In addition, a specific timetable for compliance shall be included. Any deviation from a previously approved time-table shall be justified.

(b) In those isolated instances where juvenile criminal type offenders remain confined in adult facilities or facilities where adults are confined, the state must set forth in detail the procedures for assuring no regular contact between such juveniles and adults for each jail, lockup and detention and correctional facility.

(c) Describe the barriers, including physical, judicial, fiscal, and legislative which may need to be altered to permit removal and separation of juveniles alleged to be or found to be delinquent, status offenders and non-offenders, from incarcerated adults in any particular jail, lockup, detention or correctional facility. The state must submit a plan for removing these constraints so that the various institutions can comply with the provisions of the JJDP Act.

(d) All barriers discussed in 52m(5)(c) shall be accompanied by a description of the technical assistance needed to overcome these barriers. The description of technical assistance needs shall include the recipient's name and type of technical assistance needed.

(e) The State must assure that juveniles alleged to be or found to be delinquent are not reclassified as adults in order to avoid the intent of segragating adults and juveniles in correctional facilities.

n. *Monitoring of Jails, Detention Facilities, and Correctional Facilities.*—(1) *Act Requirement.* Section 223(a)(14) requires that the State shall provide for an adequate system of monitoring jails, detention facilities, correctional facilities and nonsecure facilities to insure that the requirements of paragraph (12)(A) and paragraph (13) are met, and for annual reporting of the results of such monitoring to the OJJDP Administrator.

(2) *For purposes of monitoring,* a juvenile detention or correctional facility is:

(a) any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders; or

(b) Any public or private facility used primarily (more than 50 percent of the facilities population during any consecutive 30-day period) for the lawful custody of accused or adjudicated criminal type offenders, even if the facility is nonsecure; or

(c) Any public or private facility that has the bed capacity to house 20 or more accused or adjudicated juvenile offenders or nonoffenders, even if the facility is nonsecure, unless used exclusively for the lawful custody of status offenders or nonoffenders, or is community-based; or

(d) Any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or convicted criminal offenders.

(3) *Plan Requirement.* (a) The State shall indicate how it plans, on an annual basis, to identify all juvenile detention and correctional facilities which can be used for the detention and confinement of juvenile offenders and adult criminal offenders. This includes those facilities owned and/or operated by public and private agencies.

(b) The State shall provide a plan for an annual onsite inspection of juvenile detention and correctional facilities and facilities which can be used for the detention and confinement of juvenile offenders and adult criminal offenders identified in paragraph 51n(3)(a). Such plan shall include the procedure for reporting and investigating compliance complaints with sections 223(a) (12) and (13).

(c) The State shall present a list of facilities identified under paragraph 52n(3)(a), a brief description of the facility, and the agency responsible for the onsite inspection.

(d) The State shall include a description of the technical assistance needed to fully implement the provisions of paragraph 52n.

(4) *Reporting Requirement.* The State shall make an annual report to the Administrator of OJJDP on the results of monitoring for both sections 223(a) (12) and (13) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year. The monitoring report must indicate the results of monitoring for both sections 223(a) (12) and (13) of the JJDP Act and demonstrate the extent of the State's compliance with its plan, procedure and timetable for the implementation of these sections of this Act.

(a) To demonstrate the extent of the State's compliance with section 223(a)(12)(A) of the JJDP Act, the report must include the following information for both the baseline and the current reporting periods.

1 Dates of baseline and current reporting period.

2 Total number of public and private juvenile detention and correctional facilities and the number inspected onsite.

3 Total number of accused status offenders and nonoffenders who were held in any correctional, detention or secure facility as defined in paragraph 52n(2) for longer than 24 hours.

4 Total number of adjudicated status offenders and nonoffenders held in any correctional, detention or secure facility as defined in paragraph 52n(2).

(b) To demonstrate the progress and extent of the State's compliance with section 223(a)(13) of the JJDP Act, the report must include the following information for both the baseline and the current reporting periods.

1 Date designated as to when full compliance will be achieved.

2 Total number of facilities which can be used for the secure detention and confinemnent of both juvenile offenders and adult offenders.

3 Total number of facilities which were used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months.

4 Total number of facilities which were used for the secure detention and confinement of both juvenile offenders and adult criminal offenders inspected onsite and by whom.

(c) To demonstrate compliance with section 223(a)(12)(B) of the JJDP Act, the report must include the number of accused and adjudicated nonoffenders who are placed in facilities which are not in their home community and are the least restrictive appropriate alternative.

(5) *Compliance.* It is incumbent on a State to demonstrate that it has achieved compliance with sections 223(a)(12)(A) and (13) of the Act. Should a State fail to demonstrate substantial compliance by the end of the 3-year time frame, their eligibility for formula grant funding shall terminate.

o. *Detailed Study of Needs and Utilization of Existing Programs.*—(1) *Act Requirement.* Sections 223(a)(8) and 223(a)(9) of the JJDP Act require that the State set forth a detailed study of the State needs for an effective, comprehensive approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. The State is also required to provide an itemized cost for the development and implementation of programs to meet these needs. Further, the State shall provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State.

(2) *Plan Requirement.*—(a) *Detailed Study.* The State shall conduct a detailed study of the juvenile justice system. This study shall be summarized in the plan and include: An analysis of the juvenile crime for part I offenses and analysis of the status offenses and nonoffenses such as dependency and neglect; a listing and analysis of problems confronting the juvenile justice system; a description of the existing juvenile justice system; and a listing of the available resources to meet the delinquency and juvenile justice problems which confront the State and its subunits. These requirements correspond to the process described in paragraphs 34, 35, 36, 37 and 39 of M 4100.1F. The end product shall be a series of prioritized problem statements which reflect an analysis of the data, monitoring reports and requirements of the JJDP Act. The prioritized problem statements shall be the basis for the development of the Annual Action Program. The Juvenile Annual Action Programs shall follow the format described in paragraph 42 of M 4100.1F.

(b) *Utilization of Programs.* The State shall provide a brief description of all existing programs in the State for youth and how the activities of these programs are, or will be, coordinated. A program is defined as a major gouping or classification of projects designed to reach the same objective.

p. *Equitable Distribution of JJ Funds and Assistance to Disadvantaged Youth.*—(1) *Act Requirement.* Sections 223 (7) and (15) require that the State shall provide for an equitable distribution of funds received under section 222 within the State, and that equitable assistance be available to disadvantaged youth, particularly females, minority youth, and mentally retarded or emotionally handicapped youth.

(2) *Plan Requirement.* The State shall provide assurance that:

(a) Procedures developed by the State to insure equitable distribution of JJDP Act formula grant money are adhered to.

(b) The needs of disadvantaged youth have been analyzed in the De-

tailed Study of Needs and that assistance will be available on an equitable basis. All subgrantees and contractors shall comply with General Grant Conditions and assurances regarding nondiscrimination. See appendix 4.

(c) The State has developed and adheres to procedures by which grievances relating to equitable distribution of funds and equitable assistance to disadvantaged youth may be filed and considered.

q. *Standards and Priorities for Juvenile Justice and Delinquency Prevention.*—(1) *Act Requirement.* Section 102(a)(5) establishes that one of the purposes of the Act is to develop and encourage the implementation of national standards for the administration of Juvenile justice, including recommendations for administrative, budgetary and legislative action at the Federal, State, and local levels to facilitate adoption of Standards.

(2) *Plan Requirement.*—(a) *Description of Standards.* The State shall provide either a copy of its JJ Standards or reference to the document which contains those Standards.

(b) *Standards Development Process.* The State shall describe the processes it has used or will use to develop, adopt and disseminate state JJ Standards and indicate the role of the Juvenile Justice Advisory Group in these activities. Included in the Standards development process must be a review and consideration of the Standards recommended pursuant to section 247 of the JJDP Act.

c. *Establishment of Implementation Priorities.* The State shall identify the Standards which have been established as priority areas for implementation. Describe the process by which these priorities were or will be established and the Juvenile Justice Advisory Group's role in that process. Indicate what action is being taken by the state to implement those Standards in this year's Annual Action Program.

r. *Advanced Techniques.*—(1) *Act Requirement.* Section 223(a)(10) of the JJDP Act requires that not less than 75 percent of the funds available to the States under section 222, other than funds made available to the State Advisory Group under section 222(e), whether expended directly by the State, by the unit of general local government, or a combination thereof, or through contracts or grants with public or private agencies, shall be used for advanced techniques such as those described in section 223(a)(10), as well as those used in developing, maintaining and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to juvenile detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, and to improve services and protect the rights of juveniles affected by the juvenile justice system.

(2) *Plan Requirement.* The State must clearly demonstrate in its Plan that at least 75 percent of the juvenile justice and delinquency prevention funds shall be used for projects which are designed to deinstitutionalize juveniles, separate juvenile and adult offenders, monitoring, and advocacy programs aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system.

s. *Analytical and Training Capacity.*—(1) *Act Requirement.* Section 223(a) (11) and (20) require that the State develop an adequate research, training and evaluation capacity and provide a review of the comprehensive plans, at least annually, to be submitted to the administrator of OJJDP. The review shall include analysis and evaluation of the effectiveness of the program and activities carried out under the Plan, and any modifications in the Plan, including the survey of State and local needs which it considers necessary.

(2) *Plan Requirement.* The State shall indicate its capacity to conduct research, training and evaluation and shall provide an analysis of the effectiveness of the Plan it submitted 2 years ago, as described above.

t. *Continuation Support*—(1) *Act Requirement.* Section 228(a) of the JJDP Act states that, in accordance with criteria established by the Administrator of OJJDP, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

(2) *Plan Requirement.* (a) The State shall provide assurances that all programs that receive a satisfactory yearly evaluation shall continue to receive financial assistance at the same level as their initial application.

(b) *Termination.* An award may be terminated if:

1 The level of Federal funding to the State under the JJDP Act is decreased materially, or

2 The applicant fails to comply with the terms and conditions of the award, or

3 The applicant fails to receive a satisfactory yearly evaluation.

(c) *Satisfactory Yearly Evaluation.* For purposes of this section, the term "satisfactory yearly evaluation" shall refer to a project meeting its approved goals and objectives. Project goals and objectives should be consistent with the goals and objectives of the program from which it is funded.

u. *Other Terms and Condition.*—(1) *Act Requirement.* Section 223(a)(21) states that the State plan shall contain other conditions and terms which the Administrator of OJJDP may reasonably prescribe to assure the effectiveness of programs supported by JJDP Act funds.

(2) *Plan Requirement.* States shall provide a list of all delinquency projects funded under the prior year's approved plan. This includes projects funded with JJDP funds as well as Crime Control maintenance of effort funds. This list shall include the project title, a brief summary and the level of funding.

DEFINITIONS RELATING TO PARAGRAPH 52 SPECIAL REQUIREMENTS FOR PARTICIPATION IN FUNDING UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

1. *Juvenile Offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

2. *Criminal-Type Offender.* A juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

3. *Status Offender.* A juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

4. *Nonoffender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other legally prohibited conduct of the juvenile.

5. *Accused Juvenile Offender.* A juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

6. *Adjudicated Juvenile Offender.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

5. *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

6. *Facility, Secure.* One which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

7. *Facility, Nonsecure.* A facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

8. *Community-Based.* Facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

9. *Lawful Custody.* The exercise of care, supervision and control over a juvenile or nonoffender pursuant to the provisions of the law or of a judicial order or decree.

10. *Exclusively.* As used to describe the population of a facility, the term "exclusively" means that the facility is used only for a specifically described category of juvenile to the exclusion of all other types of juveniles.

11. *Criminal Offender.* An individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

JOHN M. RECTOR,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 78-7779 Filed 3-23-78; 8:45 am]

FRIDAY, MARCH 24, 1978
PART VI



federal register

THE PRESIDENT

■

IMPROVING GOVERNMENT REGULATIONS

EXECUTIVE ORDER 12044

presidential documents

Title 3—The President

[3195-01]

Executive Order 12044 • **March 23, 1978**

Improving Government Regulations

As President of the United States of America, I direct each Executive Agency to adopt procedures to improve existing and future regulations.

SECTION 1. *Policy.* Regulations shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments.

To achieve these objectives, regulations shall be developed through a process which ensures that:

(a) the need for and purposes of the regulation are clearly established;

(b) heads of agencies and policy officials exercise effective oversight;

(c) opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public;

(d) meaningful alternatives are considered and analyzed before the regulation is issued; and

(e) compliance costs, paperwork and other burdens on the public are minimized.

SEC. 2. *Reform of the Process for Developing Significant Regulations.* Agencies shall review and revise their procedures for developing regulations to be consistent with the policies of this Order and in a manner that minimizes paperwork.

Agencies' procedures should fit their own needs but, at a minimum, these procedures shall include the following:

(a) *Semiannual Agenda of Regulations.* To give the public adequate notice, agencies shall publish at least semiannually an agenda of significant regulations under development or review. On the first Monday in October, each agency shall publish in the FEDERAL REGISTER a schedule showing the times during the coming fiscal year when the agency's semiannual agenda will be published. Supplements to the agenda may be published at other times during the year if necessary, but the semiannual agendas shall be as complete as possible. The head of each agency shall approve the agenda before it is published.

At a minimum, each published agenda shall describe the regulations being considered by the agency, the need for and the legal basis for the action being taken, and the status of regulations previously listed on the agenda.

Each item on the agenda shall also include the name and telephone number of a knowledgeable agency official and, if possible, state

whether or not a regulatory analysis will be required. The agenda shall also include existing regulations scheduled to be reviewed in accordance with Section 4 of this Order.

(b) *Agency Head Oversight.* Before an agency proceeds to develop significant new regulations, the agency head shall have reviewed the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation.

(c) *Opportunity for Public Participation.* Agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations. They shall consider a variety of ways to provide this opportunity, including (1) publishing an advance notice of proposed rulemaking; (2) holding open conferences or public hearings; (3) sending notices of proposed regulations to publications likely to be read by those affected; and (4) notifying interested parties directly.

Agencies shall give the public at least 60 days to comment on proposed significant regulations. In the few instances where agencies determine this is not possible, the regulation shall be accompanied by a brief statement of the reasons for a shorter time period.

(d) *Approval of Significant Regulations.* The head of each agency, or the designated official with statutory responsibility, shall approve significant regulations before they are published for public comment in the FEDERAL REGISTER. At a minimum, this official should determine that:

(1) the proposed regulation is needed;

(2) the direct and indirect effects of the regulation have been adequately considered;

(3) alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) public comments have been considered and an adequate response has been prepared;

(5) the regulation is written in plain English and is understandable to those who must comply with it;

(6) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) the name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) a plan for evaluating the regulation after its issuance has been developed.

(e) *Criteria for Determining Significant Regulations.* Agencies shall establish criteria for identifying which regulations are significant. Agencies shall consider among other things: (1) the type and number of individuals, businesses, organizations, State and local governments affected; (2) the compliance and reporting requirements likely to be involved; (3) direct and indirect effects of the regulation including the effect on competition; and (4) the relationship of the regulations to those of other programs and agencies. Regulations that do not meet an agency's criteria for determining significance shall be accompanied by a statement to that effect at the time the regulation is proposed.

SEC. 3. *Regulatory Analysis.* Some of the regulations identified as significant may have major economic consequences for the general economy, for individual industries, geographical regions or levels of government. For these regulations, agencies shall prepare a regulatory analysis. Such an analysis shall involve a careful examination of alternative approaches early in the decision-making process.

The following requirements shall govern the preparation of regulatory analyses:

(a) *Criteria.* Agency heads shall establish criteria for determining which regulations require regulatory analyses. The criteria established shall:

(1) ensure that regulatory analyses are performed for all regulations which will result in (a) an annual effect on the economy of $100 million or more; or (b) a major increase in costs or prices for individual industries, levels of government or geographic regions; and

(2) provide that in the agency head's discretion, regulatory analysis may be completed on any proposed regulation.

(b) *Procedures.* Agency heads shall establish procedures for developing the regulatory analysis and obtaining public comment.

(1) Each regulatory analysis shall contain a succinct statement of the problem; a description of the major alternative ways of dealing with the problem that were considered by the agency; an analysis of the economic consequences of each of these alternatives and a detailed explanation of the reasons for choosing one alternative over the others.

(2) Agencies shall include in their public notice of proposed rules an explanation of the regulatory approach that has been selected or is favored and a short description of the other alternatives considered. A statement of how the public may obtain a copy of the draft regulatory analysis shall also be included.

(3) Agencies shall prepare a final regulatory analysis to be made available when the final regulations are published.

Regulatory analyses shall not be required in rulemaking proceedings pending at the time this Order is issued if an Economic Impact Statement has already been prepared in accordance with Executive Orders 11821 and 11949.

SEC. 4. *Review of Existing Regulations.* Agencies shall periodically review their existing regulations to determine whether they are achieving the policy goals of this Order. This review will follow the same procedural steps outlined for the development of new regulations.

In selecting regulations to be reviewed, agencies shall consider such criteria as:

(a) the continued need for the regulation;

(b) the type and number of complaints or suggestions received;

(c) the burdens imposed on those directly or indirectly affected by the regulations;

(d) the need to simplify or clarify language;

(e) the need to eliminate overlapping and duplicative regulations; and

(f) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

Agencies shall develop their selection criteria and a listing of possible regulations for initial review. The criteria and listing shall be published for comment as required in Section 5. Subsequently, regulations selected for review shall be included in the semiannual agency agendas.

SEC. 5. *Implementation.*

(a) Each agency shall review its existing process for developing regulations and revise it as needed to comply with this Order. Within 60 days after the issuance of the Order, each agency shall prepare a draft report outlining (1) a brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review. This report shall be published in the FEDERAL REGISTER for public comment. A copy of this report shall be sent to the Office of Management and Budget.

(b) After receiving public comment, agencies shall submit their revised report to the Office of Management and Budget for approval before final publication in the FEDERAL REGISTER.

(c) The Office of Management and Budget shall assure the effective implementation of this Order. OMB shall report at least semiannually to the President on the effectiveness of the Order and agency compliance with its provisions. By May 1, 1980, OMB shall recommend to the President whether or not there is a continued need for the Order and any further steps or actions necessary to achieve its purposes.

SEC. 6. *Coverage.*

(a) As used in this Order, the term regulation means both rules and regulations issued by agencies including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

(b) This Order does not apply to:

(1) regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);

(2) regulations issued with respect to a military or foreign affairs function of the United States;

(3) matters related to agency management or personnel;

(4) regulations related to Federal Government procurement;

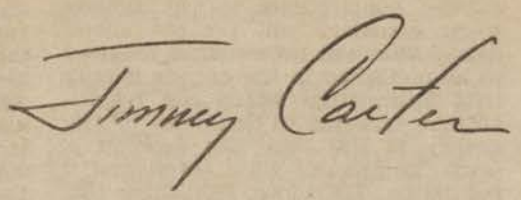
(5) regulations issued by the independent regulatory agencies; or

(6) regulations that are issued in response to an emergency or which are governed by short-term statutory or judicial deadlines. In these cases, the agency shall publish in the FEDERAL REGISTER a statement of the reasons why it is impracticable or contrary to the public interest for the agency to follow the procedures of this Order. Such a statement shall include the name of the policy official responsible for this determination.

SEC. 7. This Order is intended to improve the quality of Executive Agency regulatory practices. It is not intended to create delay in the process

or provide new grounds for judicial review. Nothing in this Order shall be considered to supersede existing statutory obligations governing rulemaking.

SEC. 8. Unless extended, this Executive Order expires on June 30, 1980.



THE WHITE HOUSE,
March 23, 1978.

[FR Doc. 78-8091 Filed 3-23-78; 12:58 pm]

SUMMARY AND ANALYSIS OF PUBLIC COMMENTS

The draft Executive order on Improving Government Regulations was published for public comment on November 18, 1977. It received an enthusiastic response from the public. Almost unanimously, comments urged action to improve the quality of Federal regulations. People were especially appreciative of the opportunity to comment on a draft Executive order. Letters were received from over 350 individuals and organizations offering many helpful suggestions for changes in the order, and the order has been revised accordingly.

Some respondents pointed out that a basic cause of regulatory problems is legislation that leads to over regulation and instances of overlapping and conflicting regulatory requirements. They, therefore, believe that the Executive order is not addressing the basic cause of the regulatory problem.

We agree that there is no single reform initiative that can address all of the problems created by the regulatory system. Legislative changes are an important part of regulatory reform and that is why President Carter has emphasized the need for legislative action in areas such as transportation regulation. However, many important administrative changes are also needed. This Executive order provides the framework for administrative reform.

The order contains both specific requirements, such as the publication of a semiannual agenda of regulations, and general policy guidance, such as the need to expand the opportunities for public comment. The order attempts to balance the need for clear instructions and common procedures with the flexibility agencies require to design their own procedures and avoid unnecessary delays and paperwork.

The responses to publication of the draft order have been very informative. The public is strongly encouraged to take advantage of the expanded opportunities for participation in the development of regulations afforded by this order. Public comment on the internal procedures of agencies will provide additional help to assure that the objectives of the order are effectively met. Agency reports on their procedures will be published in the FEDERAL REGISTER within the next 60 days.

In keeping with the spirit of the Executive order, a response to the major issues raised in the public comments on the draft order has been written in appreciation for the time and effort given by all who responded to our request for views on the order.

Major Issues Raised

Section 1. Policy

Applicability—The Policy section contains the President's overall objectives for improving Government regulations. Many respondents pointed out that these objectives are valid for all regulations issued by Federal agencies and suggested that the language of the draft order be strengthened to indicate the mandatory nature of this Policy statement. Therefore, the Policy section has been revised to make the policy statement mandatory for all regulations issued by Executive agencies. Not all regulations, however, are subject to the other sections of the order. Each section contains an explanation of which agency regulations are subject to its provisions.

Section 2. Reform of the process for developing significant regulations

Agenda

Publication of an Agenda—Many respondents favored publication of a semiannual agenda as a particularly good method of giving advance public

EDITORIAL NOTE: The President's remarks and statement of Mar. 23, 1978, on signing Executive Order 12044, and the text of his letter to the heads of independent regulatory agencies, dated Mar. 23, 1978, will be printed in the Weekly Compilation of Presidential Documents (vol. 14, no. 12).

notice of agency activities. Some opposed the agenda on the grounds that it could delay agency action and make unreasonable demands on an agency. The agenda has been retained. The provision that allows an agency to publish supplements to the agenda when necessary will prevent undue delay. Also, the information required to be published in the agenda is only that information which can reasonably be expected to be known by the agency at the time the decision is made to proceed with developing a regulation. Therefore, publishing this information should not be an unreasonable demand on the agency and should provide a valuable service to the public.

Time of Publication—Many respondents noted that if all agencies publish semiannual agendas in the months of January and July, the public would have to study too much information at one time. Others pointed out that knowing when the agendas will be published would be very helpful. To accommodate these concerns, the order has been changed to allow the agendas to be published on a schedule determined by each agency, with that schedule submitted to the FEDERAL REGISTER for publication on the first Monday in October. Thus, as each agency begins its fiscal year, the public will be notified in one FEDERAL REGISTER as to when each agency's agenda will be published. This change will allow a staggered publication schedule, but at the same time, the public will have the dependability of being able to go to one issue of the FEDERAL REGISTER to find out when each agency will publish its agenda.

Time Covered by the Agenda—Several respondents were concerned that the agenda would cover only a six month period. It is the intention of the order that any anticipated significant new regulations will be included, even if the development of that regulation is more than six months in the future. The order has been clarified on this point.

Work Plan as a Separate Document—Many persons and organizations favored the work plan but wanted it to be made public at an early stage in the development process. Several agencies, on the other hand, pointed out that information required by the work plan was already being provided to agency officials by other means and that a new requirement for a separate document would create excessive and unnecessary paperwork.

The work plan as a separate document has been deleted. The information that was to be included in the work plan has been divided into two parts. Information on the problem being addressed and the legal basis for the action being taken has been added to the items to be printed in the semiannual agenda. This change responds to requests for early disclosure of these items.

Agency Head Oversight—The remaining information that was to be included in the work plan will now be supplied to the head of an agency in a manner each agency feels is appropriate. The importance of the early awareness and involvement of the agency head in significant regulations is emphasized by this new separate subsection. Early awareness is essential to establish clear accountability for agency action. At the same time, the manner in which information on issues and alternatives is given to the agency head should be flexible, so that the agency can incorporate this requirement into their existing practices. For example, this flexibility will allow agencies to incorporate this information with both the regulatory analysis and an environmental impact statement if either or both are required. Agencies may choose to produce one combined document or they may choose to design separate documents.

Public Participation

Opportunity to Comment—Most of the respondents recommended that the public role in the preparation of agency regulations be greatly increased. A few had reservations as to the effect of increased public participation on the timeliness of publication. Some doubted that agency efforts to increase participation would be meaningful.

The most frequent comment received was a strong request for more time to comment on proposed regulations. Most of the respondents regard 60-90 days as the minimum time necessary for a public comment period. Many people pointed out that it takes two weeks for most organizations to receive the FEDERAL REGISTER and that a comment period of 30 days is not adequate.

The Executive order has, therefore, been amended to provide for a minimum 60-day comment period whenever possible. This extended comment period recognizes that individuals and organizations must often respond to proposals from more than one agency at one time. There is, however, provision for a waiver of the 60-day time limit in instances where specific deadlines must be met in order to avoid undue delay. In those instances, the agency will be required to publish an explanation of the need for a shorter comment period.

Methods To Increase Public Participation—Respondents repeatedly stressed the need for *early* public participation in the rulemaking process. Since many people believe that a pro-

posed rule is almost impossible to change once published, they want an opportunity to give their views at an early point in the development process.

Many specific ways to increase public participation in rulemaking were suggested. Suggestions included: distribution of issue papers; use of advance notices of proposed rulemaking; use of open conferences; distribution of regulatory analyses to organizations affected by agency regulations; direct notification of trade associations, labor unions, and consumer federations; meetings between the regulation project manager and the public; use of advisory committees or temporary work groups; announcement of proposed regulations in "popular" publications such as general circulation newspapers, newsletters and trade journals; greater consultation with State and local government personnel; and regional public hearings.

The order gives each agency flexibility in choosing the most effective method for increasing public participation in different agency actions. Rather than mandating a specific set of public participation steps, the Executive order encourages Federal agencies to provide early opportunities for public participation in rulemaking and offers some examples of what can be done.

Consideration of Public Comments—Several respondents expressed doubt that agencies take public comments seriously. The Executive order has been strengthened to emphasize the need for public comments to be considered and that a response to the public be prepared before significant agency regulations are approved.

OMB Circular A-85—With the order's emphasis on new and expanded opportunities for public comment, several respondents felt that OMB Circular A-85 would no longer be needed. This circular will be rescinded. However, the objectives of Circular A-85 (early and meaningful consultation with State and local officials on matters that affect them) are such an integral part of this order that the President is issuing a separate memorandum to the heads of departments and agencies to emphasize the point.

Petition Procedure for Rulemaking—Some respondents believed there should be a uniform petition or procedure to initiate rulemaking. A petition procedure is already available under the Administrative Procedure Act and several agencies have already adopted specific procedures for initiating rulemaking. Therefore, a mandatory petition procedure is not being included in this order.

Approval of Regulations

Clarification of Language—This section has been revised to be consistent with changes in other sections of the order and to emphasize that the agency head is responsible for reviewing the need for significant regulations as well as the validity of the agency proposal. The importance of considering public views has also been emphasized in response to several comments received.

Criteria for Determining "Significant"

Coverage—Several respondents raised questions about the criteria for determining "significant" and the way in which agencies would apply the criteria. It is recognized that "significant" is an imprecise term. Its use is intended to give agencies the discretion they need to determine what is significant to their programs and particular constituencies. Each agency will publish its proposed criteria for determining significance within 60 days. The agency will establish the final criteria after public comment. The agency will then follow those criteria in determining what is a significant regulation.

Section 3. Regulatory Analysis

Need—Respondents were generally in favor of better analysis of the economic consequences of agency actions. Many respondents expressed a belief that such analyses should be done for all regulations. Not all regulations, however, have important economic consequences. Even significant regulations may lack major economic consequences. For example, although a regulation may have a significant effect on the privacy of individuals, it may not have significant economic consequences. For this reason, the requirement for a regulatory analysis is limited to those regulations that have a major economic impact.

Many comments on the regulatory analysis program were particularly supportive of the change in focus from justifying the chosen alternative to better analysis of all feasible alternatives. Some respondents did want to retain the Economic Impact Statement program. However, an evaluation of the Economic Impact Statement program has shown that because these analyses were issued as a justification for a chosen approach, they provided little benefit to agency decisionmakers. Economic analysis can contribute more to the development of more effective regulation if it is done at the time alternative approaches to designing the regulations are being considered. The final order, therefore, retains the requirements for an analysis of alternative approaches early in the decisionmaking process. Such analysis could include an examination of (1) the need for very specific requirements versus the benefits of allowing some discretion on the part of those subject to the regulation; (2) alternative types of compliance incentives (for example economic incen-

tives, such as loan guarantees, versus administrative incentives, such as reduced paperwork requirements if goals are met); (3) alternative enforcement mechanisms (such as on-site inspections or periodic reporting requirements); and (4) alternative levels of government for implementation (Federal, State or local).

Criteria—There was no clear consensus among the respondents on the specific criteria for requiring a regulatory analysis. Many respondents wanted no financial limitations to be associated with the first two criteria in the hope that this would encourage more analyses to be done. Others believed that without specific figures, many agencies would not do any analyses at all. Several respondents asked that agency criteria established in the Economic Impact Statement program remain in effect.

The final order includes two criteria to determine when a Regulatory Analysis will be required. The first requires that a regulatory analysis must be done if the regulation will have an annual effect of $100 million on the economy. This amount is identical to the criterion used in the Economic Impact Statement program. Regulations of this magnitude require careful consideration.

This criterion also considers the potential impact on individual industries, levels of government, or geographic regions. The most frequent criticism of the EIS criteria was that the individual industry threshold ($50 million in one year or $75 million in two years) was too high. Regulation could threaten the existence of small industry but still not be subject to regulatory analysis under the first criterion. This criterion for regulatory analysis, therefore, is a general requirement which allows each agency to propose the specific threshold level appropriate for its programs. Agencies will determine their own numerical criteria, and the public will be asked to comment on each agency's proposals in order to assure that the criteria are reasonable and effective. The proposed criterion relating to "specific element of the population" was deleted after many problems with definition and application were noted.

The second criterion listed in the order giving discretion to agency heads is to be used in addition to, not as a substitute for, the first criterion. A regulation may not meet either part of the first criterion but may, in the opinion of the agency head, have implications sufficient to require a thorough examination of possible alternative approaches. Several respondents wanted the order to include a provision that would require an analysis if there were sufficient public demand or if the public reaction could be expected to be adverse. By providing the agency head with discretion, it will be possible for an agency to be responsive to such concerns.

The President has established a Regulatory Analysis Review Group chaired by the Council of Economic Advisers (CEA) to review agency regulatory analyses and to consult with the agencies on the conduct of such analyses. Given the flexibility in these two criteria, CEA expects that each agency administering economic or financial assistance programs will do at least one regulatory analysis a year. CEA expects the Review Group to work with agencies as they carry out the Regulatory Analysis Program and to conduct an interagency review of 10-20 regulatory analyses each year. Some agencies may, in consultation with the Review Group, focus their regulatory analysis on the review of an existing regulation or set of regulations, but most regulatory analyses are expected to concentrate on new regulations.

Factors in the Analysis—Several respondents suggested that specific factors be covered in a regulatory analysis. No mandatory listing of factors is included in the order because the details of each analysis will vary with the situation. However, the Review Group will work with the agencies to ensure that their analyses are complete and responsive to the issues relating to specific regulations.

Information Needed for the Analysis—A few respondents raised concern that the regulatory analysis may lead to significant new information requirements for businesses and individuals. While recognizing that intelligent government decisions require accurate information and data, it is also true that the President has placed major emphasis on reducing unnecessary paperwork demands on the public. Agencies are, therefore, encouraged to gather essential data in the least burdensome way and to eliminate existing paperwork requirements unless they are absolutely essential.

When specific information needed for a regulatory analysis is requested by or shared voluntarily with an agency, current safeguards for proprietary information will be followed.

Availability—Several respondents requested that a draft regulatory analysis be made available at the time of an advanced notice of proposed rulemaking. At that point, agencies may still be formulating the information needed to complete a regulatory analysis and a uniform requirement would be inappropriate. However, nothing in the order would preclude an agency from making the analysis available at that time if it chooses to do so.

Section 4. Review of Existing Regulations

Need—Review of existing regulations was strongly favored by a large number of respondents. Some respondents, however, were concerned about

the possibility that periodic reviews might promote noncompliance with a regulation soon to be reviewed. There was also concern that agency staffs might have to be increased in order to conduct such reviews. Choosing to review a regulation does not assume that it will be discarded or that it will not be enforced while under review. It is also arguable that as regulations are updated, clarified, and possibly deleted, fewer resources may be needed to interpret, enforce, and administer them. Given the many benefits of such a review noted by respondents, the review has been retained.

The review of existing regulations required by the Order may involve a major review of all existing agency regulations, such as "Operation Common Sense" in the Department of Health, Education, and Welfare, or it may concentrate on selected smaller projects. In all cases, the results are expected to be the simplification and clarification of regulations and the elimination of regulations that are no longer necessary.

Criteria—Based on suggestions received, the criteria listed for selection of agency regulations to be reviewed have been revised to incorporate such factors as advances in technology and other changing conditions that would necessitate a review of existing regulations.

"Sunset" and Time Limit on the Review—Several respondents suggested that the best way to require agency review of regulations was to issue them with "sunset" provisions. As a result, these regulations would automatically expire after a set time period, often suggested as 5 years, unless the agency justified their continuation. This process would remove any need to establish specific criteria for identifying regulations for review since every regulation would be reviewed under the "sunset" provisions.

Agencies cannot entirely eliminate regulations unless the law which authorized the regulations allows them to do so. Therefore, it is not possible to extend the full "sunset" concept to significant new regulations as suggested.

Other respondents favored the mandatory review of all regulations within a set time, usually 3–5 years after their issuance. This suggestion was not adopted. Instead, agencies are instructed to concentrate on those regulations which no longer serve their intended purpose, which have caused administrative difficulties, or which have been affected by new developments. Since agency resources are limited, the review requirement should concentrate on the areas of greatest need.

Agencies will publish criteria to identify existing regulations for review, and possible first choices for public comment in accordance with Section 4 of the order.

Section 5. Implementation

Agency Reports—Some respondents did not understand the kind of information to be included in the agency reports on implementation of this order. This section has been clarified. Moreover, agency reports will now be published for public comment before being submitted to OMB, so that the views of the public can be assessed before the reports are submitted in final form. Responses to the public comments will be included in the publication of the final agency reports.

OMB Enforcement—Most of the respondents who addressed the question of OMB's role in enforcement urged that OMB be given more clearly defined responsibilities including acting as an appeals body for agency decisions on individual regulations. A formal requirement for OMB to approve or provide appellate review of the substance of individual regulations would be inappropriate and counter to the emphasis on agency accountability in the Executive order. The Director of OMB has assured the President that OMB will closely monitor agency compliance with the order. After allowing the agencies the opportunity to work with the new requirements, OMB will report to the President on the effectiveness of the order and on agency compliance. The Director of OMB will report to the President at least twice a year and will assure the necessary resources to oversee implementation of the order.

Section 6. Coverage

Applicability

Scope—Several respondents found the Coverage section of the draft order confusing. In the final order, coverage has been clarified in each individual section. There are, however, some general exclusions which are listed in the Coverage section.

Confusion also arose over the need for and definition of the term "public". The final order omits any definition of the public and presumes that the reference to the public includes all interested or affected elements of the population.

Exclusions

Formal Rulemaking—Formal rulemaking is excluded from the order. Formal rulemakings tend to be narrowly focused, litigative proceedings conducted by an Administrative Law Judge. They are governed by specific procedural requirements that assure opportunities for public participation and adequate analysis of issues.

International Affairs and Internal Agency Matters—Regulations in these two areas are excluded from notice and comment requirements in the Administrative Procedure Act and are excluded from the order.

Procurement Regulations—The Office of Federal Procurement Policy has already increased opportunities for participation in the development of procurement regulations. In addition, a major review and consolidation of these regulations is underway. To apply the requirements of this order to procurement regulations is, therefore, unnecessary.

Independent Regulatory Agencies—Many of the respondents strongly urged that the Executive order apply to the independent regulatory agencies. However, several members of Congress stated that the the President should not and cannot require these agencies to follow the policies set forth in the order. These agencies are, in their view, "arms of Congress". The Justice Department on the other hand, stated that most of the order could be made binding on the independent regulatory agencies.

President Carter believes that a confrontation with Congress over the applicability of the order to the independent regulatory agencies would only detract from the important reform steps being taken. Therefore, he has asked the chairmen of these agencies to voluntarily apply the policies and procedures of the Executive order. He has asked the chairmen to report their progress to him and to the Congress.

For purposes of this order, independent regulatory agencies include:

Civil Aeronautics Board
Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Energy Regulatory Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Reserve Board
Federal Trade Commission
Interstate Commerce Commission
Federal Mine Safety and Health Review Commission
National Labor Relations Board
Occupational Safety and Health Review Commission
Postal Rate Commission
Nuclear Regulatory Commission
Securities and Exchange Commission.

Many of the respondents emphasized that it made no difference whether regulations are issued by an independent regulatory agency or by an executive branch agency since the problems are the same—undue delay, unnecessary paperwork, and excessive intrusion in lives of individuals and the operations of public and private organizations. Clearly, many improvements are needed in the performance of all regulatory agencies. President Carter intends to work with the Congress in a spirit of accommodation, not confrontation, to assure that the regulatory process is responsive to the needs of the American people.

Emergency Regulations—A primary purpose of this order is to assure more effective management of the regulatory process. It is not intended to create undue delays that would impede agency response to emergencies or to mandatory deadlines. In emergency situations, the order requires that a policy official explain to the public why the order has not been followed.

Section 7.

Judicial Review—Many respondents strongly advocated either judicial review or more effective enforcement by OMB to assure that the goals of the order are achieved. As explained in Section 5, the final order relies on strengthened OMB enforcement rather than judicial review. Again, the order is not intended to create more delays by increasing litigation. It is hoped that by improving the quality of regulatory decisions through increased public participation, judicial review of agency decisions will be reduced.

Section 8.

Sunset—Several respondents questioned why the order has an expiration date. A specific "sunset" date is in keeping with the order's emphasis of reviewing existing requirements. Based on an evaulation of the order's effectiveness, OMB will recommend to the President whether or not to extend it.

WAYNE G. GRANQUIST,
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